

Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/21/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Brookings Plan Amendment
DLCD File Number 004-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, February 04, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

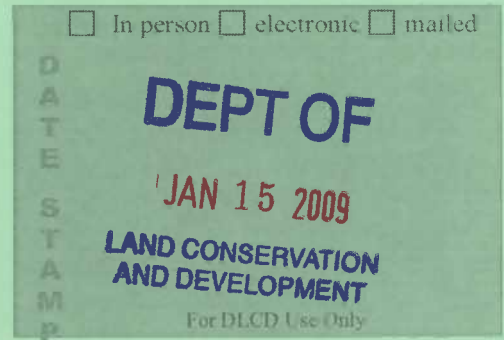
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Dianne Morris, City of Brookings
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> Y

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Brookings**

Local file number: **CP-1-08**

Date of Adoption: **1/12/2009**

Date Mailed: **1/15/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **4/25/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Adoption of the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area" and revisions to the Brookings Comprehensive Plan and Public Facilities to reference the "Plan". This "Plan" was co-adopted by Curry County and the City and addresses storm and surface water issues within the Brookings Urban Growth Boundary.

Does the Adoption differ from proposal? Yes, Please explain below:

Changes to the "Plan" are described in the adopting ordinance.

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved:

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Curry County, DLCD, ODOT, DEQ, ODFW

Local Contact: **Dianne Morris**

Phone: (541) 469-1138 Extension:

Address: **898 Elk Dr.**

Fax Number: **541-469-3650**

City: **Brookings**

Zip: **97415-**

E-mail Address: **dmorris@brookings.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

In the Matter of the Adoption of Revisions to the City of Brookings Comprehensive Plan and the Public Facilities Plan for Urban Growth Expansion for the Brookings and Harbor Study Areas and by Adopting a New Storm and Surface Water Facilities Plan for Brookings-Harbor Area, and Declaring an Emergency.

ORDINANCE NO. 09-O-626

Sections:

- Section 1. Findings
- Section 2. Amendments
- Section 3. Severance Clause
- Section 4. Effective Date
- Section 5. Emergency

The City Council for the City of Brookings ordains as follows:

Section 1: Findings

1. On August 30, 2002, the Brookings City Council amended the City of Brookings Comprehensive Plan for the purpose of adopting the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* (City of Brookings Ordinance No. 02-O-548).
2. Portions of the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* are in need of amendment. Those portions of the Plan in need of amendment are attached hereto and incorporated by reference.
3. The *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* (October of 2007), a copy of which is attached hereto and incorporated by reference, was prepared by HGE Inc., a private consulting firm. The development of this plan was a joint effort between the City of Brookings and Curry County using a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD). The *Storm and Surface Water Facilities Plan for the Brookings-Harbor area* is a supplemental section to the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* of the City of Brookings Comprehensive Plan.
4. The initial draft of the Plan was adopted in December of 2006. The draft text was subsequently modified following input from the public, the Brookings City Council, the Board of Curry County Commissioners, and the City of Brookings and Curry County Planning Commissions.
5. With the concurrence of both the City Council and the Board of Curry County Commissioners, staff sent to DLCDD the 45 day notice required under ORS 197.610 for post acknowledgment plan amendments for the proposed changes to the Comprehensive Plans.
6. Following public notice as required by law, the Brookings City Council and the Board of Curry County Commissioners held a joint hearing on the proposed amendments on Monday, December 8, 2008, at 5:30 P.M. at the Brookings City Hall.

7. On Monday, January 12, 2009, the Brookings City Council approved the Comprehensive Plan amendment changes that are attached hereto and incorporated by reference.

Section 2 Amendments

The City of Brookings Comprehensive Plan (Ordinance No. 02-O-548, and its subsequent amendments) is amended as shown by the attached changes in the *Comprehensive Plan, Public Facilities Plan for Urban Growth Expansion for the Brookings and Harbor Study Areas* and by adopting the attached *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* with Addendums 1, 2 and 3.

The Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas, Appendix A: Facilities Maps/ Projects Descriptions is further amended by removing the four (4) "Storm Facilities" maps.

