



# Agenda

City of Brookings  
Common Council Meeting  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings Oregon  
October 27, 2003 6:30 p.m.

**Before the regular Common Council meeting there will be a meeting of the Budget Committee beginning at 6:30 p.m. The Common Council meeting will begin at 7:00 p.m.**

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Ceremonies/Appointments/Announcements
  - A. Appointments
    - 1. Planning Commission position No. 3 [page 5]
  - B. Announcements
    - 1. Introduction of new Public Works Equipment Operator/Utility Worker-Tim Rettke
- V. Oral Requests and Communications from the Audience
  - A. Committee and Liaison reports
    - 1. Chamber of Commerce
    - 2. Council Liaisons
  - B. Unscheduled
- VI. Staff Reports
  - A. Finance Department
    - 1. Pool Summary for Year 2003—Jeanne Nelson, Pool Supervisor [page 21]
    - 2. Request for approval to issue RFP for System Development Charge review [page 23]
  - B. Fire Department
    - 1. Award of Bid for breathing apparatus [page 33]
  - C. City Manager
    - 1. Other
- VII. Consent Calendar
  - A. Approval of Council Meeting Minutes
    - 1. Minutes of October 13, 2003, Regular Council meeting [page 35]



- B. Liquor License application to add Oregon wines and microbrew beer sales to existing license—Brookings Liquor Store [page 45]

**End Consent Calendar**

**VIII. Final Orders**

- A. Final Orders
  - 1. Planning Commission File No. APP-3-03; Peter Castelline, appellant [page 49]

**IX. Remarks from Mayor and Councilors**

- A. Council
- B. Mayor

**X. Adjournment**

City of Brookings  
Events Calendar

# October 2003

October 2003						
S	M	T	W	T	F	S
5	6	7	1	2	3	4
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2003						
S	M	T	W	T	F	S
2	3	4	5	6	7	1
9	10	11	12	13	14	8
16	17	18	19	20	21	15
23	24	25	26	27	28	22
30						29

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			October 1 CC-Police class on Emergency Medical Dispatch-John Bishop 12:00pm Community Agencies mtg (Chetco Sr.Center) 1:30pm FH-SafetyCommMtg/ Kathy Dunn 7:00pm FH-PoliceReserves	2 8:15am FH-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC- Sheriff's Search & Rescue mtg-Steve Carpenter-Laurie Calef-469-0275	3	4
5	6 9:30am CC- VIPS/Volunteers in Police Service/BPalicki 7:00pm FH-FireTng/ChShrp (Fire Hall)	7 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm CC-Planning Commssn	8	9 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Downtown Development committee mtg-7 to 10 pm	10	11
12 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	13	14 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 10:00am CC-Harris Beach Homeowners	15	16 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 2:00pm CC-CEP (Citizens for Emergency Preparedness): MArrell-469-5731, JRupert-469-78783	17	18
19 9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/Karen Degenals 7:00pm FH-FireTng/ChShrp (Fire Hall)	20	21 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 3:30pm CC-Marvin Parker	22 9:00am CC-ODOT Highway 101 Study-Jason Franklin-Paramatrix-503-96 7:00pm CC-continuation of APP-4-03	23 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-PD-Barbara Palicki 10:00am Leroy's Office- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ LBlodgett	24 10:30am CC-Staff meeting	25
26	27 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	28 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	29 CC- Election Ballot Drop site	30 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray	31	

CC-Council Chambers  
FH-Fire Hall

City of Brookings  
Events Calendar

4

# November 2003

November 2003							December 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	1	7	1	2	3	4	5	6
9	10	11	12	13	14	8	8	9	10	11	12	13	
16	17	18	19	20	21	15	14	15	16	17	18	19	20
23	24	25	26	27	28	22	21	22	23	24	25	26	27
30						29	28	29	30	31			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						November 1 CC- Election Ballot Drop site
2	9:00am CC- Election Ballot drop site 9:30am CC- VIPs/Volunteers In Police Service/BPalicki 7:00pm FH-FireTng/ChShrp (Fire Hall)	3 7:00am CC- Election Ballot Drop site 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 7:00pm CC-Planning Commssn	4 12:00pm Comnity Agencies mtg (Chetco Sr.Center) 1:30pm CC-SafetyComMtg/HTompson 7:00pm FH-PoliceReserves	5 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC- Sheriff's Search & Rescue mtg-Steve Car	6	7
9	7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	10 8:00am City Hall CLOSED - Veterans Day Holiday 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	11	12 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray	13	14
16	9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPs/Volunteers In Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/Karen Degens 7:00pm FH-FireTng/ChShrp (Fire Hall)	17 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	18	19 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Downtown Development committee mtg-7 to 10 pm	20	21
23	8:00am CC-John Bishop-Police 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	24 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	25	26 8:00am City Hall CLOSED - Thanksgiving Holiday 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/	27	28 8:00am City Hall CLOSED - Holiday
30						29

CC-Council Chambers  
FH-Fire Hall

# William Dundom

P.O. Box 1502  
Brookings, OR 97415  
Home Phone (503) 469-1430

## PERSONAL

Born August 12, 1949 in Salem Oregon. Moved to Brookings 1958. Married to Pamela Dundom for 25 years, 4 children. Own our home in Brookings for 22 years.

## EDUCATION

High school in Brookings. After high school, attended Southern Oregon College in Ashland Oregon. Obtained Bachelor of Science degree in Geography/Minor General Studies, June 1971.

Major areas of study in Geography, a) physical b) cultural and c) urban geography. Other areas of study included Math, Biology, Geology, Literature, Speech, Economics, Cartography, and Engineering. Within this subject matter completed numerous papers and research projects, several of which spanned two years.

## WORK EXPERIENCE

During summers while attending college worked for U.S. Forest Service, Engineering Dept., on a Survey Crew. There I learned the basics of surveying.

After graduation from college, accepted a position with an Engineering and Surveying firm as a "surveying draftsman". Duties included boundary surveys of large tracts of land, subdivision design and drafting of the final plat. Meeting with clients and customers, and gathering data from private companies and governmental agencies were also part of duties.

In 1973, returned to the U.S. Forest Service as a crew chief on a survey party. Also during this time worked part time and weekends for Donald Cormack L.S., doing private land surveys, mapping, and contract work.

1974, went to work full time for Cormack surveying and drafting, writing and understanding deeds and deed restrictions, and doing research in the surveying of Curry County.

1975, LCDC began changing the rules in land division and development, and I was forced to leave Cormack and go to work for South Coast Lumber as the "engineers assistant". Duties included survey, design and drafting of forest access roads, and survey of timber lands.

1977-1988, owned and operated contract timber cutting and logging co. on both federal and private land. Duties were contract negotiation, implementation of contractual obligations and supervision of employee's.

1988-1994, challenged the Oregon Real Estate exam, and became a realtor with Creative Real Estate in Brookings. Duties included assisting buyers and sellers through all aspects of the transaction. Knowledge of County and City zoning ordinances as well as other governmental restrictions was necessary, and were clouds of title and other deed restrictions.

