

# Agenda

City of Brookings

Common Council Meeting

Brookings City Hall Council Chambers

898 Elk Drive, Brookings, Oregon

May 13, 1996

7:00 p.m.



# agenda

CITY OF BROOKINGS  
COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
May 13, 1996  
7:00 p.m.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

V. PUBLIC HEARINGS

1. Request for a Comprehensive Zone Change from Industrial to Commercial and a Zone Change from I-P (Industrial-Park) to C-3 (General Commercial) - Applicants Courtland A. Spotswood, William M. Lea and George Lee (gray)

VI. SCHEDULED PUBLIC APPEARANCES

1. Request for contribution to the PARENT AID Program - Lieutenant Mark Metcalf, Curry County Sheriff's Office (salmon)
2. Appeal of administrative decision - Appellant David Pettigrew, 924 7th Street (pink)

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

VIII. STAFF REPORTS

A. Community Development

1. Intergovernmental Agreement - City of Brookings and Curry County, Brookings/Harbor Urban Growth Management (yellow)

**B. City Manager**

1. Discussion of Harbor Sanitary District Sewage Treatment Plant Construction Policy (lilac)

**IX. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

1. April 15, 1996 Special Council Meeting (gold)
2. April 22, 1996 Regular Council Meeting (tan)

**B. Acceptance of Commission/Board Minutes**

1. April 10, 1996 Systems Development Charge Review Board (green)

(end Consent Calendar)

**X. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

**XI. COMMITTEE REPORTS**

**A. Planning Commission**

**B. Parks and Recreation Commission**

**C. Chamber of Commerce**

**XII. REMARKS FROM MAYOR AND COUNCILORS**

**A. Mayor**

**B. Council**

**XIII. ADJOURNMENT**







# May 1996



## City of Brookings Monthly Activities Schedule

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# June 1996



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**CITY OF BROOKINGS PLANNING COMMISSION**  
**STAFF AGENDA REPORT**

**SUBJECT:** Comprehensive Plan/Zone Change  
**FILE NO:** CPZ-1-96  
**HEARING DATE:** April 2, 1996

**REPORT DATE:** March 12, 1996  
**ITEM NO:** 8.1

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**GENERAL INFORMATION**

**APPLICANT:** Courtland A. Spotswood, William M. Lea and George Lee.

**REPRESENTATIVE:** Michael P. O'Dwyer, Attorney.

**REQUEST:** A Comprehensive Plan designation change from Industrial to Commercial and a zone change from I-P (Industrial-Park) to C-3 (General Commercial).

**TOTAL LAND AREA:** 1.92 acres.

**LOCATION:** Fronting on Cottage St., Pacific Ave. and Railroad St.; 340-360 Pacific Ave., 765, 769, and 777 Cottage St.

**ASSESSOR'S NUMBER:** 41-13-6D, Tax Lot 1100; 41-13-6DA, Tax Lots 1700, 1900, 1901, 2000, and 2001

**ZONING / COMPREHENSIVE PLAN INFORMATION**

**EXISTING:** I-P (Industrial-Park).

**PROPOSED:** C-3 (General Commercial).

**SURROUNDING:** North - C-3 North of Cottage St.; East - I-P; South - C-3 and M-2 (General Industrial); West - I-P and C-3.

**COMP. PLAN:** Industrial.

**LAND USE INFORMATION**

**EXISTING:** The subject property contains a restaurant, commercial building, two houses, and a shell building with commercial uses.

**PROPOSED:** No change in the uses.

**SURROUNDING:** The surrounding uses to the north, east and south are consistent with the underlying zone except for a residential use on Cottage St.

**PUBLIC NOTICE:** Mailed to all property owners within 250 feet of subject property and published in local news paper.

V.I

## **BACKGROUND INFORMATION**

The area subject to this application is currently zoned I-P (Industrial-Park) and consists of six lots located on Pacific Ave., Cottage St. and Railroad St. with 238.87 feet of frontage on Cottage, 441.32 feet on Pacific and 98.10 on Railroad. There are three lots ( T/Ls 1700, 1901 and 2000) on Cottage St., two on Pacific (T/Ls 1100 and 1700) and one lot (T/L 1100) on Railroad. Two of the subject lots, Tax Lots (T/Ls) 1900 and 2001 are landlocked behind Lots 1901 and 2000 between Cottage and Railroad (See Exhibit 1). The total area involved in the subject area is 1.92 acres.

The area subject to the requested zone and plan change is developed with a variety of uses as follows:

- T/L 1100 - A shell building containing various uses owned by applicants Spotswood and Lea.
- T/L 1700 - A restaurant and vacant attached building. owned by applicant Lee.
- T/L 1900 - A garage owned by applicants Spotswood and Lea.
- T/L 1901 - A single family house owned by applicants Spotswood and Lea..
- T/L 2000 - A single family house owned by applicant Spotswood.
- T/L 2100 - A garage owned by applicant Spotswood.

The area to the north of the subject property is Zoned C-3 (General Commercial) and is developed with a parking lot, espresso coffee shop and two banks. The area to the east is in the I-P Zone and contains a vacant building, bulk fuel depot and a lumber yard along Railroad St. and two houses and the lumber yard along Cottage St. The area to the south is zoned C-3 along the south side of Railroad and contains the Coos/Curry Coop office and the parking lot for the plywood mill which is located to the south of the Coop office in the M-2 (General Industrial) Zone. The area on the west side of Pacific is zoned C-3 and I-P. The C-3 parcel is vacant and is subject to a recent commercial subdivision of four lots. The I-P consists of two parcels, one developed with a repair shop and store fronting on Pacific Ave. and the other behind the first and vacant.

The subject area was originally zone C-5 (The old General Commercial) as was the entire area between Cottage St., Railroad St., Mill St. and Pacific Ave. and two lots west of Pacific Ave. In February 1993 the city initiated an ordinance change to combine the then existing M-1 (Light Industrial) and the C-5 zone to create the new I-P Zone which would create more land, particularly vacant land, for industrial use. All areas zoned C-5 at that time were changed to the new I-P Zone. One of the lots subject to the proposed change of zone, Tax Lot 1100 was vacant at that time.

In 1994 the owner of Tax Lot 1100, Mr. Spotswood, developed the lot with what originated as a shell building with 24 parking spaces. After completion, the shell building began to fill with tenant uses that are conditional uses in the I-P Zone, although the city was not consulted and no conditional use permits were sought. The uses moving into the building also appeared to be parking intensive and thus would overwhelm the provided parking. As each of these tenants moved into the building, the building owner and the tenant were informed as to the need of a conditional use permit. After three conditional use permit hearings and an appeal, the situation was resolved with the understanding that no new tenants could be moved into the building unless additional parking was provided and that the city would monitor the existing parking to ensure that the existing tenants could be accommodated. In 1995 Mr. Spotswood purchased Tax Lot 1900, which is located adjacent to the northeast corner of his shell building, with the intent of using it for additional parking for the shell



building. The purchase also included Tax Lot 1901 which provides access to T/L 1900, and T/Ls 2000 and 2001 which are adjacent to the east side of T/Ls 1900 and 1901.

A problem arose again in late 1995 when a print shop entered the shell building. This use would be a permitted use in the I-P and parking would not have been an issue once the new parking area on T/L 1900 was paved. This time the problem was that the tenant had moved into the building without an occupancy permit for the proposed use and when the building inspector asked for compliance with the building codes the tenant moved out. At this point Mr. Spotswood consulted an attorney and after discussing the history of the shell building, it appears that resolution of the ongoing problems has been achieved. The attorney did suggest to Mr. Spotswood that a change of zone would be appropriate to bring the uses that are currently in the shell building more into compliance than they are at this time. When staff was informed that a change of zone would be filed, it was suggested that Mr. Spotswood should ask Mr. Leff, the owner of the restaurant, to join him in the application.

### **PROPOSED COMPREHENSIVE PLAN/ZONE CHANGE**

The applicant is requesting a Comprehensive Plan amendment to change the designation of the subject area from Industrial to Commercial and a zone change from the current I-P to C-3. The purpose of the request is to bring the zoning into line with the uses within the area.

### **ANALYSIS**

The Land Development Code does not contain specific criteria to be considered when deciding a change of zone or Comprehensive Plan amendment. However, in the process of making such a decision the Commission must consider the different uses allowed as permitted in the requested new zone and the compatibility of those uses with, and the impact they may have on, existing uses in the surrounding area. The Commission must also consider how the requested change affects the goals and policies of the City's Comprehensive Plan.

None of the uses allowed as permitted in the requested C-3 Zone would have an adverse impact or be incompatible with the surrounding area because the entire area is zoned either I-P or C-3. The change itself is from a more intense use zone to one of lesser intensity and both the I-P and the C-3 are somewhat compatible in that many of the conditional uses of the I-P Zone are permitted uses in the C-3 Zone.

Staff does have a concern related to the affect of the proposed change on the goals and policies of the Comprehensive Plan and with the premise under which the change is being requested. The I-P Zone was created after deliberation of the staff, Planning Commission and City Council, all of whom recognized that the city did not have vacant industrial land and if the city were to attract industrial use, properly zoned vacant land must be available. It was also recognized that the city may have lost at least one manufacturing firm because of the lack of vacant industrial land. In creating the I-P Zone, the C-5 Zone, which included the subject area, and the M-1 Zone, of which there was no zoned land, were combined. The only uses that were removed from either zone were the provision for a wrecking yard and abattoir (slaughter house) as conditional uses. Both of these are conditional uses in the M-2 Zone.

The uses within the area of the requested zone change are made of three components - residential uses on T/L s 1901 and 2000, a restaurant and attached vacant building on T/L 1700 that have been on the site for many years and the shell building on Tax Lot 1100. Each of these must be considered in the determination as to whether the plan/zone change should be granted.

The first component, the residential housing, was a nonconforming use in the old C-5 Zone, is a nonconforming use in the current I-P zone and would also be nonconforming in the proposed C-3 Zone. The proposed zone change will not change the status of the existing houses along Cottage Ct.

The second component is the existing restaurant and adjoining vacant building. The restaurant was a conditional use in the old C-5 Zone, are a conditional use in the current I-P Zone and would be a permitted use in the C-3 Zone. The proposed change of zone will make the existing restaurant a conforming use. The status of the adjoining vacant space would not change since it can be used for a permitted use in the old C-5, current I-P or requested C-3 zones.

The shell building was constructed after the property was placed in the I-P Zone. Finding No. 11 of the applicant's findings states that Mr. Spotswood "....was granted a permit to build a commercial building on the property..." and Finding No. 15 states that "....the applicant proceeded with the construction of the building under the belief that the property was zoned C-5". Both of these statements are incorrect. The building permit was for an industrial shell building and the application for the building permit, which was filled out by the applicant states that the desired uses were I-P and C-3 (See Exhibit A). The type of tenants allowed in the building and how they would relate to the proposed parking was an item of discussion at the first Site Plan Committee.

Once the building was completed staff learned that there were at least four tenants either moved into or who had signed lease agreements to enter the building. None of these tenants or Mr. Spotswood had consulted with the city to determine if the tenant uses were permitted in the I-P Zone or if the tenants parking requirements could be accommodated by the 24 parking spaces provided. It was then determined that the uses could be considered to be conditional and the Planning Commission issued conditional use permits in the I-P Zone. After the second such permit, the planning commission required that more parking spaces be created for the third conditional use. The applicant appealed the requirement for additional parking to the City Council based on the nature of the businesses and their related parking requirements. Staff helped settle the appeal by pointing out that the nature of two of the tenants were such that they did not generate walk in traffic and thus did not require as much parking. The City Council upheld the appeal with the provision that no more tenants be placed in the building and that staff would monitor the parking at the building for a one year period to determine if problems developed.

Although three of the four tenants in the building are conditional uses in the I-P Zone, zoning has never been an issue. The issues that arose from this development have consistently revolved around the fact that tenants were placed in the building without consulting with the city and the amount of parking available for those tenants. It is staff's position that as of the date of this report all of these issues have been resolved and when T/L 1900 is paved and striped there will be room for at least one more tenant in the building, permitted or conditional, depending of course on that tenants parking requirements and, if conditional, the granting of a conditional use permit. Staff is concerned that as the existing tenants leave, new tenants may be moved in, as in the past, without consulting the city

and the cycle will start over again. It is also staff's opinion that a change of zone on this property will not resolve or prevent this potential. The amount of available parking spaces must accommodate the number and nature of the tenants placed in any given building, regardless of the underlying zone.

The zone change would have the effect of reducing the amount of land available for industrial uses, particularly in the case of the subject lots that currently contain houses and garages. These non-conforming uses will eventually be replaced with some form of permitted or conditional use in whatever zone they may be in at the time. Although the city does not currently have a great demand for industrial land, that demand may change at any time. The city has already lost at least one potential industrial employer due to the lack of vacant industrial land. The next employer may call at any time. The shell building on T/L 1100 may be currently filled with uses that are more commercial in nature, however, as these tenants leave, vacant industrial space will become available in the building. There is currently a sufficient inventory of vacant commercial land within the city but very little industrial land. Goal 9, Economy of The State, of the Comprehensive Plan contains policies that call for the diversification of the city and regional economy and to create new employment opportunities. The I-P Zone was created with the intent of diversification of the city's economic base and providing more employment opportunities. To grant the requested plan and zone change would have the effect of narrowing the economic base.

It is the opinion of the city staff that since the building was built with the knowledge that the land was zoned I-P and since zoning has never been an issue related to T/L 1100, the applicant is trying to change the zone only to fit the existing tenants. To grant this would set a precedent to allow anyone to change their underlying zoning to fit their tenant mix. It should be noted that when staff suggested that Mr. Lee's property, T/L 1700, be included in a request for a change of zone, it was only to prevent the possibility of that lot remaining in the I-P Zone (when it is truly commercial) if the requested plan/zone change should be approved.