Section 3: Severance Clause

If any section, subsection, sentence, clauses or phrases of this ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4: Effective Date:


Consistent with ORS Chapters 197 and 227, this ordinance shall take effect upon its passage, due to an emergency as stated in Section 5.

Section 5: Emergency

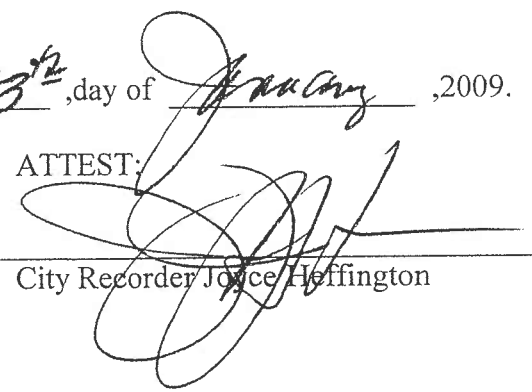
It is hereby determined that it is in the best interest of the public that immediate action be taken. The revisions being adopted by this Ordinance were previously adopted by the Curry County Board of Commissioners on December 9, 2008. By law these revisions must be co-adopted by both the County and the City. In an effort to keep the adoption and effective dates within responsible proximity, this emergency clause is being used. Therefore, an emergency is declared to exist and the Ordinance shall be in full force and effect immediately on its passage by the City Council and signing of the Mayor.

First Reading: January 12, 2009
Second Reading: January 12, 2009
Passage: January 12, 2009
Effective Date: January 12, 2009

Signed by me in authentication of its passage this 13th day of January, 2009.



Mayor Larry Anderson

ATTEST:


City Recorder Joyce Heffington

CITY OF BROOKINGS – COMPREHENSIVE PLAN

DRAFT REVISIONS
SEPTEMBER, 2008

CITY OF BROOKINGS – COMPREHENSIVE PLAN
DRAFT REVISIONS – Sept., 2008

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GOAL 11 PUBLIC FACILITIES AND SERVICES

GOAL:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.

FINDINGS:

1. The City has adopted a Public Facilities and Services Plan that establishes the framework for the distribution of water and sanitary sewer services and storm drainage systems throughout the expanded Urban Growth Boundary.
3. The City has adopted a Water Master Plan/Conservation Management Plan.
4. The City has adopted a Water Curtailment ordinance that provides the city with the mechanisms to curtail water use in emergencies, including low surface water flows in the Chetco River.
5. *On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." New policies from this Plan are found in the "Public Facilities Plan for Urban Growth Expansion."*
56. The city currently provides the following facilities and services within the City Limits:

CITY OF BROOKINGS – COMPREHENSIVE PLAN
DRAFT REVISIONS – Sept., 2008

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POLICIES:

To insure timely, orderly and efficient arrangement of public facilities and services the following policies will be implemented by the City of Brookings.

1. Public Works

- A. Water treatment facilities. Facilities will be maintained with the proper observation and planning to expand facilities on a timely basis to provide continued service to existing customers and projected growth. Expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.
- B. Water distribution, pumping and storage. New development requiring extension of water mains, pumping and storage facilities will be paid for and constructed by the developer pursuant to the provisions of the City of Brookings Standard Specifications document dated August 1988.
- C. Water Master Plan/Conservation Management Plan. The city will maintain a Water Master Plan/Water Conservation Management Plan, which will be updated as required.
- D. Wastewater treatment facility. Expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.
- E. Wastewater collection facilities. New development requiring extension of sewer mains and new pumping stations will be paid for and constructed by the developer City of Brookings Standard Specifications document dated August 1988.
- F. Streets and other infrastructure facilities. The City's Public Works Department will inspect and maintain all public street and subsurface infrastructure facilities. The extension of existing streets for new development shall be paid for and constructed by the developer pursuant to the provisions of the City of Brookings Standard Specifications document dated August 1988.
- G. Storm drain facilities. New development requiring new storm drain systems

or the extension of existing systems including provision of retention basins, will be paid for and constructed by the developer pursuant to the provision of the City of Brookings Standard Specifications document dated August 1988.