1994-<sup>2002</sup>present, ~~see work history form.~~ Resumed working in the woods as a timber faller.



## City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail – city@brookings.or.us

898 Elk Drive ♦ Brookings, OR 97415

### APPLICATION TO SERVE ON A CITY OF BROOKINGS COUNCIL, BOARD, COMMITTEE, COMMISSION

Name: William J. Dundon Date: 9-09-03  
Physical Address: 96829 East Harris Heights Brookings Ore  
Mailing Address: Box 1502, Brookings Phone: 469-4379  
Email Address: bigfoot@woods-computers.net

This is my application to serve on the following board or committee. **Check one or more:**

- ☐ City Council ..... (4 year term, appointed by Council)
- ☒ Planning Commission ..... (4 year term, appointed by Council)
- ☐ Parks and Recreation Commission ..... (4 year term, appointed by Council)
- ☐ Systems Development Charge Review Board ..... (4 year term, appointed by Council)
- ☐ Budget Committee ..... (3 year term, appointed by Council)
- ☐ Other (Please list): \_\_\_\_\_

1. Resident of City of Brookings since: Month: 10 Year: 58
2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) I would like the opportunity to help shape our community by serving on the planning commission. My experience in Real Estate Surveying, engineering and my education give me some good  
(Continued on back)

2. Continued: - basic tools to use while considering the varied land use issues that arise before the planning commission.  
Also, my 44 years as a Brookings resident gives me historical insight that can be invaluable when a complex situation may present itself.

3. Biographical Sketch: (Education, employment, volunteer activities, etc.) (Attach additional sheets if needed.)

(Please see insert)

4. Please list no less than three references:

NAME:	ADDRESS:	PHONE:
A. <u>Doug Nidiffer</u>	<u>Ranch Road, Brookings</u>	<u>469-6192</u>
B. <u>Dayle Niemie</u>	<u>King St, Brookings</u>	<u>469-4363</u>
C. <u>Albert Pate</u>	<u>Hwy 101 South</u>	<u>469-3909</u>

William J. Dundora  
Signature—My signature confirms my knowledge  
this document will be presented to the City Council  
and news media and become public information.

9-09-03  
Date

1. I intend to donate voluntary services for the City of Brookings (hereinafter "City") as follows:

Planning Commissioner

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2. I acknowledge that I will not be under the direct supervision and control of the City in connection with voluntary services described above.
3. I acknowledge that no compensation or expense reimbursement will be paid by the City in connection with the services described above.
4. I agree that such volunteer services will be donated to the City at times other than my regular work hours.
5. I release the City from all matters relating to voluntary service by the undersigned, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from this voluntary service.
6. I release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of voluntary services set forth above.

Signed voluntarily in the presence of the witnesses whose signatures are shown below mine.

William J. Dundorn

9-09-03

Date

[Signature]  
Witness

Date

9/9/03

Samela K. Dundorn

Witness

Date

9/9/03



September 11, 2003

Mayor Bob Hagbom  
898 Elk Drive  
Brookings, Or. 97415

**CITY PLANNING COMMISSIONER - APPLICATION**

I can bring, for the City's use, over 30 years experience in Cost/Budget management of various construction & development projects.

Was Cost & Budget Engineer for Southern Pacific & Union Pacific Railroads for a total of 30 years combined.

Worked closely with various City, County, State & Federal agencies concerning compliance of environmental and local requirements involving railroad construction projects.

Member of Clearlake Elks Lodge No.2299 For 33years (Elk of the year 1992).

Elected Director to Position #3 on the Suburban Rural Fire District in 2001 & reelected in 2003.

Thank you for your consideration.

John H. Butter  
7744 HWY 101-N #C-206  
Brookings, Or. 97415



## City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail – city@brookings.or.us

898 Elk Drive ♦ Brookings, OR 97415

### APPLICATION TO SERVE ON A CITY OF BROOKINGS COUNCIL, BOARD, COMMITTEE, COMMISSION

Name: John H. Butter Date: 9-11-03

Physical Address: 17744 HWY 101-N #C-206

Mailing Address: 17744 HWY 101-N #C-206 Phone: 541 469 6510

Email Address: —

This is my application to serve on the following board or committee. **Check one or more:**

- ☐ City Council ..... (4 year term, appointed by Council)
- ☒ Planning Commission ..... (4 year term, appointed by Council)
- ☐ Parks and Recreation Commission..... (4 year term, appointed by Council)
- ☐ Systems Development Charge Review Board..... (4 year term, appointed by Council)
- ☐ Budget Committee..... (3 year term, appointed by Council)
- ☐ Other (Please list): \_\_\_\_\_

1. Resident of (Urban Growth Area) ~~City of Brookings~~ since: Month: 8 Year: 98

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) I enjoy working for the good of the community and especiall if my services can be of help. See attached N/V

(Continued on back)

2. Continued: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Biographical Sketch: (Education, employment, volunteer activities, etc.) (Attach additional sheets if needed.)

1954-1958 Hayward High School.

1959-1963 U.S. Air Force

1964-1966 Oakland City College.

1966-1968 Chabot College.

1968-1994 Southern Pacific Railroad

1994-1999 Union Pacific Railroad

Member Clearlake Elks Lodge No 2299 for 33 yrs (Elk of yr. 1992)

Elected Director to Position #3 on the Suburban Rural Fire District in 2001; reelected in 2003.

\_\_\_\_\_  
\_\_\_\_\_

4. Please list no less than three references:

NAME:

ADDRESS:

PHONE:

A. Doug Hutton 601 Meadow Lane 469-9808

B. Richard O'Holleran 640 Mardon Ct. 469-4267

C. Rex Atwell P.O. Box 6364 469-4663

John H. Butter

9-11-03

Signature—My signature confirms my knowledge  
this document will be presented to the City Council  
and news media and become public information.

Date

City of Brookings.

September 12, 2003

Planning Board.

Dear members of the board,

I wish to volunteer for the open position on your planning board.

My name is Ian H. Maitland; I purchased my Harbor property in 1997. I am a retired full Professor from New York University where I taught at Tisch School of the Arts and the Graduate Business School for 33 years. During that time I was on the following committees: Budget & Finance, Building, Grievance and Tenure. I received two meritorious awards for teaching.

I served as a member of the American Arbitration Association, hearing cases concerning contract analysis, construction, entertainment and union negotiations. I received the American Arbitration Plaque in 1984 for service to the Association.

My volunteer work includes the budget committee for the city of Norwood where I lived prior to coming to Oregon. I also served on the election committee for the republican club, and taught one evening per week at a women's prison facility in New York State.

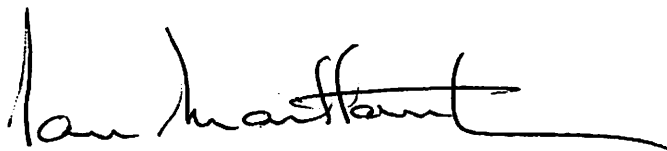
I would be happy to meet with the committee and answer any questions they may have regarding the application.