## **FINDINGS**

1. The applicants are requesting a Comprehensive Plan Change from Industrial to Commercial and a change of zone from I-P (Industrial-Park) to C-3 (General Commercial) on a 1.92 acre parcel of land consisting of six tax lots - Assessor's Map 41-13-6D, Tax Lot 1100 and Assessor's Map 41-13-6DA, Tax Lots 1700, 1900, 1901, 2000, and 2001.
2. The current I-P Zone was created in February 1993 when the then existing C-5 (General Commercial) and M-1 (Light Industrial) Zones were combined. The intent of this action was to create more industrially zoned land that would be available for industrial businesses to locate within the city. Only two uses between both previous zones were dropped when the I-P Zone was created - wrecking yards and abattoir.
3. When the I-P Zone was created the city had approximately 19 acres of land zoned C-5 and no land zoned M-1. All of the land zoned C-5 became the new I-P Zone.
4. The six tax lots currently contain a restaurant, two houses, two garages and an Industrial shell building that contains four tenants and one vacant space.



4. Three of the four tenants located in the industrial shell building are approved conditional uses of the I-P Zone. The fourth tenant is a permitted use in the I-P Zone.
5. The houses and their associated garages are preexisting non-conforming uses in the I-P Zone and in the requested C-3 Zone.
6. The restaurant preexists the current I-P Zone but would be a conditional use in the I-P Zone and a permitted use in the requested C-3 Zone.
7. The lot with the restaurant, T/L 1700, is owned by applicant Lee. The remaining lots are owned by applicants Spotswood and Lea.
8. A building permit for the industrial shell building on T/L 1100 was issued in November 1993 and completion of the building was in early summer 1994 with 24 paved on-site parking spaces.
9. When the building permit was issued, the City's Site Plan Committee had determined that 24 parking spaces were adequate for an industrial building of that size to serve most of the permitted uses allowed in the I-P Zone.
10. Each of the tenants currently in the industrial shell building had signed a lease or rental agreement prior to any consultation with the city officials to determine compatibility with zoning or parking requirements.
11. The Planning Commission has held three Conditional Use Permit hearings related to tenants in the industrial shell building and the related parking requirements. The City Council heard one appeal related to the design of the parking area for the shell building.
12. As of the date of this report the city staff considers all of the issues related to tenants and parking requirements for the shell building to be resolved. When Tax Lot 1900 is paved, striped and provided access, there will be at least 7 additional parking spaces available for the shell building.
13. In late 1995 a print shop moved into the building without an occupancy permit from the City Building Official. The print shop would have been a permitted use once the occupancy permit was obtained.

## **CONCLUSIONS**

1. The I-P (Industrial-Park) Zone was established February 1993 with the intent of creating more vacant industrial land. The city had just lost a boat manufacturer because there was no vacant industrial land and the then existing C-5 Zone did not allow such uses. At that time there were at least two other industrial firms, a camper shell manufacturer and a parts coating firm that were interested in the Brookings area. Tax Lot 1100 of the subject application was vacant at the time the I-P Zone was created and when Mr. Spotswood purchased the property in August 1993.

2. The building permit was issued for a industrial shell building in November 1993. At that time the City Site Plan Committee had determined that the 24 parking spaces that were shown on the construction plans were sufficient to accommodate a combination of most of the permitted uses allowed by the I-P Zone.
3. The issues that have been generated around the uses established in the shell building have never been about the zoning of the building. These issues have revolved around the nature of the tenants placed in the building, the amount of parking required for those tenants and from the fact that the tenants nor Mr. Spotswood consulted with the city to determine if the tenants were compatible with the I-P Zone and to determine if there was sufficient parking for those tenants. The issue of changing the zoning on the subject property did not arise until a print shop moved into the building in late 1995 without an occupancy permit. The print shop left the building instead of pursuing the occupancy permit but it would have been a permitted use and once T/L 1900 was paved and striped, there would have been adequate parking.
4. Since the uses in the industrial shell building on T/L 1100 are more commercial than industrial, it is staff's opinion that the applicant is requesting the change of zone to bring the zoning into more conformance with the uses. This is not appropriate in that it sets a precedent to allow anyone to do the same and the tenant mix in the building is due to the action of the applicant without regard to the underlying zone and changing the zone does not guarantee that this will not continue to be the case.
5. The change of zone would reduce the amount of industrially zoned land within the city limits by 1.92 acres. The four lots that have non-conforming houses and garage uses will eventually be converted to a use compatible with the I-P Zone. The shell building is currently occupied with conditional and permitted uses of the I-P Zone and when these tenants leave vacant space will be available for industrial uses in the building. The change of zone would not be consistent with the goals and policies of Goal 5, Economy of The State, of the city's Comprehensive Plan which call for the diversification of the economic base of the city.

## **RECOMMENDATION**

Staff recommends **DENIAL** of Case File No. CPZ-1-96, based on the findings and conclusions stated in the staff report.

## **PROPOSED FINDINGS**

### **SPOTSWOOD AND LEA**

## **ZONE CHANGE APPLICATION**

The applicants propose the following findings:

1. The properties that are owned by the applicants Courtland Spotswood and William Lea are Tax Lot 1100, Map 41-13-6D, and Tax Lots 1900, 1901, 2000, and 2001 on Map 41-13-6DA.
2. The applicants also request a zone change on Tax Lot 1700, Map 41-13-6DA. Tax Lots 1700 and 2500 are owned by George and Letty Lee who are in support of this application and request a zone change on Tax Lot 1700 from I-P to C-3.
3. The parcels that are proposed for a zone change are presently zoned I-P. Tax Lot 2500 is already zoned C-3. The applicants propose that all of the subject parcels be zoned C-3.
4. Cottage Street is on the north side of the parcels and Railroad Street is on the south side of the parcels. Pacific Avenue is on the west side of the parcels.
5. Tax Lot 1700, owned by George and Letty Lee, is occupied by Lee's Dragon Gate Restaurant plus a parking area and a building housing retail establishments. Tax Lot 2500, on the north side of Cottage Street, is a parking area for Lee's Dragon Gate Restaurant and the other businesses operating on Tax Lot 1700.
6. Lee's Dragon Gate Restaurant and the commercial building on Tax Lot 1700 were in existence long before this property was designated I-P.
7. The area zoned I-P which contains the subject parcels is surrounded on the north, south, and west by areas that are zoned C-3. There is an area of I-P zoned land on the west side of Pacific.



8. On August 25, 1993, Courtland A. Spotswood purchased Tax Lot 1100 from Southcoast Lumber Company for the sum of ~~\$125,000.00~~. The property was vacant land at the time of purchase. Previously, the property was occupied by a warehouse and shop building owned by Southcoast Lumber Company. Southcoast Lumber Company was removed the buildings in January of 1990.
9. Tax Lot 1100 is 273' in length along its frontage with Pacific Avenue and 95' wide along its frontage with Railroad Street.
10. At the time that Tax Lot 1100 was purchased by Courtland A. Spotswood on August 25, 1993, the property was zoned I-P. The present zoning of I-P was imposed on April 6, 1993, by Ord. 93-0-446.M.
11. On November 18, 1993, Courtland A. Spotswood was granted a permit to build a commercial building on the property measuring 242' long by 46' wide. The construction of the building was completed in early summer 1994. The ground floor of the building contains 11,132 sq.ft.
12. The Curry County Assessor has established the fair market values for Tax Lot 1100 as of the 1995-96 assessment year at \$87,100 for the land and \$715,520 for the buildings and improvements, for a total value of \$802,620.
13. On January 9, 1995, Courtland Spotswood and William Lea purchased Tax Lots 1900 and 1901 for the sum of \$78,500. The parcels were purchased for the purpose of providing additional parking for the tenants and customers of the businesses occupying the building on Tax Lot 1100.
14. On June 24, 1995, Courtland Spotswood purchased Tax Lots 2000 and 2001 for \$50,000.
15. As stated above, at the time that the applicants purchased Tax Lot 1100 on August 25, 1993, Tax Lot 1100 was zoned I-P. The applicants proceeded with the construction of the building on Tax Lot 1100 under the belief that the property was zoned C-5.

16. On the date that this application is filed, the computer records of the Curry County Assessor's Office show that Tax Lot 1100 and other surrounding parcels are zoned C-5. ~~Section 12.010 of the Brookings Development Code as presently adopted shows a~~ zoning district designation of C-5 for *general commercial*. Section 12.010 also shows a zoning designation of C-3 for *central commercial*. However, neither the Table of Contents nor the text of the Brookings Development Code contains a section devoted to *central commercial*. Rather, Section 52 of the Brookings Development Code is devoted to *general commercial* which is designated as C-3 rather than C-5.
17. The commercial building constructed on Tax Lot 1100 is known as Pacific Court. The building is well constructed and attractive. All of the space in front of the building is paved for customer parking. There are presently four separate businesses operating within the building. The businesses are as follows:
- \* Southern Oregon Health Care which provides home health care with professional nurses.
  - \* Pacific Coast Hearing Center which provides and repairs hearing aids.
  - \* Dr. Gene Chickinell, D.D.S., provides general dental care.
  - \* Brookings Insurance is an independent insurance agent providing residential, commercial and health insurance.
  - \* The last space is presently unoccupied and the applicant would like to accomplish this zone change and not subject the tenant to the conditional use permit process.
18. Due to the present I-P zoning on Tax Lot 1100, each of the foregoing tenants required a conditional use permit before going into business at this location. Each of these businesses would be a permitted use under C-3 zoning.
19. Concerning Goal 11, all of the properties that are the subject of this zone change application are served by public water and sewer.

20. The Comprehensive Plan of the City of Brookings under Goal 9 has recognized that the economic base of the Brookings area is relatively narrow. The only substantial industrial business is timber harvesting and processing. The timber industry continues to shrink as the supply of raw material diminishes. However, tourism and retirement continue to grow in the Brookings area. The increase in the population of retired people in the Brookings area gives rise to an increasing demand for the type of services required by the retired population and the other businesses that support their needs. The tenants that presently occupy Pacific Court are indicative of the type of services needed by the Brookings population, both employed persons and retired residents. The convenient location and adequate parking provided at Pacific Court makes it a desirable location for service businesses and their customers.
21. The owners of Pacific Court have not received any significant demand by prospective tenants who sell the goods and services described as outright uses in the I-P zone. The owners do not foresee any significant demand in the foreseeable future.



**STATEMENT SUPPORTING**  
**ZONE CHANGE APPLICATION**

**TO: MR. JOHN BISCHOFF**  
Planning Director  
City of Brookings

**FROM: GEORGE AND LETTY LEE**  
Box 1569  
Brookings OR 97415

**RE: SPOTSWOOD ZONE CHANGE APPLICATION**

Dear Mr. Bishcoff:

We are the owners of real properties designated by the Curry County Assessor as Tax Lots 1700 and 2500, on Assessor's Map 41-13-06DA. Tax Lot 1700 is the business known as Lee's Dragon Gate Restaurant and Lounge having a street address of 777 Cottage Street, Brookings, Oregon.

Tax Lot 2500 is a parking area on the north side of Cottage Street.

We have recently been alerted to investigate the zoning on Tax Lot 1700 and have learned that it is zoned I-P. We previously believed the property was zoned commercial.

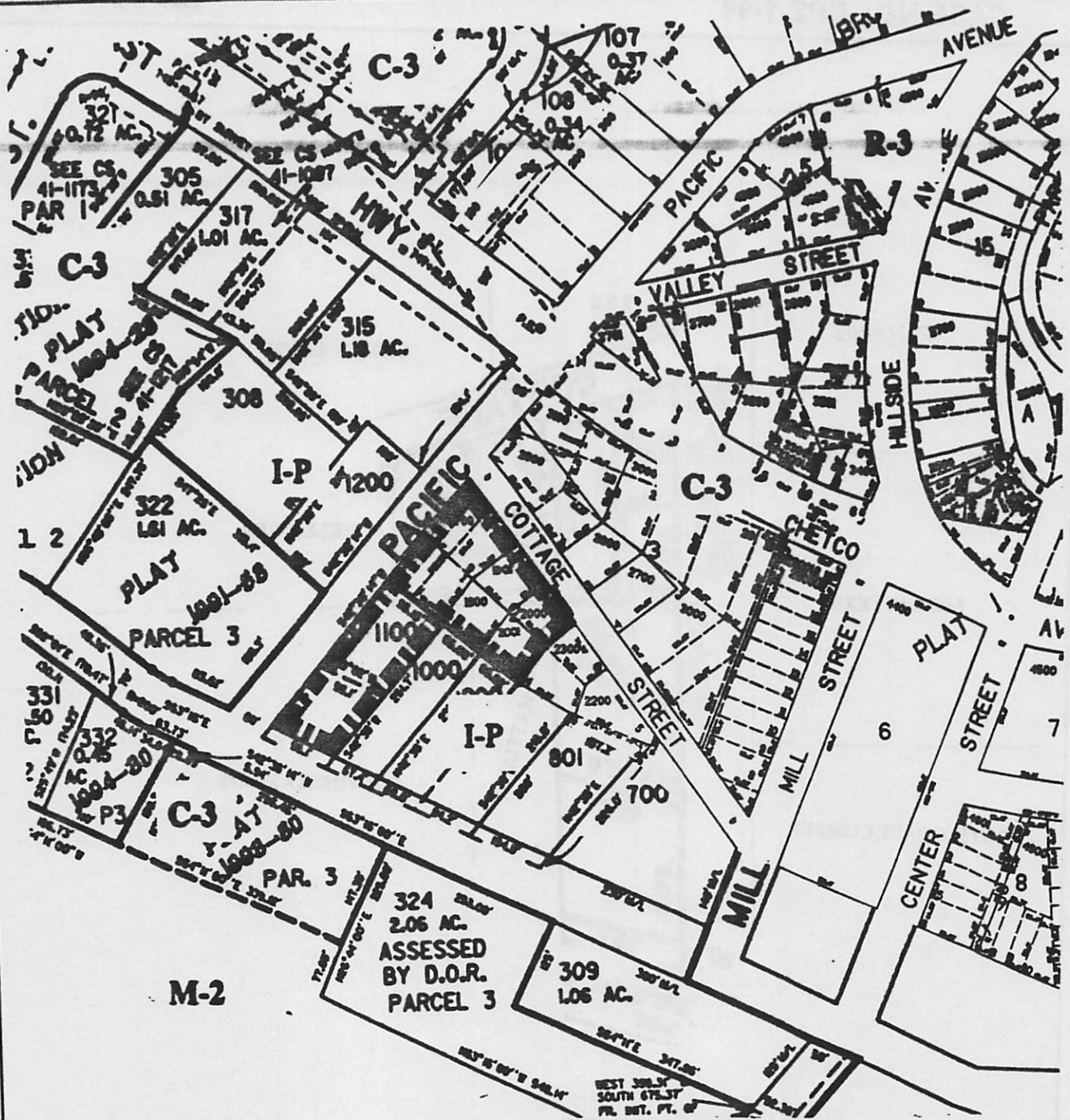
We have recently been informed that Courtland Spotswood and William Lea are filing a zone change application requesting that properties surrounding our property be re-zoned from I-P to C-3. The zone change application also requests that our Tax Lot 1700 be re-zoned from I-P to C-3.