On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." New policies from this Plan are found in the "Public Facilities Plan for Urban Growth Expansion."

2. Fire Prevention and Protection

The fire chief will continue to serve as the head of prevention and protection services. He will continue to maintain the high level of training and service that the community has come to expect through the conduct of local and regional training sessions and a continued education for himself.

3. Police Protection

The chief of police shall be responsible for continually monitoring the department's facility requirements and operations. In conjunction with the annual preparation of his budget request, a written evaluation shall be prepared for the city manager, who in turn, may call attention to specific items for consideration by planning commission, council or staff.

CITY OF BROOKINGS – PUBLIC FACILITIES PLAN

DRAFT REVISIONS
SEPTEMBER, 2008

CITY OF BROOKINGS - PUBLIC FACILITIES PLAN
 DRAFT REVISIONS - July 8, 2008

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Stormwater Needs

On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." ~~A public education program is recommended to disseminate information on the importance of preventing negative impacts from stormwater. In the Plan are design and development standards and proposed improvements to the storm drainage facility. There are also maps depicting the various basin areas, hydrologic/hydraulic analysis, and the discussion of the effects on specific areas in the Plan.~~

Using the Santa Barbara Urban Hydrograph computer model, ~~pre and post development storm flows were calculated for each basin. A 25 year return period was assumed. The flows for North and South of the Chetso are as follows. (See figures in Appendix A for reference)~~

~~North of the Chetso River (Brookings)~~

Area Number	Acres	Pre-Development Peak Flow (cfs)	Post-Development Peak Flow (cfs)
1	109	69	101
2	222	110	260
3	107	35	92
3a	152	43	115
3b	67	20	53
3c	15	7	17
4	343	90	235
4a	10	8	16
5	154	53	136
5a	164	60	151
5b	258	60	147
6	286	93	240
7	52	30	68
8	125	64	150
9	125	19	42

South of the Chetco River (Harbor)

Area Number	Acreage	Pre-Development Peak Flow (cfs)	Post-Development Peak Flow (cfs)
10	204	61	161
10a	115	63	146
11	53	32	73
12&13	23	18	36
14	14	12	25
15	134	98	206
16	113	61	142
17	435	183	447
17a	342	151	368
17b	82	17	42
17c	54	17	44
18	257	116	280
19	19	14	30
20	226	25	74
21	42	40	72
22	446	59	122
23	90	60	132

CITY OF BROOKINGS - PUBLIC FACILITIES PLAN
DRAFT REVISIONS - July 8, 2008

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Storm Drainage Needs

Historically, runoff from the Harbor Hills drained down onto the Harbor Bench, over which flow a number of drainage swales. When the flow capacity of the swales was exceeded, the runoff flooded the flatland; the soils eroded from the hills onto the delta created farmland. Construction of Highway 101 altered this natural pattern by concentrating the more diffuse swale flows into culverts under the highway. The areas downstream of these culverts now convey additional, more concentrated flows with resultant flooding and erosion.

The storm drainage from newly developed areas creates additional impervious surfaces such as roads, roofs, sidewalks, and other open areas. Creating impervious surface increases the amount of runoff by allowing the water to concentrate faster. This increased runoff can exceed the capacity of the existing pipes, culverts, ditches, and natural drainage channels. The drainage from the newly developed areas must be collected and transported to the ocean without creating flooding, erosion, or negative environmental impacts.

Curry County currently provides storm drainage services for the study area. Curry County provides a low level of service, primarily ditch cleaning and culvert maintenance. Development in the urban growth areas will require much higher operational activities as maintain water quality features, detention facilities and substantial new amounts of pipes and/or ditches. A method of funding a utility to provide such services is critical in any selected alternative.

Improvements to the Harbor Bench drainage channels should be considered as a possible additional benefit to existing residents and new development, given the history of flooding in this area. As part of the development the culverts can be moved or altered to bring the drainage back to the natural configuration. Any detailed master plan should examine the feasibility of culvert changes in the areas south of the Chetco River. The Harbor Bench area is prime agricultural land. It is extremely sensitive to erosion and flood impacts. Special attention and planning must be given to this area.