My address is:  
15676 Oceanview Drive  
Harbor, OR 79415

(541)412-1200

I look forward to your response,

Yours very truly,

A handwritten signature in black ink, appearing to read "Ian Maitland". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ian Maitland.



## City of Brookings

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E-mail – city@brookings.or.us

898 Elk Drive ♦ Brookings, OR 97415

### APPLICATION TO SERVE ON A CITY OF BROOKINGS COUNCIL, BOARD, COMMITTEE, COMMISSION

Name: IAN H. MAITLAND

Date: 9/12/03

Physical Address: 15676 OCEANVIEW DRIVE HARBOR

Mailing Address: AS ABOVE

Phone: (541) 412-1200

Email Address: ian.maitland@nyu.edu

This is my application to serve on the following board or committee. **Check one or more:**

- ☐ City Council ..... (4 year term, appointed by Council)
- ☒ Planning Commission ..... (4 year term, appointed by Council)
- ☐ Parks and Recreation Commission..... (4 year term, appointed by Council)
- ☐ Systems Development Charge Review Board..... (4 year term, appointed by Council)
- ☐ Budget Committee..... (3 year term, appointed by Council)
- ☐ Other (Please list): \_\_\_\_\_

1. Resident of City of Brookings since: Month: SEP Year: 1997
2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) PLEASE READ MY ATTACHED PAPER.

I AM A FIRM BELIEVER THAT RETIREMENT IS JUST THE BEGINNING OF A NEW  
CHAPTER OF ONE'S LIFE. I AM NOW RETIRED AND HAVE THE TIME, ENERGY AND  
(Continued on back)

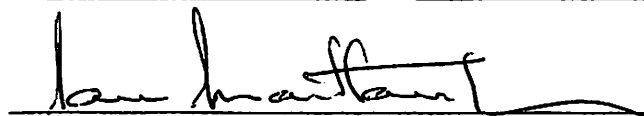
2. Continued: I WANT TO BE OF SERVICE TO MY NEIGHBORS. I HAVE THE EDUCATION  
AND PRACTICAL EXPERIENCE FROM PREVIOUS WORK TO STAND ME IN  
STEAD, AND THE DETERMINATION TO ASSIST THE COMMUNITY WHERE  
I WILL LIVE FOR THE REST OF MY LIFE.

3. Biographical Sketch: (Education, employment, volunteer activities, etc.) (Attach additional sheets if needed.)

PLEASE READ THE ATTACHED

4. Please list no less than three references:

NAME:	ADDRESS:	PHONE:
A. <u>J. FISHER</u>	<u>1566 OCEANVIEW DRIVE</u>	<u>469 7925</u>
B. <u>F. LEONARD</u>	<u>15366 OCEANVIEW DRIVE</u>	<u>412 8812</u>
C. <u>B. HARDEN</u>	<u>15664 OCEANVIEW DRIVE</u>	<u>412 2708</u>



Signature—My signature confirms my knowledge  
this document will be presented to the City Council  
and news media and become public information.

9/12/03  
Date

1. I intend to donate voluntary services for the City of Brookings (hereinafter "City") as follows:

As a member of the City Planning  
Commission.

2. I acknowledge that I will not be under the direct supervision and control of the City in connection with voluntary services described above.
3. I acknowledge that no compensation or expense reimbursement will be paid by the City in connection with the services described above.
4. I agree that such volunteer services will be donated to the City at times other than my regular work hours.
5. I release the City from all matters relating to voluntary service by the undersigned, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from this voluntary service.
6. I release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of voluntary services set forth above.

Signed voluntarily in the presence of the witnesses whose signatures are shown below mine.

[Signature]

9/15/03

Date

Victoria Russ, CPA  
Witness

9/15/03  
Date

Don Russ III  
Witness

9-15-3  
Date



## City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail – city@brookings.or.us

898 Elk Drive ♦ Brookings, OR 97415

### APPLICATION TO SERVE ON A CITY OF BROOKINGS COUNCIL, BOARD, COMMITTEE, COMMISSION

Name: RON HEDENSKOG Date: 9-11-2003

Physical Address: 16958 Old County Rd. BRKS OR.

Mailing Address: SAME Phone: 469 4628

Email Address: rhedenskoj@bigfoot.com

This is my application to serve on the following board or committee. **Check one or more:**

☐ City Council ..... (4 year term, appointed by Council)

☒ Planning Commission ..... (4 year term, appointed by Council)

☐ Parks and Recreation Commission..... (4 year term, appointed by Council)

☐ Systems Development Charge Review Board..... (4 year term, appointed by Council)

☐ Budget Committee..... (3 year term, appointed by Council)

☐ Other (Please list): \_\_\_\_\_

1. Resident of City of Brookings since: Month: \_\_\_\_\_ Year: \_\_\_\_\_

2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) I am a Long term Resident

of the Brookings & Curry Co. Community  
and desire to help our community in  
(Continued on back)



2. Continued: A CAPACITY in which I FEEL  
QUALIFIED.

3. Biographical Sketch: (Education, employment, volunteer activities, etc.) (Attach additional sheets if needed.)

Education - 14 years

Employment ① SoCoast Lmb Co. Sawmill Div. 18 yrs

② LICENSED Contractor - OR - 7 yrs

③ SURVEYOR - Richard B Davis Co - 8 yrs

I AM CURRENTLY persuing obtaining  
an OR. REGISTERED LAND SURVEOR.

4. Please list no less than three references:

NAME:

ADDRESS:

PHONE:

A. RICHARD B DAVIS 140 Rowdy Cr Rd Smith River 707-467-6277

B. DICK PARDOE 613 EASY DR. 469 4227

C. RAWDY GERLACH 810 RANSOM 469 - 4286

Ron Hedensley

Signature—My signature confirms my knowledge  
this document will be presented to the City Council  
and news media and become public information.

9-11-2003  
Date

1. I intend to donate voluntary services for the City of Brookings (hereinafter "City") as follows:

City Planning Commission  
\_\_\_\_\_  
\_\_\_\_\_

2. I acknowledge that I will not be under the direct supervision and control of the City in connection with voluntary services described above.
3. I acknowledge that no compensation or expense reimbursement will be paid by the City in connection with the services described above.
4. I agree that such volunteer services will be donated to the City at times other than my regular work hours.
5. I release the City from all matters relating to voluntary service by the undersigned, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from this voluntary service.
6. I release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of voluntary services set forth above.

Signed voluntarily in the presence of the witnesses whose signatures are shown below mine.

Ron Hednshg 9-11-03  
Date

Neil Puh 9-11-03  
Witness Date

Joan B. Purden 9-11-03  
Witness Date

### Pool Summary 2003

Individual Swims	\$5,614.11
Passes	\$6,005.00
Lessons	\$15,445.00
Rentals	\$577.00
<hr/>	
	\$27,641.11

### Pool Summary 2002

Individual Swims	\$6,010.28
Passes	\$4,899.50
Lessons	\$17,005.50
Rentals	\$315.00
<hr/>	
	\$28,230.28

### Attendance

Public Swim	4,011	3,786
Lessons	613	888
Lap Swim	1,660	1,602
Rentals	11	10

This was a good season at the pool.