This is to inform you and the Planning Commission that we support the application for zone change including a change of zoning on our Tax Lot 1700 from I-P to C-3.

DATED this 26 day of February, 1996.

  
GEORGE LEE

  
LETTY LEE



APPLICANT: Courtland Spotswood and William Lea

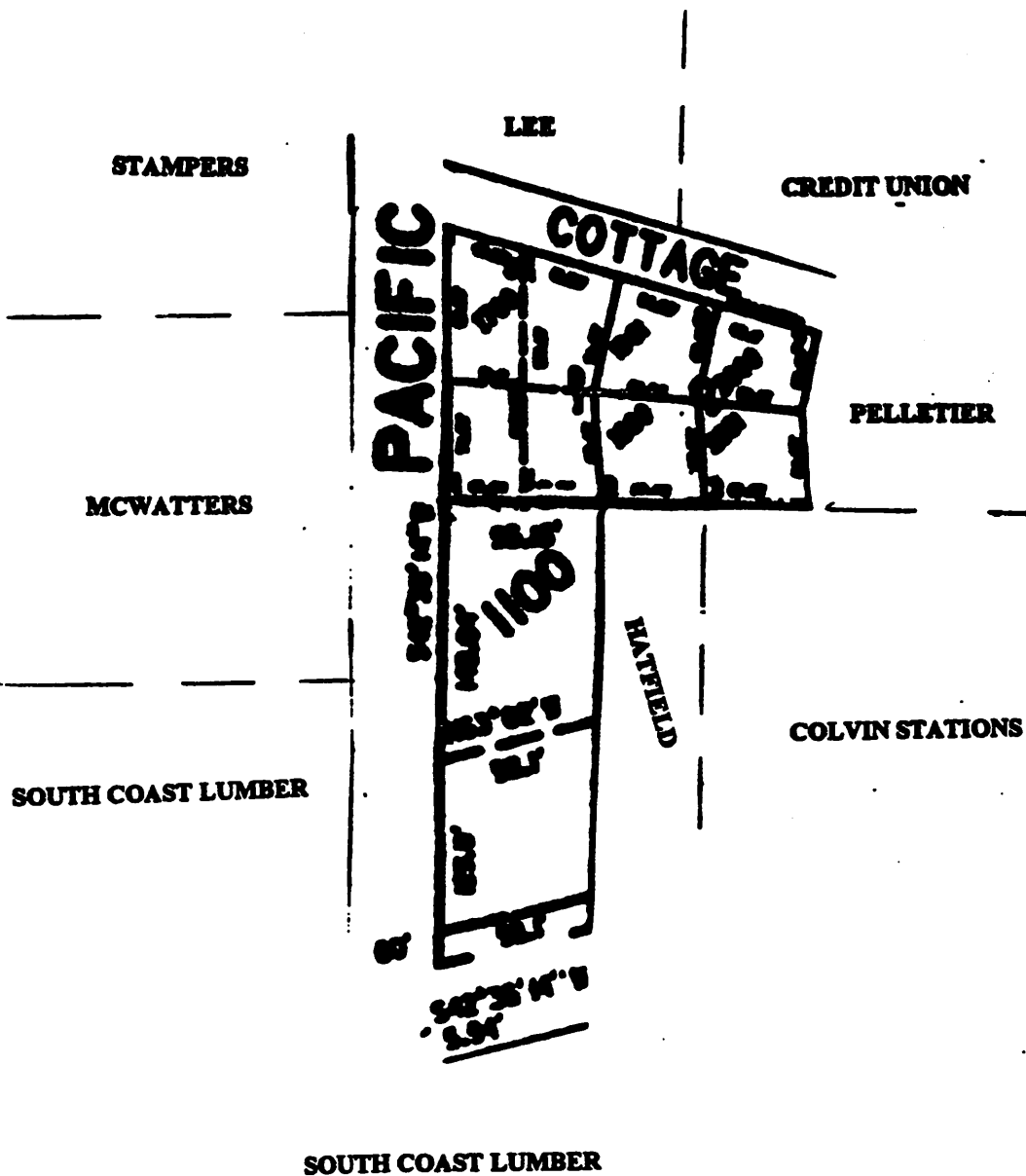
41-13-6D, T/L 1100

ASSESSOR'S NO: 41-13-6DA, T/L 1700, 1900, 1901, 2000, and 2001

LOCATION: East side of Pacific Ave. between Cottage St. and Railroad St.

SIZE: 1.92 acres.

ZONE: I-P (Industrial Park)



APPLICANT: Courtland Spotswood and William Lea

41-13-6D, T/L 1100

ASSESSOR'S NO: 41-13-6DA, T/L 1700, 1900, 1901, 2000, and 2001

LOCATION: East side of Pacific Ave. between Cottage St. and Railroad St.

SIZE: 1.92 acres.

ZONE: I-P (Industrial Park)



**(503) 469-2163**

B-93-110

**APPLICANT TO COMPLETE NUMBERED SPACES ONLY**

DATE  
ISSUED

DATE REC'D 10-18-93 Q

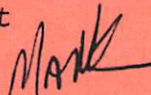
APPLICANT TO COMPLETE SPACE SPACES ONLY				DATE ISSUED 11 / 18 / 93	
JOB ADDRESS 834 <del>Railroad</del> Railroad.					
LEGAL DESCR.	LOT NO. 1100	BLK	TRACT MB 41-13-6D	<input type="checkbox"/> SEE ATTACHED SHEET	
OWNER C. Spottwood & Wm Lea	MAIL ADDRESS PO Box 2345 Brookings		ZIP 56001	PHONE 469-5013	
CONTRACTOR Wm Lea	REG. NO.	PLUMBER		REG. NO.	
ARCHITECT OR DESIGNER		ELECTRICIAN		REG. NO.	
USE OF BUILDING I-P & C3 uses.					
CLASS OF WORK: <input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> REMOVE <input type="checkbox"/> OTHER					
DESCRIBE WORK: 46' x 242' TO BE DIVIDED AS REQ BY TENNANTS.					
VALUATION OF WORK: \$ 220,739.00 Industrial Shell only					
TYPE OF CONST. <input checked="" type="checkbox"/> N		OCCUPANCY GROUP B-2	NO. OF DWELLING UNITS 0	FEES	
SIZE OF BLDG. (TOTAL) SQ. FT. 11383		NO. OF STORES 1	MAX. OCC. LOAD	BUILDING PERMIT	735.50
USE ZONE		OFF STREET PARKING SPACES COVERED 0	UNCOVERED 24	SUR CHARGE	36.76
				PLAN REVIEW	478.00
				MECHANICAL PERMIT	22.00
				SUR CHARGE	1.10
FEES				PLUMBING PERMIT	47.60
PLUMBING PERMIT FEES				SUR CHARGE	2.38
NO.	TYPE OF FIXTURE OR ITEM		FEE	WATER SERVICE WM. 222 <sup>00</sup> CW 600 <sup>00</sup>	552.00
			\$	SEWER SERVICE WS. 270 <sup>00</sup>	10.00
			\$	MANUFACTURED BLDG	N/A
	TOTAL FEE		\$	SURCHARGE	
MECHANICAL PERMIT FEES				STATE FEE	
NO.	TYPE OF EQUIPMENT		FEE	SYSTEMS DEV	13.46.00
	Base Fee		10.00	TOTAL ALL SUR-	40.24
	Bath Fans		12.00		
	TOTAL FEE		\$ 22.00	TOTAL	15,501.34
I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THAT THE ABOVE IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY ORDINANCES AND/OR STATE LAWS, AND MY STATE REGISTRATION IS IN FULL FORCE AND EFFECT. X _____ SIGNATURE OF OWNER, CONTRACTOR OR AUTHORIZED AGENT					
				PERMIT VALIDATION (CK)	M.C. CASH



CURRY COUNTY SHERIFF'S OFFICE  
MEMORANDUM

DATE: 4-23-96

TO: Donna VanNest  
Administrative Assistant

FROM: Lieutenant Mark Metcalf 

RE: Council funding request for PARENT AID program.

Thanks for letting me be on the agenda with this request.

I will be asking the Council for \$ 200.00 to help get this worthwhile program off the ground.

I have enclosed a Memorandum to the Council to provide some basic information about PARENT AID. If allowed, I would like to attend the Council meeting and give a short presentation about this program. I would expect the presentation to take about ten minutes. I would then answer any questions from the Council.

As we discussed today, I will plan to attend the Council meeting of 5-13-96. Please ask your staff to mail a copy of the agenda to me, when it is prepared.

Please call me anytime with questions.

Lt. Mark Metcalf  
Curry County Sheriff's Department  
P.O. Box 681  
Gold Beach, Or. 97444

(541) 247-7011

VI.1



CURRY COUNTY SHERIFF'S OFFICE  
MEMORANDUM

DATE: 4-23-96  
TO: Brookings City Council  
FROM: Lieutenant Metcalf  
RE: Request for financial support of "PARENT AID"  
Agenda Date: 5-13-96

PARENT AID:

Community cooperation to help parents with their children through confidential, reliable drug testing.

We in public safety realize that drug abuse is a widespread problem. The first step in solving the problem begins in the home.

We want to help parents help themselves in dealing with the problem in the early stages of abuse. Parents/legal guardians, perhaps coupled with counseling, can make a difference.

How will donated dollars be used?

PARENT AID is administered by the Curry Community Corrections department. The funds donated will be used for materials and services for the program. No donated dollars will be used for personnel or administration costs.

How will the program work?

A concerned parent/legal guardian will have access to PARENT AID "kits" from a number of sources, including:

- Local School nurse/counselor or administration.
- Curry Community Corrections Offices.
- Local Law Enforcement Offices
- Curry County Human Services
- Curry County Public Health Offices

The parent will supervise the collection of a urine sample and follow the directions contained within the kit.

Deliver the specimen as directed and when analysis is complete, the results will be shared, by telephone, only with the parent that submitted the specimen.



If the results are positive, the parent has community resources available to them for therapy and counseling.

How can I be sure the results are confidential?

Analysis results will not be used for any enforcement or litigation purposes. The specimen is DISCARDED after testing.

The PARENT AID "kit" contains a form which must be filled out by the submitting parent. This form does not ask for the name of the child, or even the last name of the parent. Specimens will be received with the parents first name and a return phone number for the test results.

No law enforcement agency will have access to test results or parent information. The lab results will go directly to the Community Corrections Department. The Director of Community Corrections will make the test results known to the parent.

How is PARENT AID funded?

PARENT AID is funded entirely by donated dollars. There are no County or local government dollars being spent on this project. This is a community cooperative venture.

It is our belief in public safety, that we can make a difference, with programs that target substance abuse at an early stage.





April 17, 1996

Mr. David Pettegrew  
924 7th Street  
Brookings OR 97415

Dear Mr. Pettegrew:

Accompanied by Leo Lightle, I met with you regarding your concerns about the surface water that crosses your property. Previously, Mr. Lightle met with you twice: once alone, and once with Richard Nored, our consulting engineer. You have raised several issues which I will address:

Issue: Land uphill drains across your property.

Mr. Nored's response and my response is that your property is in a natural drainage way.

Issue: City plugged a hole in the sanitary sewer manhole which then diverted surface water onto your property.

Mr. Nored and Mr. Lightle pulled the lid on the sewer manhole and there was no evidence of any pipe other than sewer pipes entering the manhole. They pointed out to you that the manhole surface was smooth and had no opening or patched opening which would have allowed surface water to enter the manhole.

Issue: The large pipe which deposits surface water on the north end of your property is a new installation.

Mr. Nored pointed out to you that from the rusted condition of the pipe and catch basin and the appearance of the concrete that the pipe was not a new installation. Mr. Lightle can personally verify that this pipe was installed before 1984.

Issue: The surface water crossing your property is causing or will cause erosion.