On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." Details concerning storm drainage needs can be found in that document.

Alternatives

To avoid adverse impacts created by development, ~~three~~ *five* strategies are generally utilized:

1. *There should be no post-development net increase in storm drainage discharge downstream.*
2. *Low impact development practices as described in the 2008 "Storm and Surface Water Facilities Plan" shall be implemented.*
3. The capacity of the downstream drainage infrastructure is improved to convey the increased flow. Usually this means constructing larger culverts and storm drains. Generally, the natural drainage channels are improved, but because of the study area's proximity to the ocean and the steep rocky terrain, these channel improvements may not be necessary.
4. A regional detention facility is constructed to capture the additional runoff and release the flow at a slower natural rate. A regional facility is normally associated with a single drainage way or creek.
5. An onsite detention facility is constructed for each individual development. The goal for a regional or onsite detention facility is that the runoff from the post-development condition be reduced to flow equaling the pre-development condition.

Recommendation

The numerous drainage basins in the study area were evaluated for use of the above methodologies. Pre- and post-development flows were estimated using the Santa Barbara Urban Hydrograph computer model. An appropriate strategy for each drainage basin was selected using flow generation, amount of existing development, the terrain, and other features. The areas north and south of the Chetco River were considered separately because conditions vary greatly between these study areas.

Detailed master plans for each basin must be prepared to refine facility sizing, horizontal and vertical alignments, and to refine alternatives. Each basin should have a master plan prepared prior to large-scale development in the drainage basin to coordinate improvement efforts.

The Storm and Surface Water facilities Plan for Brooking Harbor Area" contains the following policies:

- *Low impact development is preferred.*
- *Negative impacts to natural watercourses are to be avoided.*
- *Piping of a natural watercourses is to be avoided, where practicable.*
- *Protection of ground water sources is critical.*
- *Proposed facilities should address water quality impacts and mitigation measures.*
- *Erosion and sediment must be controlled using the City, County, and Department of Environmental Quality requirements.*
- *Stormwater discharges shall be maintained at current levels.*

- ~~The City will consider a stormwater utility fee to fund needed maintenance on the existing facility.~~
- A public education program is recommended to disseminate information on the importance of preventing negative impacts from stormwater.

The "Storm and Surface Water Facilities Plan for Brookings-Harbor Area" contains specific design and development standards and proposed improvements to the storm drainage facility.

North of the Chetco River (Brookings)

The storm drainage improvements north of the Chetco River will be located on steep, rocky terrain. The proposed Urban Growth Areas are generally located east of Highway 101. The areas west of Highway 101, except for basins 5A and 5B, consist of steep cliffs that drop directly into the ocean. Basins 6 and 7 discharge directly to the Chetco River.

Since the increased runoff insignificantly impacts the natural channels west of Highway 101, the recommended improvements involve the following:

- constructing a local conveyance system;
- constructing a new collector or improving the existing channel;
- constructing a new culvert under Highway 101 (ODOT culverts are only designed for existing conditions, not anticipated development conditions), and
- erosion control improvements in the existing creek channels

~~Basins 5A and 5B discharge into developed areas that appear prone to downstream damage.~~ With the high levels of development, regional detention facilities will be expensive. To mitigate the increased flows, onsite detention facilities for each development will be the best alternative to development impacts. Development would pay for these on-site detention facilities.

Discussion concerning specific basins is found in the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area."

1. ~~Basin 1~~

~~Provide local collection system to service new development
Construct main collector storm drain in Lone Ranch Creek drainage way
Improve culvert under Highway 101
Provide channel erosion improvements between Highway 101 and ocean~~

2. ~~Basin 2~~

~~Provide local collection system to service new development
Construct main collector storm drain in Ram Creek drainage way
Improve culvert under Highway 101~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

~~3. Basin 3, 3A, 3C, and 3E~~

~~Provide local collection system to service new development~~

~~Construct main collector storm drain in drainage way~~

~~Improve culvert under Highway 101~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

~~4. Basin 4 and 4A~~

~~Provide local collection system to service new development~~

~~Construct main collector storm drain in Ely Creek drainage way~~

~~Improve culvert under Highway 101~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