We did not have the local school district lessons this year with their budget shortfalls, so our lesson revenue was down \$1,900 with the loss of that program and that means 300 fewer participants in swimming lessons.

If you consider the loss of participation from 17-C, our overall season totals were higher than the previous year.

# CITY OF BROOKINGS



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## **STAFF REPORT**

Date: October 20, 2003

To: Mayor Hagbom and City Council

From: Paul Hughes, Finance Director

Subject: Request for approval to issue a RFP for System Development Charge Review.

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## **BACKGROUND**

The City of Brookings included in its Fiscal Year 2004 Budget funding for review of the streets, water, waste water, parks and storm drain system development charge methodologies. HGE Incorporated Engineers & Planners prepared a system development charge report for the City in 1991. The City and the development within has changed substantially since 1991 prompting the need for a new study. This is a request for staff to issue a Request for Proposal (RFP) to various consulting firms for the analysis and development of City system development charge methodologies and rates.

## **RECOMMENDATION**

Staff recommends approval of request to issue an RFP for System Development Charge Review.

# CITY OF BROOKINGS



## REQUEST FOR PROPOSAL SYSTEM DEVELOPMENT CHARGES

*STREETS, WATER, WASTE WATER, PARKS & STORM DRAIN  
SYSTEM DEVELOPMENT CHARGE METHODOLOGY REVIEW*

Proposals Due: November 30, 2003, 4:30 PM



City of Brookings  
898 Elk Dr.  
Brookings, OR 97415

## Table of Contents

- Invitation for Proposals
- Scope of Work
- Selection Criteria
- Applicable Information/Requirements

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Invitation for Proposals

NOTICE IS HEREBY GIVEN that REQUESTS FOR PROPOSAL (RFP) will be accepted at the City of Brookings Finance Department, 898 Elk Dr., Brookings, Oregon 97415, until 4:30 PM, October 31, 2003.

The City of Brookings is seeking proposals for a review of street, water, waste water, parks and storm drain systems development charges methodology.

Proposals should be marked:

System Development Charge Methodology Review – RFP

The City reserves the right to accept or reject any or all proposals or to postpone the consultant selection process for no more than 60 calendar days. City may further reject any proposal not in compliance with all prescribed public proposal procedures and requirements, and may reject for good cause any or all proposals upon a finding of the City that it is the public interest to do so.

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Street, Water, Waste Water, Parks and Storm Drain  
Systems Development Charge Methodology Review  
Request for Proposal

Scope of Work

The City of Brookings is desirous of retaining a consulting firm to perform a review of its street, water, waste water, parks and storm drain systems development charges methodology and make recommendations related to the SDC rates. The selected consultant will be expected to provide full services associated with development of SDC methodologies and the development of rational, defensible system development charges for streets, water, waste water, parks and storm drains. This project will be issued under a purchase order establishing the work required and is to be based on the costs submitted by the consulting firm in this proposal.

Specifically, the City is looking for a consultant to do the following tasks:

- Review existing City SDC Ordinance and methodologies and charges for each utility.
- Review updated water master plan, parks master plan, public facilities plan and capital improvement plan.
- Meet with City of Brookings staff to collect data and review land development assumptions and level of service standards.
- Develop a draft of SDC methodologies and presentation for City of Brookings staff and City Council that identifies an appropriate SDC for each of the five systems and a comparison of those charges with other comparable cities in the region. All methodologies and charges are expected to be in accordance with SDC related Oregon Statutes.
- After input from City Council and City Staff, develop a final report that identifies methodologies and an appropriate SDC for each of the five systems.
- Attend public hearings and provide expert testimony for consideration by the City in adoptions of any changes to the methodologies or charges suggested for each of the five systems.



City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Selection Criteria

- **Technical Approach** Max Points: 200 Grade\_\_\_\_\_   
The proposal will be evaluated to access the consultants approach to accomplish the objectives set forth in the Scope of Work. The consultant shall focus on the methodologies it proposes to accomplish the stated objectives with descriptions of types of data, data sources, data gathering and processing procedures to be used in the project. The consultant shall also provide a definitive schedule outlining the specific time for each objective to be completed.
- **Recent Experience and Reputation** Max Points: 200 Grade\_\_\_\_\_   
Recent experience in special areas associated with the project and specifically in projects comparable to the proposed project. Quality of projects accomplished and reputation for personal and professional integrity and competence.
- **Cost** Max Points: 200 Grade\_\_\_\_\_   
Based on lowest cost proposal

Total Grade\_\_\_\_\_

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

### Applicable Information/ Requirements

■ **Issuing Office**

City of Brookings Finance Department  
898 Elk Drive, Brookings, OR 97415

■ **Type of Contract**

Fixed Price: If a contract is entered into as a result of this RFP, it will be a FIXED PRICE PURCHASE ORDER/CONTRACT.

Negotiations may be undertaken with those contractors whose proposals as to price and other factors show them to be qualified, responsible and capable of performing the work. The contract that may be entered into will be that most advantageous to the City, price and other factors considered. The City reserves the right to consider proposals or modifications thereof received at any time before award is made, if such action were in the interest of the City.

■ **Rejection of Proposals**

The City of Brookings reserves the right to reject any and all proposals received as a result of this RFP, or to negotiate separately with any source whatsoever in any manner necessary to serve the best interests of the City. This RFP is made for information or planning purposes only. The City does not intend to award a contract solely on the basis of any response made to this request or otherwise pay for the information solicited or obtained.

■ **Incurring Costs**

The City of Brookings is not liable for any cost incurred by contractors prior to issuance of a contract.

■ **Inquires**

Questions that arise subsequent to the proposal submittal date must be directed as follows:

Technical Questions	Leo Lightle	(541) 469-2163 ext. 236 llightle@brookings.or.us
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Contract Questions	Paul Hughes	(541) 469-2163 ext. 205 phughes@brookings.or.us
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■ **Addenda to the RFP**

In the event it becomes necessary to revise any part of this RFP, addenda will be provided to all contractors who received the basic RFP.

■ **Response Date**

To be considered, contractors must submit a complete response to this RFP, using the Scope/Format in this RFP, and the response must arrive at the Issuing Office on or before the due date, **October 31, 2003, 4:30 PM.**

■ **Modification/Withdrawal**

Unless otherwise specified, modification of the Proposal will not be permitted; however a Proposal may be withdrawn at any time prior to the scheduled closing time for receipt of Proposals either personally or by written request to the Issuing Office. Withdrawal of the Proposal shall not disqualify the contractor from submitting another Proposal provided the time for receipt of Proposals has not expired.

■ **Prime Contractor Responsibilities**

The selected contractor will be required to assume responsibility for all services offered in the Proposal whether or not they produce them. Further, the City of Brookings will consider the selected contractor to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.

■ **Number and Expiration Date of Proposals**

Each Proposal must be submitted in **five copies** to the Issuing Office. An official authorized to bind the contractor to its provisions must sign the Proposals. Unless otherwise specified the Proposal must remain valid for 60 days.