Property owners have a responsibility to maintain their own drainage ways. You bought your property less than a year ago, long after the natural drainage way was established across your property. Your maintenance of this drainage way must be in accordance with all applicable codes, laws and ordinances.

Issue: You object to the requirement of engineering by an Oregon Registered Professional Engineer.

If you want to install piping, changing or altering the natural drainage, engineering is required by City Ordinance 429.1. The drainage way crossing your property is a natural drainage way.

Mr. Lightle tried to accommodate your request to not be required to do the engineering as there appeared to be a long history of water being handled by an existing pipe. Richard Nored, P.E.,



Letter to David Pettegrew re: Surface Water  
April 19, 1996  
Page 2

Consulting Engineer would allow you to put in a drainage pipe of a certain size in this area, the limitation being that you discharge water into the same area in which it now leaves your property. If this is your choice you need to work with Mr. Lightle to obtain the required permit. If you want to pursue another route, you need to submit engineered plans and have those plans approved as required by Ordinance No. 429.

Issue: The area being a wetland in which you wish to work.

Mr. Nored, as an engineer working around the State of Oregon, has practical experience with wetlands, and from your description and our observation, the area looks like a wetland. It is your responsibility to determine if this is a wetlands situation and if so to comply with all applicable state or federal rules and laws.

Issue: Holes going underground and water surfacing in a multitude of areas.

The description by you of the holes and drainage course is consistent with some drainage ways and wetland areas.

Issue: What's the solution?

1. Form a local improvement district to get street and storm drainage facilities built.
2. Install a drainage pipe in the area the water drains to now.
3. Install a drainage pipe across your property to the creek, thereby altering the natural drainage way.

If you choose any of these solutions you will need to work with the City's Community Development Department, so before any work begins please contact Leo Lightle (469-2163 Ext. 236).

Sincerely,



Tom Weldon  
City Manager

CC: Leo Lightle, Community Development Director  
Richard Nored, City Engineer  
Mayor and City Council  
City Attorney



R E B U T T A L  
T O  
T O M ' S   L E T T E R

1. Didn't spell my name right.

Issue #1: I will concede that at one time, it could have been a natural drain which would cover the whole Valley. Mr. Nored says it has been here for a thousand years. There was no cemetery roads, sewer/water systems, and the water was distributed over a large area. This water is piped, diverted and forced into my property.

Issue #2: Yes. Leo pulled the lid off the manhole for about five seconds. I contend that the water ran into the culvert 3' X ?. Possibly 12'-15". A 1' or 15" pipe at the bottom transferred it to the main sewer. NOT as they are trying to push near the surface.

Issue #3: Tom states that the pipe that deposits water on the North end of my property "is a new" installation. The next statement says, "Mr. Nored says due to the rusted condition of the pipe it is NOT a new installation. Leo personally can verify this pipe was installed before 1984. Leo started work here in 1984 (Engineer Technician).

This 3' X approximately 15' Dp. pipe has two white 6" or 8" pipes draining into it from the direction of a house on the property. Besides a 4" black' a 4" green and the City's 1" pipe from the street. It smells like raw sewage rebar across the 1' pipe at the bottom pointing to my property.

Issue #4: Surface water across my property is causing erosion as seen in the pictures. If we, the public, must abide by all the applicable codes/ordinances, doesn't the City have the same obligation when doing any work?

Issue #5: I asked, "Why must I have it engineered?" Then Richard Nored was brought in. I don't think for a minute that the drainage is natural since it was channelled piped, diverted from the whole area into my back yard. There is no long history of water being handled by existing pipe. My neighbor said he installed the 18" pipe then filled in the valley to level his lot off. Richard said a 20" pipe across my property would have to be engineered, BUT, I could put a 30" pipe North and South to my neighbor's and dump it in there. Isn't that against all State and local ordinances? Besides, it would end up underground. What permits are needed? No one mentioned this before. My neighbor has a catch basin and a pipe to channel the water into the main creek.

Issue #6: Wetlands--why is my responsibility to determine if it is wetlands or not? Doesn't the City know that no one ever looked at the property solutions?

1. Local improvement district--how much?  
(Social Security) for storm drains, etc.?  
I am the only one being flooded who cares.



2. I am going to install a drainage pipe over to the creek.

All of a sudden in four months, I have gone from "It's all on private property--the City can't do anything to engineering permits, etc.. FOR WHAT??

Next step: Lawyer/DEQ.

*David Pettigrew:*  
924 7TH ST. BROOKLINE  
469-9514.



January 25TH: Requested someone from Planning to check the flooding on my property.

January 26TH: Two workmen arrived, looked at the road, looked down the hill to the bottom of my property where an 18" pipe was spewing water out (which they could not see) and told me, "Sorry, the City can't do anything about it, it is on private property."

January 27TH: Mr. Armstrong called to see if anyone came out--affirmative. But no action. He says, "There probably won't be."

January 29TH: Called Leo out. Will call back. No Call.

January 31: Called Leo. Agreed to come out to my house.

February 2: Friday, secretary called, Leo sick. Will call.

February 5, 6, 7, 8, 9 and 12: Nothing.

February 13TH: No answer.

February 14TH: Got recording, "This is February 9th, Leo is out of the office. Leave message he will call later." 3:40 p.m., Leo called--still sick.

February 16TH: 9:16, Met Leo. Looked at the ditch, but when I asked about the 3' X ? cemented pipe--(Quote) "If you think I'm going to talk about that you're crazy." I explained to Leo about wanting to add a catch basin with a 20" pipe taking the water East on my property to the main creek, he said, "It looks o.k., you seem to know what you have to do." Then I asked why did I have to have it "ENGINEERED". He says, "So you won't flood someone else's property."

March 19TH: Leo/Richard came up. Richard insisted the reason for engineering and layout was so I would not flood other people's property. My property is flooded by the City. No one addressed this problem. The water, after it crosses North to South on my property goes into a catch basin at the South property line, then piped into the main ditch. 15" pipe. Richard said, "I could put a 30" pipe South to my neighbors without engineering." Later changed to say, "as long as I dumped it into my neighbors yard in the same spot as now." My 30" pipe would be underground and end up below the neighbors ground level. Where does the water go?

April 3: Tom/Leo arrive 9:00 a.m.. Looked at the 18" pipe which they could not see because of heavy bushes/undergrowth. I told Tom I would drive them up to the cemetery/Meadow Lane area to show them the problem, but Tom said it was not necessary. I also stated that there could be a problem with the new 21 unit subdivision on the Culde-de-Sac of Meadow Lane. I was told by Leo, never mind, it is o.k., Richard engineered it. After a few minutes, Tom said he would give me an answer within a week and we shook hands on it. Then he



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added, "You won't like it." He also stated he didn't think much water came down our street. Also, Richard had stated it was relatively clean water. Flow on April 20, 21, and 22 was two gallons every three seconds, which is 40 gallons a minute or 2,400 gallons an hour. There are ditches that have been sprayed, if anyone washes their car, truck boat, driveway, etc.. It all comes into my property.

April 15: Monday--no word from Tom.

April 16: Vegetation dying in ditches at cemetery--evidence of spray.

April 17: Called Tom--at meeting. Will call back.

April 18: No call back.

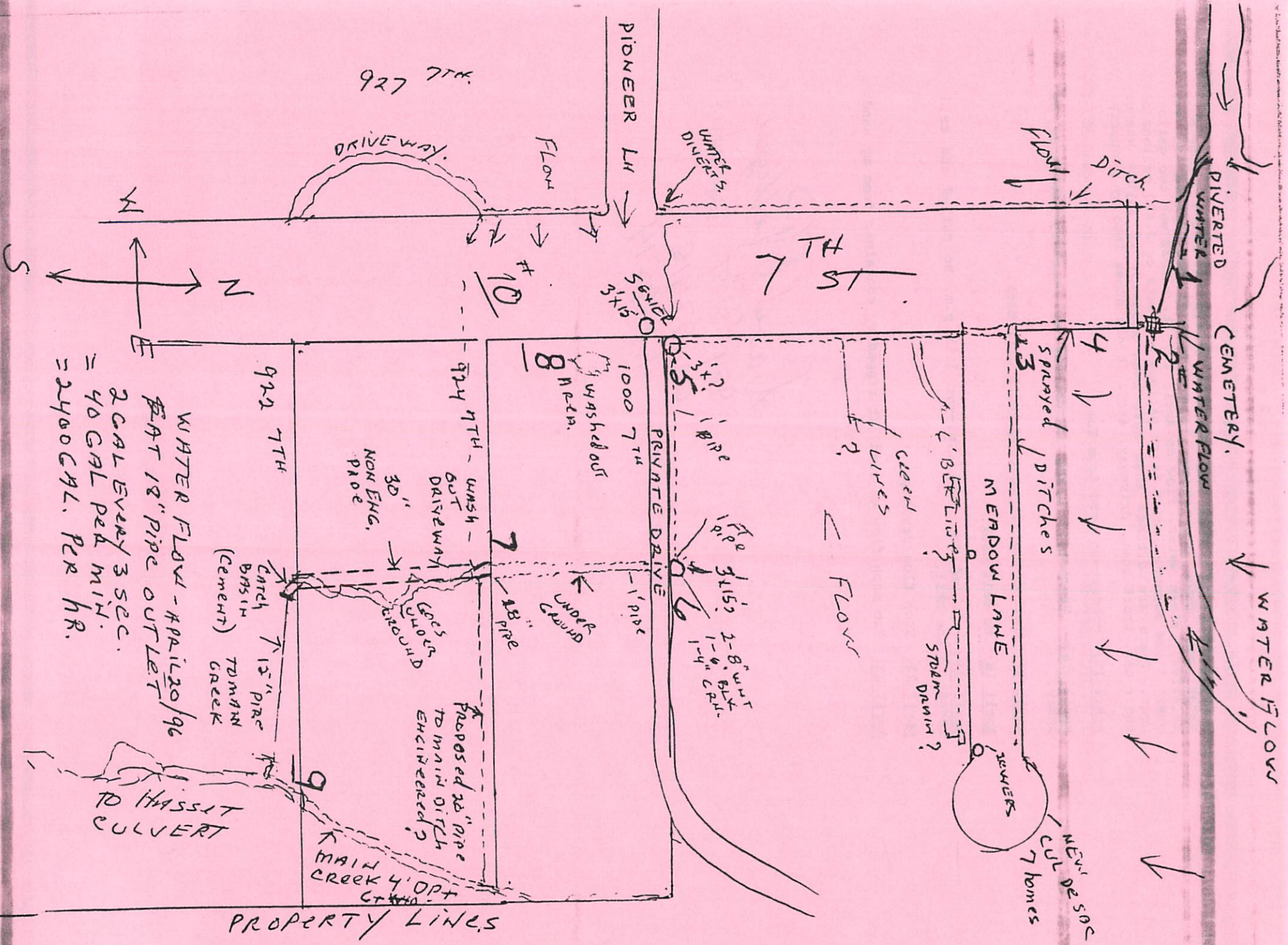
April 19: Called Tom 3:00 p.m.--at 3:15 p.m. he called and said letter in the mail.

April 22: Took flow readings.

April 23: Too much flow to read. It ripped my container from my hand.

David D. Pellegri  
924 7<sup>TH</sup> ST. BROOKIN  
OR. 97415  
469-9514





WATER FLOW - APRIL 20/96  
 AT 18" PIPE OUTLET  
 2 GAL EVERY 3 SEC.  
 = 40 GAL PER MIN.  
 = 2400 GAL. PER HR.



# Memorandum

**TO:** Mayor, City Council  
**FROM:** Leo Lightle, Community Development Director  
**THROUGH:** Tom Weldon, City Manager  
**DATE:** May 8, 1996



Issue: Does the City have a responsibility to solve long standing drainage problems on private property?

Recommendation: Staff recommends that the City Council take no action on this item other than if it deems appropriate to acknowledge that staff acted appropriately.

Rationale: Mr. Pettigrew bought property that had existing significant surface water drainage on the property. The City, if it were to eliminate the drainage water would be setting a bad precedent. We would be using City funds to benefit an individual by increasing the value of his property, encouraging others to have the City take care of private drainage problems, or other similar problems.

Background:

- \* Mr. Pettigrew bought his property in the last year which has surface water crossing his property. Mr. Pettigrew admitted to me that when he bought the property he did not know the drainage was on his property. He explained that there was foliage on the brush so he did not see the drainage pipe. Mr. Pettigrew now would like the City to remove the drainage from his property.
- \* City staff has met with Mr. Pettigrew three times to review his storm drainage issue. Tom Weldon sent a letter of response to



**Memo to Mayor, City Council**

**RE: Response to Mr. Pettigrew's letter**

**May 7, 1996 Page 2**

Mr. Pettigrew and Mr. Pettigrew sent a letter of rebuttal. The City Council has received the letter sent to Mr. Pettigrew therefore I will begin with Mr. Pettigrew's letter of rebuttal, and log of events (both attached).

- \* Mr. Pettigrew's rebuttal is difficult to follow. There seems to be statements and inconsistencies that don't logically make sense. I did not see a pipe that was 3' by 15', or a 1" City surface water pipe. I don't know what is meant by: "smells like raw sewage rebar" or "Doesn't the City know that no one ever looked at the property solutions?"

Following is my response to the issues Mr. Pettigrew raises:

**Issue #1 Water Diverted**

- \* The storm water appears to be in its natural drainage way. At some time in the past someone put in a drainage pipe in the natural drainage. There is no evidence of water being diverted or forced into anyone's property.

**Issue #2**

- \* Mr. Pettigrew stated that I pulled the lid off the manhole for about five seconds. This statement is false. Mr. Nored visually inspected the interior of the manhole, I visually inspected the interior of the manhole and Mr. Pettigrew looked into the manhole. No one was hurrying up the inspection of the manhole. I have confirmed my recollection with Mr. Nored.