~~5. Basin 5~~

~~Provide local collection system to service new development~~

~~Construct main collector storm drain or channel improvements in Harris Creek drainage way~~

~~Improve culvert under Highway 101~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

~~6. Basin 5A and 5B~~

~~Provide local collection system to service new development~~

~~Provide onsite detention for every development~~

~~Construct main collector storm drain in drainage way~~

~~Improve culvert under Highway 101~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

~~7. Basin 6~~

~~Provide local collection system to service new development~~

~~Construct main collector storm drain in Ferry Creek drainage way~~

~~Improve culvert under North Chetco Road~~

~~Provide channel erosion improvements between North Chetco Road and River~~

~~8. Basin 7~~

~~Provide local collection system to service new development~~

~~Construct main collector storm drain in Hall Creek drainage way~~

~~Improve culvert under North Chetco Road~~

~~Provide channel erosion improvements between Chetco Road and River~~

~~Improve culvert under Highway 101~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

South of the Chetco River (Harbor)

The study area south of the Chetco River provides a more complicated drainage situation. Basins ~~13 through 19~~ are located northeast of Highway 101 on the Harbor Hills. The terrain in the Harbor Hills basins are generally quite steep, then flatten out onto the Harbor Bench. Highway 101 provides a barrier between the Harbor Hills and the Harbor Bench.

The Harbor Bench is relatively flat and has a history of flooding. Many residences are located in this prime farmland, even though it is located outside the Urban Growth Boundary (UGB). Increasing runoff without proper controls would exacerbate an already serious flooding and erosion situation.

Unlike the areas north of the Chetco River, regional or onsite detention to service new development is the most suitable storm water control methodology for the areas discharging to the Harbor Bench. The Harbor Bench area is sensitive to erosion and flooding. The regional or on-site detention should be funded by the developer or through SDC accrual.

Basins ~~20 through 23~~ are also located on the Harbor Hills, but drain north to the Chetco River. Drainage of these basins requires use of the natural streams, so regional or onsite detention is the most likely scenario. Since the drainage crosses areas outside the UGB, constructing channel improvements or storm pipes would seem unlikely due to land use and environmental concerns. (Note: Drainage areas inside the UGB can be impacted with proper reconstruction and/or mitigation.)

Discussion concerning specific basins is found in the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area."

~~The following improvements are recommended for Basins 13 through 23.~~

~~1. Basin 13~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drains or improve drainage way
Improve culvert under Highway 101~~

~~2. Basin 14~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain or improve drainage way
Improve culvert under Highway 101~~

~~3. Basin 15~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

4. ~~Basin 16~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

5. ~~Basin 17 and 17A~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

6. ~~Basin 17B~~

~~Provide local collection system to service new development~~
~~Construct main collector storm drain or improve drainage way~~
~~Provide erosion controls in natural channels~~

7. ~~Basin 18~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

8. ~~Basin 19~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

9. ~~Basin 20~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Improve Jordan Creek drainage way~~

~~10. Basin 21~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Improve Carey Creek drainage way~~

~~11. Basin 22~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain or improve drainage way
Improve culvert under Highway 101~~

~~12. Basin 23~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain or improve drainage way
Improve culvert under Highway 101~~

CITY OF BROOKINGS – PUBLIC FACILITY PLAN
DRAFT REVISIONS – Sept., 2008

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Funding Sources

Implementing the infrastructure for the new urban growth areas requires capital funding. The following mechanisms are feasible for providing capital resources:

System Development Charges

Oregon law allows cities and service districts to charge system development charges for future growth. System development charges are fees that the developer pays to connect to the infrastructure system. The receipts from these fees can be saved, applied to bond payments, or applied to actual project expenses. Oregon law provides a specific methodology to justify charging these fees since the fees can only be applied towards growth related projects. System development charges are a common method of financing system growth.

Developer Financing

In cities and service districts that are unable to capitalize infrastructure improvements, developers have the ability to provide the improvements. Generally a developer provides the infrastructure improvements, transfers the facilities to the jurisdiction, then is reimbursed for the capacity outside the developers needs. Usually the developer is compensated on a per connection basis when the actual connection takes place. Generally the developer is not guaranteed full repayment.