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

### Standard Contract Terms and Conditions

This is a Personal Services Contract. The following terms and conditions will be applicable to any contract issued under these specifications:

- Contractor is not a contributing member of the Public Employees Retirement System (PERS).
- Either party may terminate this contract by mutual consent or by 30 days written notice.
- Contractor shall defend, save and hold harmless the City, their employees, from all claims, suits, or actions arising out of negligent activities by the Contractor involving this contract.

# CITY OF BROOKINGS



## STAFF REPORT

Date: 10/20/03

To: Mayor, Council

From: Fire Chief William Sharp

Subject: Staff Recommendation, awarding of the bid for SCBA purchases.

Requests for bid for the purchase of radio equipment was recently completed by the Fire Department . This purchase is part of the Federal Grant project that we were awarded earlier this year. The Federal Grant amount awarded to the City was \$91,000. The City will be required to add its amount of 10% of the total cost.

The request for bids was for the purchase of:

- 20- 4.5 Air-Pac NXG2, 45 Min Breathing Apparatus
- 20- Pak-Alert & Regular included
- 20- Carbon Cylinder & Valves 4500, 45 Minute
- 15- AV3000, Med Facesal / Nosecup, Kevlar Head
- 9- Voice Amplifier Assembly
- 4- EZ Radio Com
- 1- Rapid Intervention – Pak 4.5/ 2- 6' Hoses
- 36- Voice Amplifier Brackets For AV3000 Mask
- 1- Rapid Intervention charging wand for RIC/UAC
- 1- Regulator Assembly E-Z Flo/ EBSS
- 1- AV3000 , Med Facesal / Nosecup , Kevlar Head
- 1- Cylinder & Valve , 60 Min Carbon

The request for bids closed Friday, Oct. 3,2003, at 4:00 p.m. The best bid was provided by Cascade Fire Equipment of Medford, Oregon. Cascade Fire Equipment's bid was \$90,419.00. The other bid provided by Safety & Supply of Portland, Oregon was \$134,039.64.

## RECOMMENDATION

Staff recommends Council award the bid for the purchase of Fire Department SCBA to Cascade Fire Equipment for \$90,419.00.

**CITY OF BROOKINGS**  
**COMMON COUNCIL MEETING MINUTES**  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
October 13, 2003 7:00 p.m.

**I. Call to Order**

Mayor Bob Hagbom called the meeting to order at 7:00 p.m.

**II. Pledge of Allegiance**

Led by Rex Atwell.

**III. Roll Call**

Council Present: Mayor Bob Hagbom, Council President Rick Dentino, Councilors Larry Curry, Frances Johns Kern, and Craig Mickelson, a quorum present.

Council Absent: None

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, Community Development Director Leo Lightle and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter David Courtland

Other:

Curry County Sheriff Kent Owens, Port of Brookings Harbor Director Russ Crabtree, Curry County Commissioner Ralph Brown and approximately 25 other citizens

**IV. Public Hearing**

Mayor Hagbom opened the public hearing portion of the agenda by reading the hearing procedures into the record.

- A. *An appeal of the Planning Commission's denial for a variance, File No. VAR-1A-03, to encroach 5 feet into the required 10 foot side yard setback; located at 251 Marine Drive; Assessor's Map 40-13-32 CD, Tax Lot 1702; SR-20 (Suburban Residential) zone; Peter Castellini, appellant; File No. APP-3-03. The criteria used to decide this case is found in Section 136 of the Land Development Code.*

The first hearing began at 7:05 p.m. Councilor Mickelson declared a site visit. No Councilor declared personal bias or conflict of interest. No one objected to the jurisdiction of the Council to hear this matter.

After Planner Bischoff gave his staff report the following testified in the hearing:

Appellant: Peter Castellini      822 D Pioneer Road      Brookings

Castellini presented the Council a petition from property owners within 250 feet of his property supporting his proposed 5-foot setback.

There were no others testifying. The applicant waived his right to seven (7) additional days for written argument. The hearing was closed to the public at 7:30 p.m.

**Councilor Dentino moved, a second followed, and the Council voted unanimously to uphold the appeal of the Planning Commission's denial of File No. VAR-1A-03, a variance to encroach five (5) feet into the required 10 foot side yard setback; located at 251 Marine Drive; Assessor's Map 40-13-32 CD, Tax Lot 1702; SR-20 (Suburban Residential) zone; Peter Castellini, appellant.**

- B. An appeal of the Planning Commission's denial of a request for a minor change in the Conditions of Approval, File No. SUB-6-02/MC-1-03, for Chetco Point Terrace Subdivision, to allow a minor change to the configuration of an existing berm; located on Wharf Street and the Wastewater Treatment Plant; Assessor's Map 41-13-07 A, Tax Lot 409; R-2 (Two-family Residential) zone; Noah Bruce, appellant; File No. APP-4-03. The criteria used to decide this case is found in Section 176 of the Land Development Code.*

The second hearing of the evening opened at 7:34 p.m. Site visits were declared by Councilors Mickelson, Dentino and Johns Kern, and Mayor Hagbom. Johns Kern declared a conflict of interest and recused herself from the hearing. John Babin, attorney for the appellant, had no objection to Johns Kern remaining on bench but not participating. There was no objection to the jurisdiction of the City Council to hearing this case.

Planner Bischoff gave his staff report with a staff recommendation of not granting the minor change sought by appellant Noah Bruce. Questions from the Council were answered by Bischoff.

Testifying for the appellant were:

John Babin	PO Box 1600	Brookings
Cynthia Beaman	PO Box 6055	Brookings
Noah Bruce	PO Box 61	Brookings

Speaking in support of the appellant were:

Daryn and Alice Farmer	PO Box 969	Brookings
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Speaking in opposition of the proposal were Gary Georgeff, representing The Cove Homeowners Association, PO Box 847, Brookings and Jim Rich, 107 Schooner Bay Drive, Brookings, President of The Cove Homeowners Association.

Babin entered into the record appellant's exhibit Y—The Cove, Phases I-IV, conceptual plat; appellant's exhibit Z—letter from Daryn Farmer; appellant's exhibit AA—Letter from Cynthia Beaman; appellant's exhibit CC—letter from Dave and Joanna Coito; and appellant's exhibit DD—Stuntzner Engineering Topographic Map of Current Berm, Chetco Point Terrace, August 2003.

Georgeff entered into the record three (3) exhibits: a copy of a fax from Yvonne Dunn regarding the landscaping on the berm (Cove Exhibit M); a copy of a fax from Yvonne Dunn of Real Estate Transfer Disclosure Statements signed by original buyers at The Cove (Cove Exhibit N); and four (4) pictures of the berm, pictures marked on back October 7, 2003 (Cove Exhibit O).

There was no testimony from interested parties or public agencies.

Rebuttal was given by Babin who introduced a topographical map from Stuntzner Engineering showing the current height of the berm. Georgeff rose to a point of order that this was not rebuttal but new testimony. City Attorney Trew accepted the map as evidence.