- \* The North Brookings Sanitary District as-builts show the manhole being built in 1979. This construction was going on at the same time that the City of Brookings was finishing its program of separating storm water and sewer water. The State of Oregon would not have allowed construction which would have combined storm water and sewer water. Therefore, it is not sensible or reasonable to conclude that a new manhole was built to channel storm water into the sewers system!

- \* Topography for the North Brookings Sanitary District shows that in 1979 a gully existed across Mr. Pettigrew's property and his neighbor to the north, Mr. Don Backman's property. Gullies are generally formed over many years. I contacted Mr. Backman as he was referenced by Mr. Pettigrew in Issue #5 and he said the pipe was in place in 1979 when he bought his place, and since buying the place he added one section of pipe at the end.

### Issue #3

- \* The issue was raised by Mr. Pettigrew that the pipe installation was a new installation. In his letter, Tom was listing Mr. Pettigrew's issues, one of which was that according to Mr. Pettigrew this pipe was a new installation. Tom was merely restating Mr. Pettigrew's comments about the pipe being a new installation. It was not Tom's conclusion.

- \* While the issue was also raised that I have only worked for the City since 1984, I have lived in the area since 1968 and had a



friend who I visited on Pioneer Lane in 1969 throughout the 70s. I also worked in the area of Pioneer Lane in the early 70s while employed by Brookings Utilities, the privately owned water utility prior to the City owning the water utility. Therefore there is no discrepancy to my statement that the pipe was there prior to 1984 when I went to work for the City of Brookings. Mr. Backman confirmed that the original pipe was installed prior to 1979.

- \* We did not at any time smell raw sewage on any of the three trips made to the site of the surface water drainage.

#### Issue #4

- \* There has been no evidence that the city did any work that is in violation of any codes or ordinances.

#### Issue #5

- \* Mr. Pettigrew leaves out major conversations, responses and picks small segments of conversation that are out of context. Examples:

- I explained the need for engineering and that it is required by City ordinance. I did not have Mr. Nored meet with Mr. Pettigrew and myself due to being asked "why do I need an engineer."
- Mr. Pettigrew was made aware that for quite some time the water crossed his property and there is no evidence of water being diverted.
- Mr. Backman connected one section of pipe to an existing piping system. He did not install all the existing piping;



the original piping was in place prior to his buying the property in 1979. The conditions suggest a long history of water being in this water course. Mr. Pettigrew's statement would lead one to believe that Mr. Backman installed all the piping which ends at the north end of Mr. Pettigrew's property instead of one section.

- Mr. Pettigrew told Richard Nored and myself that the water left his property at one point on his neighbor's property, and was told that he could install a pipe from the existing pipe to that point. Mr. Nored's comments reflect those comments.
- The City staff is being criticized by the party who would benefit from expediting the process of getting approval for putting a pipe in a natural drainage. Mr. Pettigrew's letter asking if the proposed non-engineered pipe installation isn't against state law could be an acknowledgment that the water in fact would not be discharged into the same drainage as he earlier stated. State codes refer to diversion of water, not engineering requirements. Therefore it appears Mr. Pettigrew is now acknowledging that there is not one point of discharge as he led Mr. Nored and myself to believe. Plainly stated if you extend an existing pipe that has handled the flows for years to the same place of discharge, you do not need to engineer the extension. There seemed to be a case of re-evaluating the need for engineering due to very little land uphill from this property would drain across this property. If there was a long history of water being handled by the piping and was to be discharged in the same place that it currently



7  
Memo to Mayor, City Council

RE: Response to Mr. Pettigrew's letter

May 7, 1996 Page 6

discharges, it would not have to be engineered. It appears now that we are being told by Mr. Pettigrew that this is a new installation and there is not one discharge point.

**Issue #6 Wetland**

\* Why does the property owner have the responsibility to determine if he owns wetland or not? The property owner is the logical one to have the issue of wetlands addressed. It is his project, the City does not determine wetlands. Wetland issues are covered by state law and DEW is the principal agency not local governments.

\* I haven't addressed each item in his daily log of events as sometimes it inaccurately portrays the chain of events or they are presented out of context.

During my earliest phone conversation I told Mr. Pettigrew that the storm drainage needed to be engineered. Mr. Pettigrew gave me the history that the existing pipe was handling the flows and he just wanted to extend the pipe. I said I'd look at it and if there was strong evidence then engineering was not required, I would have our consulting engineer look at the project, but he was not scheduled to be down until the Pioneer Water Line Project was to begin, which might be March. I could not do anything without our consulting engineer looking at the drainage if he could wait that long, if not it needed to be engineered.



\* The item of my being sick thereby indicating unresponsiveness:

I was ill the day that I was to meet with Mr. Pettigrew. I called my secretary who called Mr. Pettigrew and Mr. Pettigrew understood as he had been sick for some time and did not seem overly concerned that I would not be able to meet with him right away. I was ill the next week and a half. I called Mr. Pettigrew while still at home, again Mr. Pettigrew seemed to understand and realized, again due to the illness he also had, that it might take time to get back to the office and catch up with the backlog of items that would be on my desk. Mr. Pettigrew said he had no problem with waiting until I was back into the office and caught up with pressing issues, then I could get together with Mr. Pettigrew. I feel due to the fact that I called from home once to have my secretary call, and called from home myself and spoke with Mr. Pettigrew and that earlier I had informed Mr. Pettigrew that Mr. Nored was not scheduled in Brookings till March, that we were responsive. People do get sick.

Item 2 as an example: Mr. Pettigrew quoted me as saying after asking about a 3 X ? cemented pipe, "If you think I'm going to talk about that you're crazy," is incorrect. We discussed the cemented pipe twice and I twice said there is no sign of recent diversion and I don't agree with what you are saying. When Mr. Pettigrew brought the same issue up a third time during the same meeting, I said "I'm not going to discuss the issue any more." It was obvious that Mr. Pettigrew was willing to repeat the same comment repeatedly and louder each time. Repeating the same incorrect verbage louder each time doesn't change the fact the



**Memo to Mayor, City Council**

**RE: Response to Mr. Pettigrew's letter**

**May 7, 1996 Page 8**

statement is not correct. I believe Mr. Pettigrew, by not only misquoting me but by not mentioning that we discussed the issue twice before, misleads the reader.

**Mr. Pettigrew's Options/Alternatives:**

- 1.) Form a local improvement district to get street and storm drainage facilities built.
- 2.) Install drainage pipe in the area the water drains to now.
- 3.) Install an engineered drainage pipe across his property to the creek, thereby altering the natural drainage way.



# Memorandum

**TO:** Mayor, City Council  
**FROM:** John Bischoff, Planning Director  
**THROUGH:** Tom Weldon, City Manager  
**DATE:** April 29, 1996



**Issue:** Transportation Growth Management (TGM).

**Synopsis:** The city has been awarded a \$40,000 grant to undertake a study of the in-fill potential of the urbanized area within and around Brookings and Harbor.

**Recommendation:** Staff is recommending that the Council approve the intergovernmental agreement.

**Rationale:** The proposed study will help the city and county make more efficient use of the land within the area and particularly help the city in the process of redevelopment of the old commercial area.

**Background:** The city has been awarded a grant of approximately \$40,000 by the Oregon Transportation Growth Management Program which is a joint program of the Department of Transportation and Department of Land Conservation and Development. The grant will be used to hire a consultant to undertake a study of the urbanized area around Brookings and Harbor to determine the ability of the lands within the study area to accommodate future development, create policies and strategy to encourage in-fill and sequential development and to create a transportation efficient land use pattern that is less dependent on Highway 101 and promotes walking and bicycling.

The study will examine infrastructure needs, existing land use ordinances and zoning maps to determine if improvements are needed to facilitate and enhance the recommendations that come from the study. The study will be a joint effort of the city county and the TGM program. The project will consist of a Citizens Advisory Committee (to be established) and a staff management team consisting of two city staff, two county staff and a TGM representative. The city will be the grant administrator.

The state sent out a RFP to a number of consulting firms for all of the studies that are being started in the state. The city received eight responses which staff has reviewed and reduced to three to be interviewed. The expected



interview date will be May 13, 1996. The city must accept and sign the attached intergovernmental agreement prior to hiring the consultant. The county must also sign an agreement. Also attached is a copy of the grant work program for your review.

**Options/Alternatives:** The following options or alternatives were considered and rejected as not being in the city's best interest:

Not participating in the grant.



## INTERGOVERNMENTAL AGREEMENT

*City of Brookings and Curry County, Brookings/Harbor Urban Growth Management*

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT"; and City of Brookings and Curry County, hereinafter referred to as "Grantee".

### RECITALS

1. The Transportation and Growth Management Program, hereinafter referred to as the "TGM Program", is a joint program of ODOT and the Oregon Department of Land Conservation and Development.
2. The TGM Program includes a program of grants for local governments for planning projects. The objectives of these projects are to better integrate transportation and land use planning and develop new ways to manage growth to achieve compact pedestrian, bicycle, and transit friendly urban development.
3. The Transportation and Growth Management Program is financed with federal Intermodal Surface Transportation Efficiency Act (ISTEA), Oregon Lottery, and local government funds. Lottery funds are used as match for ISTEA funds.
4. Per ORS 190.110 and 283.110, state agencies may enter into agreements with units of local government or other state agencies to perform any functions and activities that either party to the agreement, its officers, or agents have the authority to perform. Grantee is legally able to enter into this agreement.
5. Funding Assignments/Definitions:
  - a. The **grant amount** is the sum of the **grantee amount** and the **personal services contract amount**. The grant amount is limited to \$40,000.
  - b. The **grantee amount** is the maximum amount reimbursable to Grantee. It is limited to \$0 for the work described in Exhibit A, attached hereto and which by this reference is made a part hereof;
  - c. The **personal services contract amount** is the maximum amount payable by ODOT to a personal service contractor or contractors. It is limited to \$40,000 for the work described in Exhibit A. Contractor shall be under contract with ODOT;
  - d. **Grantee matching cost** is 10.27% of the total project cost described in Exhibit A. The required grantee matching cost is limited to \$4,578.
  - e. The **total project cost** is the sum of qualified costs, including **matching costs**, incurred by the Grantee for this project plus qualified costs incurred by any consultant(s) engaged by ODOT for this project.



- a. Provide ODOT's grant manager with the opportunity to participate in the personal services contractor selection.
  - b. Select personal services contractor(s) in accord with ODOT procedures, and advise ODOT of Grantee's recommendation;
  - c. Provide ODOT's grant manager with the opportunity to review and approve personal services contractor's work, billings and progress reports; and,
  - d. Provide a project manager to:
    - i. be the Grantee's principal contact person for the ODOT grant manager and the personal services contractor;
    - ii. monitor and coordinate the work of the personal services contractor;
    - iii. review billings and progress reports submitted by the contractor; and
    - iv. advise ODOT's grant manager regarding payments to the personal services contractor.
7. Grantee shall be responsible for nonqualifying costs associated with the work described in Exhibit A and any costs above the grantee amount.
8. Grantee may copyright materials developed under this agreement. ODOT reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, the work for governmental purposes.
9. Grantee shall ensure that products produced under this grant include the following statement:

This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. TGM grants rely on federal Intermodal Surface Transportation Efficiency Act and Oregon Lottery funds.

The contents of this document do not necessarily reflect views or policies of the State of Oregon.

10. Grantee shall submit two copies of all final products produced in accord with this agreement to ODOT's grant manager, unless otherwise specified in Exhibit A. Grantee shall also submit to ODOT's grant manager all final products produced using generally available word processing or graphics programs for personal computers via e-mail or on IBM-compatible 3.5" computer diskettes. The Oregon Department of Land Conservation and Development may display appropriate products on its "home page".



3. ODOT certifies that funds are authorized for expenditure to finance costs of ODOT's portion of this agreement within appropriation or limitation of current biennial budget.
4. ODOT will provide Grantee the statements of proposals for the grantee's project that meet the minimum requirements of the *Request for Proposals: Transportation and Growth Management Grant Projects, January 1996*.
5. If ODOT engages a personal services contractor to perform work described in Exhibit A, it agrees to pay personal service contractor, up to the personal services contract amount.
6. ODOT will assign a grant manager for this agreement. The Grant Manager shall be ODOT's principal contact person regarding administration of this agreement.
7. If ODOT engages a personal service contractor to complete work shown in Exhibit A, the Grant Manager shall:
  - a. At his/her discretion, participate in selection of a personal services contractor, monitor personal services contractor's work, and review and correct personal services contractor billings and progress reports;
  - b. Prepare a contract and supporting exhibits on forms provided by ODOT.

#### GENERAL PROVISIONS

1. Minor adjustments may be made to the work program specified in Exhibit A with the written consent of ODOT's grant manager. A minor adjustment is one that does not materially alter the objectives or products of the grant project. Budget modifications and major adjustments in the work program must be processed as an amendment to the agreement.
2. This agreement may be terminated by mutual consent of both parties, or by either party upon 30 days' notice, in writing and delivered by certified mail or in person. ODOT may terminate this agreement effective upon delivery of written notice to Grantee, or at such later date as may be established by ODOT under, but not limited to, any of the following conditions:
  - a. Failing to complete work tasks in Exhibit A within the time specified in this agreement, including extensions;
  - b. Failing to perform any of the provisions of this agreement;
  - c. Failing to correct stated above failures within 10 days of receipt of written notice, or date specified by ODOT in written notice, if granted an extension of time to perform adequately according to ODOT's desires.