Revenue Bonds

A common method of financing improvements to the infrastructure system is revenue bonding. Revenue bonds are repaid through rate charges for the service provided. The city or service district pledges to charge rates sufficient to repay the debt. In Oregon, a governing body such as a city council can implement revenue bonds, but revenue bonds can be referred to the voters through the petition process.

General Obligation Bonds

General obligation bonds assess a tax against property values in the taxation district as a capital source. This funding source was recently used by the City of Brookings to expand the wastewater treatment plant. General obligation bonds require a majority vote of the registered voters in the taxation district. The revenue stream can come from property tax receipts. However, the City is collecting user fees to pay for plant expansion. Use of general obligation bonds for development related projects presents obstacles. The requirement for a majority vote puts the project in the voters' hands. If there are no clear benefits to the public, then the bond issue can be defeated.

Grants

Federal or state grants do not appear to be feasible for providing the infrastructure. Many state and federal agencies provide grant assistance, but these funds are many aimed at assisting existing communities with long-standing problems. Unfortunately grant requests far outstrip available funds. With the current political climate, grant funds to provide infrastructure for new development appear unlikely.

Utility Fee

The City has adopted a stormwater utility fee to be added to monthly bills of properties within City limits to fund needed maintenance of stormwater facilities.

Recommendations

It is recommended that the City of Brookings and the Harbor Water PUD study and develop mechanisms for funding growth-related projects. These funding mechanisms will revolve around System Development Charges, Developer Contributions and Revenue Bonding. Other funding mechanisms should be explored where feasible or appropriate. The city will require all new development to pay for the expansion of services to the area being developed. While the use of bonds is a common revenue source for such projects, their inclusion in this document does not bind the city to their use. When bonds are determined to be the necessary mechanism to fund a project, the city shall bring the issue to the vote of the citizens.

CITY OF BROOKINGS - PUBLIC FACILITIES PLAN
DRAFT REVISIONS - JULY 8, 2008

TEXT TO BE DELETED HAS STRIKETHROUGHS.

INTRODUCTION (PAGE 11)

Pump Stations

Flows from the entire Harbor collection system enter HSD pump station No. 4. Discharge from this station is to the Brookings WWTP by means of an 8-inch force main over the Chetco River. Space for additional force mains is available. Pump station No. 4 is rated at 1,000 gpm and 125 feet. The number one pump station has a capacity of 650 gpm at 95 feet. The other three pump stations are small and serve limited areas.

City of Brookings Storm Drainage System

The City of Brookings operates a storm drainage system within the city boundaries. ~~Eight~~ Drainage basins flow to the ocean or the Chetco River. Generally local area flows are conveyed via pipes to discharge points at surface drainage ways. The majority of the existing piping system is located in the western old portions of the city draining to the Chetco. Highway 101 presents a major flow obstruction to natural drainage pattern, requiring culvert crossings. Some limited historical flooding has occurred, but the problems are related to site-specific causes.

Curry County Storm Drainage System

Curry County services all storm drainage in the study areas north and south of the Chetco. The service level is mainly rural road maintenance that mainly consists of ditch culvert cleaning associated with road maintenance. All other drainage features are privately owned. The Harbor Bench area, which is outside the urban growth area, has experienced flooding and erosion due upstream growth and diversion of flows due to culvert placement.



Project #:06.16

ARCHITECTS
ENGINEERS
SURVEYORS
PLANNERS

STORM AND SURFACE WATER FACILITIES PLAN for BROOKINGS-HARBOR AREA

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for:

■ **City of Brookings, Oregon**

and

Curry County, Oregon

Adopted (Brookings) January 2009

Final (Brookings) - October 2007

Draft - December 2006

This project has been funded in part with financial assistance provided by The Coastal Zone Management Act of 1972, as administered by The Ocean and Coastal Management Program, Department of Land Conservation and Development.

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

COPIES OF
STAFF REPORTS
FOR
FUNDING.