Bischoff and Community Development Director Leo Lightle made additional staff comments. Babin requested additional time for T. J. Bossard, engineer of the original berm design to appear before the Council. Georgeff said although he had concerns about continuing the hearing he would defer to Trew's opinion.

The Council recessed from 9:40 to 10:00 p.m. After the meeting reconvened Trew read ORS 197.763, Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures. Trew advised the City to allow Babin's request for additional time to present Bossard in person, stating that other persons and the City can respond to Bossard. The additional time will be only for hearing testimony from Bossard and response to Bossard. The date of October 22, 2003, at 7:00 p.m. was suggested for a special meeting of the Council.

**Councilor Mickelson moved, a second followed, and the Council voted 4-0 (Johns Kern not participating in the hearing) to continue the public hearing for APP-4-03 to October 22, 2003, at 7:00 p.m. in the Council Chambers of City Hall. (See continuation of hearing at end of these minutes.)**



- C. *In the matter of an ordinance amending Section 92, Off-Street Parking and Loading Regulations of the Land Development Code to update ADA parking space requirements, Ordinance No. 03-O-446.QQ.*

Mayor Hagbom opened the final hearing of the evening at 10:10 p.m. No Councilor declared bias or conflict of interest and there was no objection of the jurisdiction of the Council to hear the matter.

There were no questions for staff after Bischoff presented his staff report recommending adopting the Ordinance. No one testified on the matter and the hearing was closed to the public at 10:12 p.m.

City Manager Blodgett read Ordinance No. 03-O-446.QQ in its entirety into the record.

**Councilor Dentino moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 03-O-446.QQ by title only.**

Blodgett read the ordinance by title only.

**Councilor Dentino moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 03-O-446.QQ amending Section 92, Off-Street Parking and Loading Regulations of the Land Development Code to update ADA parking space requirements.**

**V. Oral Requests and Communications from the Audience**

A. *Committee and Liaison reports*

1. *Chamber of Commerce-none*
2. *Council Liaisons*

Councilor Curry presented an article from the Curry Coastal Pilot regarding state gravel extraction rules. Copies of the article will be made and given to the other Councilors.

B. *Unscheduled-none*

**VI. Staff Reports**

A. *Community Development Department*

1. *Acceptance of Right-of-Way Deed on Meadow Lane*

**Councilor Mickelson moved, a second followed and the Council voted unanimously to accept a deed for additional right-of-way resulting from a minor partition on Meadow Lane.**

The new right-of-way consists of a five (5) foot wide strip of land along the frontage of property owned by Larry Kammer, George B. and Rebecca S. Watwood.

**B. City Manager**

**1. Voting delegate for LOC Conference**

**Councilor Johns Kern moved, a second followed, and the Council voted unanimously to appoint Mayor Hagbom as voting delegate and Council President Dentino as alternate voting delegate to represent the City at the League of Oregon Cities annual conference in November.**

**2. Port of Brookings Harbor police levy**

Blodgett said the City has not taken a position on the upcoming election for additional moneys to fund a police levy in the Port District. Staff and Councilors have been asked by the Curry Coastal Pilot and other individuals what position the City has taken.

**Commissioner Mickelson moved, a second followed and the Council voted unanimously to decline to take a position on the levy and let the voters decide without Council input.**

**3. Other**

None

**VII. Consent Calendar**

**A. Approval of Council Meeting Minutes**

- 1. Minutes of September 22, 2003, regular Council meeting**
- 2. Minutes of September 29, 2003, special Council meeting**

**B. Acceptance of Planning Commission Minutes**

- 1. Minutes of September 2, 2003, regular Commission meeting**

**C. Approval of Vouchers for month of September, 2003 (\$126,569.87)**

**D. Liquor License request from Patrick and Teresita Wong, Northwest Technical Internet Café**

*[End Consent Calendar]*

**Councilor Dentino moved, a second followed, and the Council voted unanimously to accept the Consent Calendar as written.**

**VIII. Ordinances/Resolutions/Final Orders**

**A. Ordinances**

- 1. Ordinance No. 03-O-446.QQ—In the matter of an Ordinance amending Section 92, Off-Street Parking and Loading Requirements of the Land Development Code updating ADA parking space requirements**

Blodgett explained the proposed ordinance updates the Land Development Code by changing both the ratio of ADA parking spaces to regular spaces and the required access aisle beside ADA spaces. He then read the Ordinance in its entirety.

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 03-O-446.QQ by title only.**

Blodgett read the ordinance by title only.

**Councilor Johns Kern moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 03-O-446.QQ, an ordinance amending Ordinance 89-O-446, an ordinance creating the Land Development Code to amend Section 92, Off-Street Parking and Loading Regulations, updating ADA parking space requirements.**

2. *Ordinance No. 03-O-349.E—In the matter of an Ordinance amending Ordinance No. 81-O-349 titled, An Ordinance adopting the 1996 Oregon Structural Specialty Code, including the appendices and Chapter 33, provided, however that ORS 455.320 shall not be applicable; the 1996 Oregon Mechanical Specialty Code; the 1996 Oregon Plumbing Specialty Code; the 1996 Oregon 1 and 2 Family Dwelling Specialty Code; the 1996 Uniform Fire Code; the 1996 Uniform Code for the Abatement of Dangerous Buildings; the 1996 Manufactured Dwelling Standards; and the 1996 Parks and Camps Rules, to adopt the code in effect on the effective date of the ordinance and any subsequent modifications to it*

Blodgett explained the ordinance change was proposed by Building Official LauraLee Gray. The current ordinance must be changed with each edition of various building codes. The proposed ordinance does not specify a code year.

Blodgett read Ordinance No. 03-O-349.E in its entirety.

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 03-O-349.E by title only.**

Blodgett read the ordinance by title only.

**Councilor Johns Kern moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 03-O-349.E**

**B. Resolutions**

1. *Resolution No. 03-R-722.A—In the matter of a Resolution establishing traffic controls (parking limitations) along Spruce Street at Assessor's Map No. 41-13-6 DA TL 6200 and 6201, also known as 635 and 625 Spruce Street*

Blodgett said the request for parking limits at 635 and 625 Spruce Street was received from Rick Bishop, property owner. Bishop requested the limit be in effect 24 hours per day seven days a week. However, in being constant with other parking regulations in the downtown area the resolution was written for seven days a week, 8:00 a.m. to 5:00 p.m. Blodgett said the Downtown Development Committee had reviewed the Resolution and recommended tabling the request until after the Committee considered other parking in the area.

**Councilor Dentino moved, a second followed, and the Council unanimously voted to approve Resolution No. 03-R-722.A setting 4 hours parking limits between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday at 635 and 625 Spruce Street.**

**IX. Remarks from Mayor and Councilors**

- A. *Council-none*
- B. *Mayor-none*

**X. Adjournment**

With no further business before it the meeting adjourned at 10:30 p.m. The Public Hearing on File No. APP-4-03 was continued until October 22, 2003, at 7:00 p.m.

Mayor Hagbom reconvened the public hearing for Planning Commission File No. APP-4-03, October 22, 2003, at 7:00 p.m. The Pledge of Allegiance was led by Linda Barker.