## **PROJECT SUMMARY BROOKINGS/HARBOR URBAN GROWTH MANAGEMENT**

The project consists of three integrated components: preparation of plans and regulations; coordination of the planning process and plan products with past, existing and ongoing planning efforts; and participation of technical and citizen actors throughout the process.

- I. **PLANS AND REGULATIONS:** Prepare and adopt plan amendments and city and county regulations for the Brookings/Harbor study area, to include the following:
  - A. future land use plan map and policies, with an emphasis on infill and redevelopment, and implementing regulations.
  - B. public facilities and investment plans necessary to support the future land use plan at adequate levels of service, and implementing regulations.
- II. **COORDINATION:** Coordinate preparation of the Brookings/Harbor strategy with past, existing and ongoing efforts:
  - A. the UGB-wide planning effort for the area within the Brookings/Harbor urban growth boundary
  - B. periodic review
  - C. corridor planning by ODOT
  - D. the city's transportation system plan

A key challenge of this project will be to coordinate this work program with the planning effort for the entire Brookings/Harbor urban growth boundary. The "study area" described in this work program (generally) includes only the urbanized areas of the UGB. The city and county will simultaneously be planning for the entire UGB, facilitated by additional funds above those provided for this work.

- III. **PARTICIPATION:** Involve all actors in the process through participation and review processes:
  - A. technical advisory committee (TAC) to include City of Brookings, Curry County, Harbor Water District, Harbor Sewer District, and others as appropriate
  - B. citizen advisory committee (CAC)
  - C. planning commissioners and elected officials of the city and county
  - D. ODOT, DLCD, TGM representatives as appropriate



information.

Schedule: June 30, 1996.

- b) Identify proposed land uses (preliminary) for each site in the study area, based on a list of criteria for each type of land use or from applicable comprehensive plan policies. The list of criteria will be developed by the community based upon the city and county comprehensive plans and ordinances.

Labor: City: 6 hours; County: 6 hours; Consultant: 30 hours.

Product: List of criteria for each type of land use (city/county); preliminary draft of future land use plan for the study area (consultant).

Schedule: July 30, 1996.

- c) Calculate, on a site-by-site basis, the quantity of land use (number of single-family units, multi-family units, square footage of commercial and industrial uses, etc.) that can be accommodated on the vacant, underdeveloped and redevelopable sites. (i.e., determine "buildout" capacity).

Labor: City: 6 hours; County: 6 hours; Consultant: 10 hours.

Product: Memorandum summarizing buildout capacity of the study area (Consultant).

Schedule: July 30, 1996.

- d) Determine, based on the quantification of development capability in the study area (item 2.c. above), the percentage of total 2015 projected future land uses by type of use that can be accommodated in the study area. (i.e., allocate existing land use projections to study area that equals its buildout capacity). *Note: the projected land uses not accommodated in the study area plan will be the "residual" that is planned for outside the study area but inside the UGB, as part of the UGB-wide planning effort.*

Labor: City: 6 hours; County: 6 hours; Consultant: 6 hours.

Products: Memorandum recommending percentage allocations to study area and remainder of the UGB (consultant); letters of approval (city and county).

Schedule: August 15, 1996. -



4. Prepare zoning map and regulations, for both the city and the county, to implement the land use plan, including the following:

a) regulatory provisions to encourage infill development, such as "flag lots," reduced lot widths, etc., as may be considered appropriate by the city and county.

b) the city and county, with input from the consultant, will identify areas where minimum density zoning may be appropriate and the consultant will prepare land use regulations to be included if the minimum density zoning concept is considered feasible by the city and county.

c) hillside development standards, based on the existing city ordinance and expanded if necessary. The city and county will work to bring consistency between their hillside development standards.

d) zoning map. *Note: although this work program requires a zoning map for the study area only, the zoning map will be prepared for the entire UGB, in conjunction with other funding and work tasks.*

*Note: also see item B.2. below for regulations addressing public facilities requirements.*

Labor: City: 20 hours; County: 20 hours; Consultant: 100 hours.

Product: Amendments to land use regulations for both the city and county, in adoption-ready format, including regulations promoting infill, minimum density requirements and hillside development standards; zoning map in reproducible format.

Schedule: January 30, 1997.

#### B. ADEQUATE PUBLIC FACILITIES AND FOCUSED PUBLIC INVESTMENT PLAN.

##### Objectives:

- Assure that facilities are in place to support the planned residential and non-residential land uses called for in the future land use plan.
- Identify the short-term facilities needed to serve areas within the UGB targeted for development in the short-term.



focused public investment plan/capital improvement program) will be provided by development at the time the impacts of development occur.

a) review standards in existing city and county codes for "concurrency" requirements.

Labor: City: 2 hours; County: 2 hours; Consultant: 6 hours.  
Product: Memorandum identifying existing "concurrency" provisions and recommendations for both the city and county.  
Schedule: March 30, 1997.

b) prepare adequate public facilities ordinance or amendments to existing land use regulations that specify appropriate facility improvements by developers at the time of development impact. *Note: a "model" adequate public facilities ordinance is available from the Transportation and Growth Management (TGM) Program.*

Labor: City: 6 hours; County: 6 hours; Consultant: 64 hours.  
Product: Adequate public facilities ordinances or amendments to land use regulations for both the city and county, in adoption-ready format.  
Schedule: March 30, 1997.

## II. COORDINATION

### Objectives:

- Ensure that the project is carried out concurrent with the city's periodic review process and work program.
- Ensure consistency with this project (the study area) and the areawide UGB planning effort.
- Review for, and ensure, consistency of the proposed land use and investment plans with the city's existing transportation system plan.
- Review for, and ensure, consistency of the proposed land use and investment plans with ODOT corridor planning efforts for Highway 101.

### Task:

1. Review past and existing planning efforts to ensure coordination and consistency, throughout the planning process.



**Products:** Minutes of public workshops (city/county).  
**Schedule:** To be determined.

4. "Brief" the members of the city and county planning commissions and the city council and county board at least once during the planning process.

**Labor:** City: 2 hours; County: 2 hours.  
**Products:** Agenda of meeting and/or minutes of the meeting (city/county).  
**Schedule:** To be determined.

5. Hold public hearings before the city and county planning commissions.

**Labor:** City: 4 hours; County: 4 hours; Consultant: 8 hours.  
**Products:** Minutes of public hearings (city/county).  
**Schedule:** To be determined.

6. Hold public hearings before the city council and county board.

**Labor:** City: 4 hours; County: 4 hours; Consultant: 8 hours.  
**Products:** Minutes of public hearings (city/county).  
**Schedule:** To be determined.

February 7, 1996  
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**EXHIBIT B (Local Agency or State Agency)**  
**CONTRACTOR CERTIFICATION**

Contractor certifies by signing this contract that Contractor has not

- (a) Employed or retained for a commission, percentage, brokerage, contingency fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this contract.

- (b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract, or

- (c) paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant), any fee, contribution, donation or consideration of any kind for or in connection with, procuring or carrying out the contract, except as here expressly stated (if any):

Contractor further acknowledges that this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

**AGENCY OFFICIAL CERTIFICATION (ODOT)**

Department official likewise certifies by signing this contract that Contractor or his/her representative has not been required directly or indirectly as an expression of implied condition in connection with obtaining or carrying out this contract to:

- (a) Employ, retain or agree to employ or retain, any firm or person or  
(b) pay or agree to pay, to any firm, person or organization, any fee, contribution, donation or consideration of any kind except as here expressly stated (if any):

Department official further acknowledges this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

**EXHIBIT C**

**Federal Provisions  
Oregon Department of Transportation**

**1. CERTIFICATION OF NONINVOLVEMENT IN ANY DEBARMENT AND SUSPENSION**

Contractor certifies by signing this contract that to the best of its knowledge and belief, it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;

2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or



unless authorized by the Department or agency entering into this transaction.

7. The Contractor further agrees by submitting this proposal that it will include the Addendum to Form FHWA-1273 titled, "Appendix B—Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions", provided by the Department entering into this covered transaction without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List published by the U. S. General Services Administration.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Department may terminate this transaction for cause or default.

### III. ADDENDUM TO FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS

This certification applies to subcontractors, material suppliers, vendors, and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

#### Appendix B—Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions

##### Instructions for Certification

1. By signing and submitting this contract, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this contract is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.



at any time during the period of this contract, in the employ of Department, except regularly retired employees, without written consent of the public employer of such person.

3. Contractor agrees to perform consulting services with that standard of care, skill and diligence normally provided by a professional in the performance of such consulting services on work similar to that hereunder. Department shall be entitled to rely on the accuracy, competence, and completeness of Contractor's services.

## V. NONDISCRIMINATION

During the performance of this contract, Contractor, for himself, his assignees and successors in interest, hereinafter referred to as Contractor, agrees as follows:

1. Compliance with Regulations. Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and Section 162(a) of the Federal-Aid Highway Act of 1973 and the Civil Rights Restoration Act of 1987. Contractor shall comply with the regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this contract. Contractor, with regard to the work performed after award and prior to completion of the contract work, shall not discriminate on grounds of race, creed, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contract covers a program set forth in Appendix B of the Regulations.
2. Solicitation for Subcontractors, including Procurement of Materials and Equipment. In all solicitations, either by competitive

bidding or negotiations made by Contractor for work to be performed under a subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be notified by Contractor of Contractor's obligations under this contract and regulations relative to nondiscrimination on the grounds of race, creed, color, sex or national origin.

3. Nondiscrimination in Employment (Title VII of the 1964 Civil Rights Act). During the performance of this contract, Contractor agrees as follows:

- a. Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.
  - b. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.
4. Information and Reports. Contractor will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to his books, records, accounts, other sources of information, and his facilities as may be determined by



**DBE Definition.** Only firms certified by the State of Oregon, Department of Consumer & Business Services, Office of Minority, Women & Emerging Small Business, may be utilized to satisfy this obligation.

#### CONTRACTOR'S DBE CONTRACT GOAL

DBE GOAL 0 %

By signing this contract, Contractor assures that good faith efforts have been made to meet the goal for the DBE participation specified in the Request for Proposal/Qualification for this project as required by ORS 200.045.

#### VII. LOBBYING

The Contractor certifies, by signing this agreement to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor also agrees by signing this agreement that he or she shall require that the language of this certification be included in all lower tier subagreements, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.



# Memorandum

**TO:** Mayor, City Council

**FROM:** Tom Weldon, City Manager

*Tom*



**DATE:** May 8, 1996

Issue: HARBOR SANITARY DISTRICT SEWAGE TREATMENT PLANT  
CONSTRUCTION POLICY

Synopsis: Attached is the Policy Statement adopted by Harbor Sanitary  
District on April 18, 1996 concerning their sewage treatment plant  
construction policy.

Recommendation: That the City Council authorize staff to set up meetings with  
Harbor Sanitary District to discuss their sewage treatment plant  
construction policy statement.

**VIII.B.1**



**HARBOR SANITARY DISTRICT  
CURRY COUNTY, OREGON**

**received**  
4/18/86

**SEWAGE TREATMENT PLANT CONSTRUCTION POLICY**

**WHEREAS**, the Harbor Sanitary District, Curry County, Oregon, ("District", herein), is a Sanitary District formed and operating pursuant to ORS 450.005 to 450.245 and provides sewage collection service within its boundaries south of the Chetco River in Curry County, Oregon; and

**WHEREAS**, the District is the designated service provider for the Brookings-Harbor Urban Growth Boundary area south of the Chetco River; and

**WHEREAS**, the District entered into a memorandum of understanding with the City of Brookings ("City", herein) dated 06/26/89, wherein it was provided as follows:

"1. Subject to the City's sewage use and rate ordinances (No. 88-0-430 and 88-0-411), as may be amended, the City agrees to accept sewage presently collected by the District, and such additional sewage as necessary to meet population growth in the District's service area. The City reserves the right, in its sole discretion, to refuse to accept sewage from new connections within or without the City's boundaries that might cause the City's wastewater treatment plant to exceed its capacity or otherwise subject the City to regulatory enforcement activity. In determining whether to accept sewage from new connections, the City shall apply the same criteria or standards to all its customers, including the District, without discrimination".

"3. The District agrees to pay its share of the cost of capital improvements to the sewage treatment plant, transmission facilities and outfall system, and to pay user charges for its share of the operation, maintenance and replacement thereof, and such other related costs as the Oregon Department of Environmental Quality (DEQ) or U.S. Environmental Protection Agency (EPA) in the future may require to be recovered, in amounts approved by the City, and to pay system development charges established by City ordinance for replacements and improvements to the sewage treatment plant, transmission facilities and outfall system, but not to the City's sewage collection system. The parties agree to provide each other copies of monthly income and expenditure statements".

and,



**WHEREAS**, the City has proposed to upgrade the City of Brookings Waste Water Treatment Plant (WWTP) through improvements known as Phase 1 in 1991 (\$7.0 million, completed), Phase 2a proposed for 1992-93 (\$4.7 million, unfunded) and Phase 2b, proposed for 2002 (\$4.1 million, at 1992 costs); and

**WHEREAS**, the Brookings WWTP is at or near capacity which has a direct and adverse effect upon the ability of the area south of the Chetco River to meet service requirements of planned growth projections; and

**WHEREAS**, the construction and use of a new sewage treatment plant by the District would make an additional 1,600 to 1,800 EDU's available to the City without the need to make further immediate expenditures for the completion of Phase 2a and Phase 2b within the time now scheduled; and

**WHEREAS**, it is not economically feasible for the District to undertake the cost of plan preparation and construction of a new sewage treatment plant to serve the District in the area south of the Chetco River if the City will not assume the full cost of debt amortization, operation, maintenance, replacement and future capacity development for the Brookings WWTP upon the District's withdrawal from use of the Brookings WWTP following completion of the new sewage treatment plant;

**NOW , THEREFORE, BE IT RESOLVED** that the sewage treatment plant construction policy of the District be as follows:

1. **ON THE CONDITION THAT** the City and the District shall modify all prior agreements and memorandums of understanding to relieve the District from paying any portion of the remaining unpaid cost of capital improvements to the WWTP, transmission facilities and outfall systems, any further contributions to the cost of operation of the WWTP and outfall system, and the maintenance and replacement thereof, system development charges for the WWTP and outfall system, and the cost of maintaining any portion of the collection system within the City, when the District disconnects from the Cities collection and treatment system;

The District shall:

a. Develop a facilities plan at its expense for the construction and operation of a new treatment facility to serve the District and all areas within the District's area of responsibility; and

b. If financially feasible, thereafter seek to develop financing for the construction of such facility and proceed to construct the new facility for use to serve the area south of the Chetco River it is authorized to serve under the Curry County Comprehensive Plan.