Council Present: Mayor Bob Hagbom, Council President Rick Dentino, Councilors Larry Curry, Frances Johns Kern, and Craig Mickelson, a quorum present.

Council Absent: None

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, City Engineer Richard Nored, City Planner John Bischoff, Community Development Director Leo Lightle and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter Bill Lundquist

Other:

Approximately 13 other citizens

**Councilor Johns Kern, who was present, did not participate as she declared conflict of interest at the previous session of the public hearing.**

The appellant's attorney, John Babin introduced Tim Bossard, T. J. Bossard and Associates Civil Engineers, whose firm is located at 133 NW "D" Street, Grants Pass, Oregon. Bossard related his involvement with The Cove project and the berm beginning in 1989. Using drawings he showed the berm as he designed it in 1991 and its present state. He said the berm was designed to block views and mitigate odors from the sewer treatment plant and he believes a configuration equivalent to the original berm can be worked out based on amount of odors produced and the direction they travel. Bossard answered questions from the Council and staff.

Babin introduced into evidence a photocopy of part of a construction drawing labeled *Plan, Profile Berm/Retaining Wall The Cove* dated September 16, 1991. The photocopy was labeled Appellant's Exhibit EE.

Community Development Director Lightle and City Engineer Nored testified for staff. Mayor Hagbom asked if anyone in the audience wanted to speak at which time Babin rose to a point of order saying he understood the purpose of the hearing was to hear comments of the engineer only. He asked if the appellants would have a chance to rebut any participant's comments. City Attorney Trew said that if the hearing were reopened to comments, yes they would need to allow rebuttal from the appellant. Trew advised closing the public hearing.

**Councilor Dentino moved, a second followed, and the Council voted 4 -0 (Councilor Johns Kern not participating) to close the public portion of the hearing.** The public hearing was closed at 8:15 p.m.

City Manager Blodgett recommended one of three options: outright denial, outright approval, or denial of the appeal as proposed with a condition that application be made by the appellant showing exactly what is being proposed including engineering specifications showing no increase in odors from any proposed change. This new proposal would go through staff and the Planning Commission.

Babin said the City Attorney should be consulted as to what effect a denial with a condition to reapply would be as opposed to outright approval. Trew said there were two choices: approve or deny. Discussion ensued about granting an appeal with conditions.

Trew said he was making no comment on whether to deny or grant the appeal, just to procedure.

**Councilor Dentino moved, a second followed, and the Council voted 4-0 to deny APP-4-03 as proposed.**

**Councilor Mickelson moved, a second followed, and the Council voted 4-0 to direct staff to prepare findings and a Final Order for consideration at the Common Council meeting of November 10, 2003.**

Babin asked that the record be left open to mark exhibits that had been presented at the hearing. Drawings used by Bossard in his presentation were labeled Appellant's Exhibit FF.

The reconvened meeting adjourned at 8:30 p.m.

Respectfully submitted:

Bob Hagbom  
Mayor

ATTEST by City Recorder this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Paul Hughes  
Finance Director/City Recorder

# CITY OF BROOKINGS POLICE DEPARTMENT

Chris Wallace, Chief of Police



**To:** Brookings City Council  
**From:** Chief Chris Wallace 27813/201  
**Date:** October 22, 2003  
**Subject:** Liquor License Application

I have reviewed attached OLCC Liquor License Application submitted by Brookings Liquor Store, Inc. The purpose of this application is to enlarge the scope of their current business to include beer and wine sales. They would sell Oregon wines and microbrews in addition to what they sell now. It is my recommendation this application be approved as no disqualifying information was located.

*Chris Wallace*  
Chief Chris Wallace



898 ELK DRIVE  
Brookings, Or. 97415  
[www.brookings.or.us](http://www.brookings.or.us)

Phone: (541) 469-3118  
Fax: (541) 412-0253

*America's  
Wild Rivers  
Coast.*  
101 MILES OF ASTORIA'S BEST

# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

## LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
- ☐ Commercial Establishment
- ☐ Caterer
- ☐ Passenger Carrier
- ☐ Other Public Location
- ☐ Private Club
- ☐ Limited On-Premises Sales (\$202.60/yr)
- ☒ Off-Premises Sales (\$100/yr)
- ☐ with Fuel Pumps
- ☐ Brewery Public House (\$252.60)
- ☐ Winery (\$250/yr)
- ☐ Other: \_\_\_\_\_

## ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other \_\_\_\_\_

Applying as:

- ☐ Individuals ☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

Brookings

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: \_\_\_\_\_

(signature)

(date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

OLCC USE ONLY

Application Rec'd by: MDT

Date: 10-12-03

90-day authority: ☐ Yes ☒ No

1. Applicant(s) [See SECTION 1 of the Guide]

① Brookings Liquor Store, Inc. ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Brookings Liquor Store,

3. Business Location: 896 Chetco Ave. Brookings Curry OR 97415  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: P.O. Box 4429 Brookings OR 97415  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-469-2522 541-469-2522  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: \_\_\_\_\_

9. Will you have a manager? ☐ Yes ☒ No Name: \_\_\_\_\_  
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? City of Brookings  
(name of city or county)

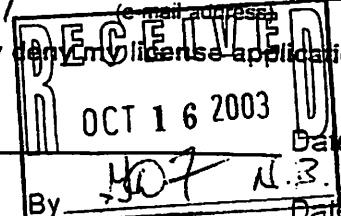
11. Contact person for this application: Pamela Downing 541-469-2522  
(name) (phone number(s))  
896 Chetco Ave. 541-469-2522 pamela@harborside.com  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Pamela K. Downing Date 10/8/03 ② \_\_\_\_\_

③ \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_





# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY



PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

- Trade Name (d.b.a.): Brookings Liquor Store City: Brookings
1. Name: Downing (last) Pamela (first) Katy (middle)
2. Other names used (maiden, other): Pamela K. Smith Pamela K. Nelson
3. Residence Address: 17228 Parkview Drive (number and street) Brookings (city) OR (state) 97415 (ZIP code)
4. Home Phone: (541) 469-3839 Business Phone: (541) 469-2502
5. \*SSN: 572-78-9598 Place of Birth: CA USA (State/Country) DOB: 4 (mm) 2 (dd) 50 (yyyy) Sex: M ☐ F ☒
6. Driver License or State ID #: 1108567 State: OR Spouse's name: Dean
7. List all states, other than Oregon, where you have lived during the past ten years: N/A
8. Do you currently hold, or have you ever held a liquor license in this or any other state? ☐ Yes ☒ No  
If yes, when and where: \_\_\_\_\_
9. In the past ten years, have you been convicted of any violation, misdemeanor or felony?  
(include traffic violations, if the fine was more than \$50.00) ☐ Yes ☒ No  
If yes, what, when and where: \_\_\_\_\_
10. Have you ever entered into a diversion agreement? ☐ Yes ☒ No  
If yes, when and where: \_\_\_\_\_
11. Do you have any arrests or citations that have not been resolved? ☐ Yes ☒ No  
If yes: Arrested/Cited for: \_\_\_\_\_ Date: \_\_\_\_\_ County/City/State/ \_\_\_\_\_
12. If you are applying for a retail liquor license:  
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ☐ Yes ☒ No If yes, what and where: \_\_\_\_\_  
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ☐ Yes ☒ No If yes, who? \_\_\_\_\_
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ☐ Yes ☒ No If yes: When: \_\_\_\_\_ Where: \_\_\_\_\_

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Pamela K. Downing Date: 10/8/03

**\*SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Pamela K. Downing Date: 10/8/03

**BEFORE THE CITY COUNCIL  
CITY OF BROOKINGS, COUNTY OF CURRY  
STATE OF OREGON**

<b>In the matter of Planning Commission File No. )</b>	<b>Final ORDER</b>
<b>APP-3-03; an appeal of a Planning Commission )</b>	<b>and Findings of</b>
<b>decision denying a variance; Peter Castelline, )</b>	<b>Fact</b>
<b>appellant. )</b>	

**ORDER** overturning the decision of the Planning Commissions to deny a request for a variance to allow a 5-foot side yard setback in lieu of the required 10-foot set back on a 0.19 acre parcel of land located at 251 Marine Dr., identified as Assessor's Map 40-14-32CD, Tax Lot 1702, Zoned S-R-20 (Suburban Residential, 20,000 sq. ft. minimum lot size).

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with Section 136, Variances of the Land Development Code which authorizes the Planning Commission to approve, approve with conditions or deny a request for a subdivision, based upon evidence that the proposal meets the following criteria:

- A. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed.
- B. The variance is necessary for the preservation of the property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- C. The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or by otherwise detrimental to the objectives of any city development plan or policy.
- D. The variance request is the minimum variance from the provisions and standards of this code, which will alleviate the hardship.

2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on August 5, 2003; and

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated July 14, 2003 and by oral presentation, and evidence and testimony by the applicant and the public at the public hearing; and,

4. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and denied the request for the subject application and directed staff to prepare a Final ORDER and Findings of Fact to that effect.

**WHEREAS**, the appellant appealed the Planning Commission's denial of the variance, pursuant to Section 156, Appeal to the City Council, and

1. The Brookings City Council duly considered the above described application on the agenda of a public hearing on October 13, 2003, and

2. Presentations were made by the Planning Director in the form of a written Staff Agenda Reports dated July 14, 2003 and by oral presentation, and evidence and testimony were presented by the appellant, the applicant and the public at the public hearing; and,

3. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, considered the Staff Agenda Report and overturned the Planning Commission decision and granted the variance, and directed staff to prepare a Final ORDER and Findings of Fact to that effect.

**THEREFORE, IT IS BE HEREBY ORDERED** that the application for a variance on the subject parcel is approved. This approval is supported by the following findings and conclusions:

#### **FINDINGS**

1. The applicant is requesting a variance of 5 feet from the required 10-foot side yard setback along the northerly boundary of an 8,276.40 sq. ft. subject property.
2. The subject property is zoned S-R-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
3. When the subject parcel was created, the property was zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).
4. The lot is triangular shaped with 111.36 feet of frontage on Marine Dr. and is provided access from a common driveway located along its southerly boundary.
5. Approximately 2,500 sq. ft. of the lot consists of steep slopes along the street frontage and the common driveway.
6. The S-R-20 Zone requires a 10-foot side yard setback. The original R-1-6 Zone required a 5-foot side yard setback plus 1/2 feet for each foot over 15 feet in building height.
7. An electrical transformer box is located 30 feet from the street property line and 24 feet from the common driveway. The electrical provider requires that the buildings be at least 8 feet from this box. The underground power line enters the property at the top of the slope about 16 feet from the street, extends to the transformer box and then leaves the box, exiting the northerly boundary about 13 feet inside the northwest corner.

## CONCLUSIONS

1. The subject parcel of land was created when the property and the surrounding area was zoned for a minimum lot size of 6,000 sq. ft. and although the surrounding hillsides are steeper, the subject lot has average slopes of less than 15% and the hillside development standards at that time allowed the lot to be smaller than a lot with slopes of greater than 15%. The R-1-6 Zone required a minimum side yard setback of 5 feet.
2. When the property was rezoned to SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size), the side yard setback increased to 10 feet. Since the lot is small to begin with, is triangular shaped and constrained by slopes on two sides and by underground electrical cables that run on two sides of the property and a transformer box at the corner of the property, all on the top of the slopes.
3. These constraints reduce the buildable area of the lot and the additional 5 feet of setback required by the new SR-20 Zone limits the lot even further. Due to the configuration of the lots adjacent to the side of the subject property subject to this request, the nearest house will be at least 30 feet from the applicant residence with the granted variance.
4. The applicant has meet the requirements of the criteria listed above.

Dated this **27th** day of **October**, 2003

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Bob Hagbom, Mayor

ATTEST:

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John C. Bischoff, Planning Director

# BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: September 2003

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
0	Single Family Dwelling	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	58	\$11,449,169.00	32	\$5,889,450.00
5	Single Family Addition	\$975.50	\$634.09	\$68.29	\$0.00	\$785,327.00	25	\$1,328,802.00	28	\$640,072.64
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12	\$90,434.00	11	\$121,094.00
1	Two Family Residential	\$718.00	\$466.70	\$50.26	\$4,889.00	\$213,830.00	2	\$613,260.00	3	\$1,263,965.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$2,118,347.00	0	\$0.00
1	Commercial New	\$3,593.00	\$3,772.65	\$251.51	\$0.00	\$1,363,573.00	6	\$2,010,434.00	10	\$1,796,675.00
1	Commercial Addition-Change	\$98.50	\$64.03	\$6.90	\$0.00	\$12,826.00	24	\$904,869.00	12	\$342,634.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$5,000.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	3	\$10,542,307.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$0.00	1	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$11,792.00	1	\$10,900.00
8	Total Building Permits	\$5,385.00	\$4,937.47	\$376.95	\$4,889.00	\$2,375,556.00	135	\$20,902,663.00	102	\$20,612,097.64
4	Mechanical Permits	\$136.80	N/A	\$9.58	N/A	N/A	81	N/A	65	N/A
1	Plumbing Permits	\$47.60	N/A	\$3.33	\$0.00	N/A	65	N/A	42	N/A
0	Manufactured Home Install Permits	\$0.00	N/A	\$0.00	\$0.00	N/A	3	N/A	0	N/A
0	Manufactured Dwelling Fee	N/A	N/A	\$0.00	N/A	N/A				
13	TOTAL PERMITS	\$5,569.40	\$4,937.47	\$389.86	\$4,889.00	\$2,375,556.00	284	\$20,902,663.00	209	\$20,612,097.64
	Total Year to Date Calculated Fees	\$56,042.32	\$35,467.10	\$3,952.97	\$307,405.24					
	2002 YTD Calculated Fees	\$67,935.55	\$54,151.67	\$4,755.49	\$188,150.00					

NO URD ACTIVITY  
THIS MONTH