2. **ON THE CONDITION THAT** the City refuses or fails within a reasonable time to modify all prior agreements and memorandums of understanding as set forth in



paragraph 1 above, the District shall seek the development of a regional entity that can serve both the City and the District and resolve the need for a cooperative development of sewage treatment and outfall facilities to serve the entire Brookings-Harbor area.

Dated: April 18, 1996.

Robert E. Krebs  
Chairman, Board of Directors  
Harbor Sanitary District



# minutes

**CITY OF BROOKINGS  
SPECIAL COMMON COUNCIL MEETING  
City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
April 15, 1996  
7:00 p.m.**

**I. CALL TO ORDER**

Mayor Davis called the meeting to order at 7:04 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**Council Present:** Mayor Tom Davis, Councilors Bob Hagbom, Dave Scott, Larry Curry, Ex-Officio Marci Wallace

**Staff Present:** City Manager Tom Weldon, Accounting Clerk Denise Wood

**Media Present:** Anita Rainey, Curry Coastal Pilot; Martin Kelly, KCRE

**IV. DISCUSSION OF AZALEA PARK IMPROVEMENTS**

- 1. Darrell Erb, Chairman of the Brookings-Harbor Softball League, gave a presentation on the progress of the softball fields project.**
- 2. There were no representatives present from the Kidtown Committee.**
- 3. Ann Gebhart gave an update on the American Music Festival activities.**



**4 & 5. The Azalea Park Foundation and Azalea Park Gardens representative, Elmo Williams, reported to the Council the current status of these projects.**

**Councilor Hagbom moved, Councilor Scott seconded and the Council voted unanimously to approve the Parks and Recreation Commission's recommendation to allow continuance of the Azalea Park Gardens - Phase II.**

**6. Keith Pepper and Lee Rogers of the Parks and Recreation Commission presented the status of the Azalea Park cleanup.**

**Councilor Curry moved, Councilor Scott seconded and the Council voted unanimously to allow pruning of azaleas in Azalea Park only according to the following specific guidelines designed to allow for their preservation in their wild state:**

- 1. Diseased branches;**
- 2. Dead branches;**
- 3. Branches necessary to allow adequate air flow.**

**V.**

**ADJOURNMENT**

**Councilor Hagbom moved, Councilor Scott seconded and the Council voted unanimously to adjourn the meeting at 8:23 p.m.**

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**Tom Davis  
Mayor**



Progress report:  
City Council  
Brookings, Oregon  
April 15, 1996

# *Azalea Park Foundation*



*Elmo Williams*  
*President*

*Lee Rogers*  
*Vice President*

*Olivia Abbott*  
*Treasurer*

*Jean Sheldon*  
*Secretary*



APRIL 15, 1996

## AZALEA PARK FOUNDATION:

To finalize Stage One of the plan submitted to the Parks and Recreation Commission and to the City Council, we must complete four major items:

1. Complete the sidewalks between Parking Lot #1 and the Gazebo.
2. Prepare the area for a new lawn.
3. Install a watering system, part drip and part sprinklers.
4. Lay 8,800 square feet of sod.

### Dates and detail: Sidewalks

April 3: Tear out old walk between the present Main Entrance and the Gazebo. Load the broken asphalt and truck to the City Dump. Also eliminate the short asphalt walk to the old fountain. This will not be replaced. Phil Cox will be in charge.

Note: We need to rent or promote the use of a high speed diamond-tipped saw for an hour in order to cut a clean line along the Main Entrance to separate the present walk from the road.

April 4: Utilizing power equipment, scrape out a six-inch bed for the new sidewalks: total length 325 lineal feet.

April 6: Mike Woudstra to install forms for the new sidewalks.

April 8: Volunteers to rake and level a three-inch bed of gravel for the new walks. To shovel ten yards of gravel into wheelbarrows and spread it will take ten volunteers about six hours.

April 9-10: Pour twenty yards of Gold Beach Mix cement under the direction of Mike Woudstra. Pat Hayes will furnish the cement pump and four volunteers will be on hand to move the pump hose.

Note: Pat Hayes will donate his labor. Mike Woudstra will donate the equivalent of \$250 of his labor. The high-speed saw and the skip loader with a five-foot blade will have to be rented from Kerr's. Perhaps we can get them to give us a break in price, or better still, donate the equipment.

### Dates and Details: Lawn Preparation

April 3-4: Spray the old lawn with Roundup to kill the old grass.

April 13: Rototill the old lawn, rake and level. We will need 8-10 rakes and volunteers to rake up the old grass and level the soil.

April 15: Add lime and soil amendment and rototill.



Note: We will have to wait to install the new sod until the water lines have been installed. We will need to rent a heavy-duty Rototiller from Kerr's for one or two days.

#### Dates and Detail: Watering System

April 17-18: Trench and install a drip system to all rhododendrons and pop-up sprinkler heads to the lawn area. In addition we need to run a separate line to the boundary of Garden Number Two which abuts the Lower Parking Lot. Once that line is in place and stubbed off, it will be available to water Garden Number Two.

April 19-20: Volunteers will rake and level the lawn area in preparation for laying the new sod.

April 21-22: Volunteers will help roll out and lay the new sod. This job will be supervised by Allen Smith.

April 23: Remove sidewalk forms and clean up area. A crew of six to ten volunteers will be needed.

With luck and weather permitting, Phase One, the most expensive in both time and money will have been completed in time for the Azalea Festival. The native azaleas and many of the newly planted rhododendrons will be in bloom by the festival time so that everyone can enjoy the park.

Garden Number Two will be scheduled for preparation and planting once the area dries out enough for installation of a drainage system. This garden will be planted with trees, rhododendrons and other suitable flowers. There will also be a Patio Area with a concrete floor and a central planting well. Four benches and a trash receptacle will be added. Walks from Garden Number One will be extended to this Patio Area and another walk will lead from the Patio Area to join the present walk that leads from Parking Lot #2 to the Theater.

Note: All dates listed above are subject to weather conditions but they are target dates for us to shoot at. The cost to the Azalea Park Foundation for the work detailed above will be between \$12,000 and \$13,000. Details of these costs will be discussed in a meeting of the Foundation and approved before implementation.

Elmo Williams



4-15-96

# AZALEA PARK FOUNDATION

## GARDEN AREA: PHASE ONE.....nearing completion

New lawn, 9,000 square feet	\$3,600
Watering system for lawn and flower garden	4,200
325 linear feet of 5' non-skid wheelchair accessible cement walks	2,840
Storage shed, metal roof, vandal-proof windows, security door	
estimate:	850

## GARDEN AREA: PHASE TWO.....refer to map: patio area

Finish removal of dead trees and vine roots	400
Purchase rhododendrons, azaleas, flowering trees and plants	1,743
Drainage system: 4" perforated pipe and sump	641
Patio area: 1,600 square feet, circular concrete center with redwood dividers, planting well in middle, vandal-proof benches and trash receptacles	3,800
364 linear feet of 5' wide non-skid wheelchair accessible cement walks	2,860
Terrace existing slope with railroad ties and shade plantings under trees, lawn as needed	584

## WISH LIST.....for the future

Large carved wooden sign for entrance to the park	1,200
Sculpture (estimated)	9,000
Renovation of old stone fountain as base for sculpture	700
Trellis over entrance to Garden Number One	1,700
6 vandal-proof benches for elderly and handicapped	2,700
2 matching trash receptacles	750
Drinking fountain	1,500
Raised flower beds and plants	1,500
Specimen trees @ 60	

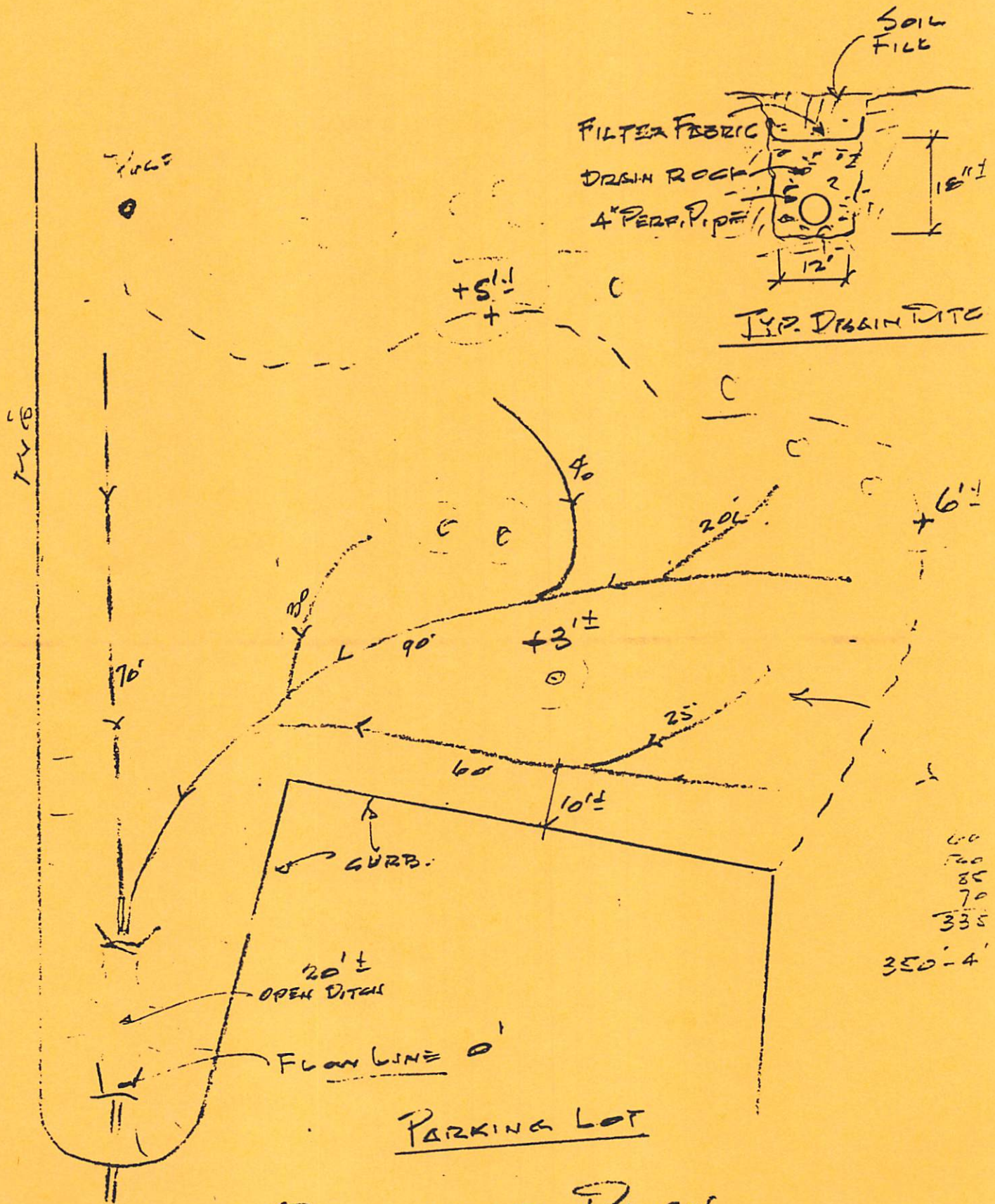
### Memorial Gardens :

Friendship Garden

Elmo Williams, President  
Azalea Park Foundation



AZALEA PARK.



## DRAINAGE PLAN.



# minutes

CITY OF BROOKINGS  
COMMON COUNCIL MEETING  
City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
April 22, 1996  
7:00 p.m.

I. CALL TO ORDER

Council President Larry Curry called the meeting to order at 7:05 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Council President Larry Curry, Councilors Bob Hagbom, Dave Scott, Ex-Officio Marci Wallace

Council Absent: Mayor Tom Davis, Councilor Nancy Brendlinger

Staff Present: City Manager Tom Weldon, Administrative Assistant Donna Van Nest, Community Development Director Leo Lightle

Media Present: Anita Rainey, Curry Coastal Pilot; Martin Kelly, KCRE; Joel Buffington, KURY

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS none

V. PUBLIC HEARINGS none



VI.

SCHEDULED PUBLIC APPEARANCES

1. Jack Creek Golf Course Corporation Update

Jim Cole, President of the Jack Creek Golf Corporation announced that the \$1,000,000 fund raiser they attempted had fallen far short of their goal. The corporation will return funds to those who had invested in the project and the corporation will close. Mr. Cole recommended that the City Council appoint a new Golf Board with new faces and ideas. Mr. Cole advised that he would be willing to assist a new board as much as possible with background information.

Larry Goodman of the Jack Creek Golf Corporation reiterated Mr. Cole's recommendations and also added that he felt that the golf course development would have a much better chance of success if there were homesites available around the proposed course.

Council President Curry and the Council thanked Mr. Cole and the Jack Creek Golf Corporation for all of their time and efforts spent on this project. No formal action taken.

VII.

ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

Gretchen Price, representing the Teen Center Committee of the Brookings-Harbor High School Leadership Class, requested that the City budget funds to support the proposed teen center. Miss Price requested that this issue be placed on the May 13, 1996 Council agenda. No formal action taken.

VIII.

STAFF REPORTS

A. Community Development

1. DEQ Correspondence

Community Development Director Leo Lightle discussed a letter from DEQ recommending the City adopt policies to minimize issuance of any new sewer connections.



Councilor Scott moved, Councilor Hagbom seconded and the Council voted unanimously to follow the staff recommendations to allow hookups to the City sewer system if they front on a sewer, the Council to periodically review the sewer capacity issue, and to include this entire memo in the Council minutes so that the reasons the City is proceeding in this manner are officially stated. (Memo is attached.)

Mr. Lightle reviewed the Mutual Agreement and Orders (MAO) template with the Council. No formal action taken.

**B. City Manager**

**1. City "Point Person" for Filming**

City Manager Tom Weldon presented a proposal from Elizabeth Brewer, owner of Oh, Shoot! Film Services, to represent the City of Brookings on all filming (movie, television, commercial and still photography) in the City.

The Council, by consensus, authorized City Manager Tom Weldon to talk with Elizabeth Brewer, owner of Oh, Shoot! Film Services, and work up a proposed agreement to name her as the "point person" to represent the City of Brookings on all filming (movie, television, commercial and still photography) in the City, and bring the proposed agreement back to the City Council. No formal action taken.



**IX. CONSENT CALENDAR**

Councilor Scott moved, Councilor Hagbom seconded and the Council voted unanimously to approve the Consent Calendar as follows:

**A. Approval of Council Meeting Minutes**

1. April 8, 1996 Regular Council Meeting

**C. Approval of Vouchers (\$209,391.35)**

(end Consent Calendar)

**X. ORDINANCES/RESOLUTIONS/FINAL ORDERS none**

**XI. COMMITTEE REPORTS**

**A. Planning Commission none**

**B. Parks and Recreation Commission none**

**C. Chamber of Commerce none**

**XII. REMARKS FROM MAYOR AND COUNCILORS**

**A. Mayor none**

**B. Council**

1. Councilor Hagbom announced that Planning Director John Bischoff, Councilor Larry Curry and he had attended the appeal hearing on the Urban Growth Boundary in Salem on April 19 and they were all very pleased with the decision of LCDC to essentially approve the new UGB boundary with the requirement that the City must complete the DLCD remand items. No formal action taken.



2. Councilor Hagbom announced that Mayor Davis is hospitalized at Sutter Coast Hospital in Crescent City after suffering a heart attack on Thursday, April 18. Mayor Davis is doing just fine and is expected home in a couple of days.

**XIII. ADJOURNMENT**

Councilor Scott moved, Councilor Hagbom seconded and the Council voted unanimously to adjourn the meeting at 7:48 p.m.

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Larry Curry  
President of the Council



# Memorandum

**TO:** Mayor, City Council  
**FROM:** Leo Lightle, Community Development Director  
**THROUGH:** Tom Weldon, City Manager  
**DATE:** April 23, 1996



Issue: Letter from DEQ recommending the City adopt policies to minimize issuance of any new sewer connections. See attached letter dated April 3, 1996 from Dave Mann to Leo Lightle.

Synopsis: Dave Mann, who is the plan reviewer for DEQ "recommends to the extent possible, the City should undertake policies to minimize issuance of any new connection permits on your existing sewers."

The City is at some risk in continuing to allow hook-ups; in the past the City Council was willing to accept some risk. The City, when it enters into a Mutual Agreement and Orders (MAO) with DEQ, will be protected from fines and lawsuits as long as we don't exceed the new permit limits. The MAO also allows for continued sewer connections. In signing the MAO, the City will be agreeing to complete the plan expansion begun in 1991.

The City in moving rapidly to place ourselves under the protection of an MAO, is doing all that it can do to avoid fines, civil penalties, lawsuits and allow for continued growth. In addition, once under an MAO, as long as the MAO schedule is adhered to, connections to the sewer system can continue without risk.

Recommendation: The City Council allows hook-ups to the City sewer system if they front on a sewer, and the Council will periodically review the sewer capacity issue and include this entire memo in the Council minutes so it is officially stated why we are proceeding in this manner.

Rationale:

- The violations appear due to very high flows and inability to get sludge out of the system and that violations will not be of higher frequency with the additions made in the next one to two months.
- The Council will review the hook-up situation if a MAO is not attained in one month. Staff will need to report to the City Council and the Harbor Sanitary Board on a progress schedule, or lack of progress



- The Council feels that by moving rapidly to place ourselves under the protection of an MAO the City is doing all that is possible to avoid fines and civil penalties.
- It does not appear to be a responsible action to impose a moratorium for a very short period of time if the solution to additional liability is within one to two months.
- Disclaimers be attached to all land divisions and building permits regarding the ability of any guarantee to future hookups.

Background:

While putting together this document, Tom Weldon and I attended a meeting held at the Harbor Sanitary District building. In attendance were Landon Marsh, Director for DEQ and Steve Greenwood, Western Region Administrator for DEQ.

We received information that the Harbor Sanitary Board had imposed a moratorium on sewer hook-ups April 8th. In the questions and answers in addressing the need for clarification, I suggested to DEQ we appreciate that they recommend that we minimize issuance of any new sewer connections but that we, the City, had not imposed a moratorium, and we would address the issue at the next Council meeting. I had informed Gary Myers of Harbor Sanitary District that we were not allowing mainline extensions but we were continuing hook-ups if the mainline fronted on the property to be served.

In response to others' questions, DEQ response was: Do you want us to draw a line in the sand—which would in effect be a moratorium on hook-ups. My response was no, we didn't want DEQ to draw that line, because it was a local decision whether to take the risk or not. I later followed up my comments to reinforce to DEQ that the City actions were responsible in as much as we were actively moving towards agreeing to a Mutual Agreement and Orders, which we hope to complete in the next month to month and a half.

I further stated that staff was going to recommend that it does not make sense for the City to impose a moratorium for one month and then allow hook-up after that one month. The imposing of a moratorium sends out a negative message which adversely impacts the community.



**SYSTEMS DEVELOPMENT CHARGE REVIEW BOARD  
898 ELK DRIVE  
BROOKINGS, OR 97415**

Jim Collis - Chairman 469-3678    Bob Krebs - ViceChairman - 469-1071  
Art Fisher - Member 469-0758    Ross Shawaker - Member 469-6499  
Larry Smith - Member 469-6377

**MINUTES:**

The Board met at the City Hall Council Chambers, 898 Elk Drive, Brookings, Oregon at 01:30 PM, April 10, 1996.

Members present were Bob Krebs, Ross Shawaker, Larry Smith, Art Fisher and Jim Collis. Members present constituted a quorum. City Manager Tom Weldon was also present.

The Chair reviewed minutes of previous meeting held February 29, 1996. The City Manager noted that following the February 29th meeting the City Council had accepted the CIP plan including having an update of the HGE report of July 1991. Bob Krebs questioned why the CIP only extended to 2001 instead of 20 years. City Manager stated that the CIP was an incremental plan for carrying out the improvements listed in the long range plan which is the basis for System Development charges. Bob Krebs moved the minutes be approved as read. Motion seconded by Art Fisher and passed.

Chair noted he had received no financial statements since August of 95. City Manager stated the program used to produce the reports was just about fixed and reports should be forthcoming soon.

The Board took up discussion of Harbor Sanitary District payment of SDC's for sewer connections. The Board was given a copy of a letter from Harbor Sanitary District to Beverly Shields dated 3/26/96 showing Payments to Brookings SDC accounts of \$30,927.94 between December 1989 and October 1992. Also deposits in a special Harbor Sanitary Sewer Expansion account held by Curry County showing a balance of \$80,065.01 which represents SDC payments made since October 1992.

The Chair asked about information being reported. City Manager stated he gets an EDU report each month but no payment information. B Krebs stated payment information was reported to the City Recorder. He also stated that the arrangement whereby payments were made to a special account instead of the City SDC account had been set up to keep Harbor payments separate. He noted that a report is made each month to the City Recorder showing the collections and amounts paid to the County account.

The Chair asked how the Board finds out about specific payments. B Krebs stated again that these should be available through the City recorder. After further discussion the City Manager stated he would have Harbor Sanitary information included in the monthly reports.

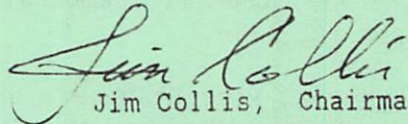
Next agenda item was discussion of an administrative procedure suggested by the Chair to cover Staff recommendations for use of SDC funds for capitol improvement



projects (see attachment 1). Ross Shawaker asked if compliance would pose any significant burden for Staff. City Manager was unsure but said he would discuss it with Leo Lightle. The Chair stated that the form would provide substantiation of criteria for use of SDC funds and that the matter would be put on the adgenda for the next Board meeting.

The next meeting of the Board was set for July 9, 1996

There being no further business the meeting adjourned at 2:30 PM.

  
Jim Collis, Chairman

cc: Board Members/City Manager/Community Development Director/City Council/file (with Attachment)



SYSTEM DEVELOPMENT CHARGE PROJECT  
CERTIFICATION AND REVIEWSDC PROJECT # \_\_\_\_\_  
YR-NUMBER

DATE: \_\_\_\_\_

**1. PROJECT DESCRIPTION:**

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**2. CAPITAL IMPROVEMENT PLAN REFERENCE:**

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**3. JUSTIFICATION FOR NEED (relation to growth):**

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**Certified** \_\_\_\_\_

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City Staff

**4. IMPACT ON SERVICE CAPACITY (increase):**

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**Certified:** \_\_\_\_\_

—

City Staff

**5. ESTIMATED COST \$ \_\_\_\_\_ / SDC % \_\_\_\_\_ OTHER % \_\_\_\_\_**  
**SDC \$ \_\_\_\_\_ OTHER \$ \_\_\_\_\_ SOURCE \_\_\_\_\_**

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**SDC REVIEW BOARD ACTION:** \_\_\_\_\_

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# **BROOKINGS MUNICIPAL COURT MONTHLY REPORT**

APRIL 1996

	<b>BAILS</b>	<b>TRAFFIC</b>	<b>OTHERS</b>	<b>DUII CON</b>	<b>DUII DIV</b>	<b>TOTALS</b>
<b>COLLECTED</b>	<u>\$1,252.00</u>	<u>\$2,226.00</u>	<u>\$710.00</u>	<u>\$350.00</u>	<u>\$843.00</u>	<u>\$5,381.00</u>
<b>FINES</b>	\$341.00	\$1,217.00	\$248.00	\$250.00	\$148.00	\$2,204.00
<b>COSTS</b>	\$0.00	\$110.00	\$141.00	\$0.00	\$0.00	\$251.00
<b>PA</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>LEMA</b>	\$13.00	\$27.00	\$9.00	\$0.00	\$0.00	\$49.00
<b>INTX</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$71.00	\$71.00
<b>D.M.V.</b>	\$0.00	\$0.00	\$0.00	\$50.00	\$0.00	\$50.00
<b>M.H.</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$258.00	\$258.00
<b>SA</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>COUNTY</b>	\$159.00	\$284.00	\$94.00	\$0.00	\$0.00	\$537.00
<b>ATC</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>CFAA</b>	\$300.00	\$538.00	\$146.00	\$50.00	\$366.00	\$1,400.00
<b>REST.</b>	\$0.00	\$50.00	\$72.00	\$0.00	\$0.00	\$122.00
<b>DUE CITY</b>						\$2,455.00
<b>REFUND</b>	\$439.00	\$0.00	\$0.00	\$0.00	\$0.00	\$439.00



## BUILDING DEPARTMENT ACTIVITIES SUMMARY

For Month of April, 1996

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
3	Single Family Dwelling	\$1,328.00	\$595.00	\$66.40	\$7,671.00	\$313,924.00	8	\$1,003,973.10	13	\$1,497,212.00
2	Single Family Addition	\$93.50	\$40.00	\$4.68	\$0.00	\$8,105.00	10	\$70,050.00	15	\$226,335.00
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6	\$49,144.00	7	\$50,937.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$154,370.00	1	\$129,362.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$1,487,885.00	0	\$0.00
1	Commercial New	\$465.50	\$302.00	\$23.28	\$2,500.00	\$112,212.00	4	\$364,928.00	1	\$44,455.00
0	Commercial Addition-Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4	\$18,634.76	7	\$93,206.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$7,000.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$0.00	2	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4	\$9,500.00	0	\$0.00
6	Total Building Permits	\$1,887.00	\$937.00	\$94.35	\$10,171.00	\$434,241.00	42	\$3,158,484.86	47	\$2,048,507.00

5	Mechanical Permits	\$176.50	N/A	\$8.83		N/A	7	N/A	7	N/A
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4	Plumbing Permits	\$216.65		\$10.83	\$0.00	N/A	5	N/A	19	N/A
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0	Manufactured Home Permits	\$0.00		\$0.00	\$0.00	N/A	1	N/A	3	N/A
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15	TOTAL PERMITS	\$2,280.15	\$937.00	\$114.01	\$10,171.00	\$434,241.00	55	\$3,158,484.86	76	\$2,048,507.00
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During the Month of April, 1996, permits were issued for 4 new sewer connections. The City of Brookings now has 495.41 EDU Units connected to the Brookings Wastewater System.