Meeting Date: January 12, 2009

Shanne Morris
Signature (submitted by)

COMPLETE
STAFF

Originating Dept: Planning

[Signature]
City Manager Approval

REPORTS SENT
TO DLCD
AS THESE
OCCURRED.

Subject: Continuation of hearing to consider and possibly adopt proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) to provide for the Adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**

Recommended Motion: In the matter of file # CP-1-08 I move that the Council approve the proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) and adopt the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**

Financial Impact: None.

Background/Discussion: The County and City had a joint hearing on this matter on December 8, 2008. The public testimony portion of the hearing was closed. Addendum No. 3 was submitted by Staff at the hearing stating the recommended revisions. Addendum No. 3 as well as 3 written submittals turned in at the December 8th hearing are attached. The City Council will deliberate on this matter.

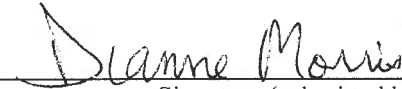
Policy Considerations: None.

Attachment(s): Documents submitted at the City Council hearing, December 8, 2008.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 12, 2009



Signature (submitted by)

Originating Dept: Planning

City Manager Approval

Subject: Continuation of hearing to consider and possibly adopt proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) to provide for the Adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**

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Policy Considerations: None.

Attachment(s): Documents submitted at the City Council hearing, December 8, 2008.

DOCUMENTS SUBMITTED at CC Meeting December 8, 2009

EXHIBIT NUMBER	DATE:	FROM:	NUMBER OF PAGES:	DOCUMENTS:
14	12-8-08	City of Brookings staff	3	Addendum No. 3
15	12-8-08	Tom Huxley 15877 Pelican Bay Dr. (submitted for Mr. Lake)	17	>13-pg document + >4-pg. from Robert Lake 98601 Harbor Hills Hts.
16	12-8-08	Mr. Melka 1123 Rowland	2	Copies of vegetation photos
17	12-8-08	Yvonne Maitland for HCAC 15676 Oceanview Dr.	2	2-pg. document

Addendum No. 3
to
***Storm and Surface Water Facilities Plan for Brookings-Harbor
Area***

December 8, 2008

On December 8, 2008, the Curry County Board of Commissioners and the Brookings City Council held a public hearing the on the adoption of revisions to the Curry County Comprehensive Plan and City of Brookings Comprehensive Plan by amending specific provisions of the Public Facilities Plan for Urban Growth Expansion for the Brookings and Harbor Study Areas and by adopting a new *Storm and Surface Water Facilities Plan for Brookings-Harbor Area*. After deliberating on the matter, the City of Brookings City Council and the Curry County Board of Commissioners made the following text changes to the proposed *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* (October 2007):

1. Add the following definitions for TMDL (Total Maximum Daily Load) and O & M.:
 - a. **Total Maximum Daily Load (TMDL)** means a written quantitative plan and analysis for attaining and maintaining water quality standards and includes the elements described in OAR 340-042-0040. These elements include a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet state water quality standards, allocations of portions of that amount to the pollutant sources or sectors, and a Water Quality Management Plan to achieve water quality standards.
 - b. **O & M.** means Operations and Maintenance
2. Add the word “naturally” to the first sentence, last paragraph, between “run” and “high” on page 2 of the “Addendum to Storm and Surface Water Facilities Plan for Brookings-Harbor Area June 26, 2007.” The sentence shall read as follows:

“Temperatures in the Chetco tend to *naturally* run high in the summer and can exceed the 64 F rearing temperature criteria.”
3. Label creeks and streams on the map.
4. Create a list of County storm and surface water projects with the following:
 - a. Replace culvert at Johnson Creek and Oceanview Drive at an estimate cost of \$150,000.

- b. Replace culvert at Fish House Creek and Lower Harbor Road at an estimate cost of \$400,000.
 - c. Phased reconstruction of approximately 14,000 lineal feet of water courses on the Harbor Bench at an estimated cost of \$2,800,000 to be funded by multiple sources.
5. Modify the first sentence, first paragraph on page 7-2 which reads:
- a. "Both the City and County have expressed a desire to not conduct ongoing monitoring with City and County resources."
 - b. *To read:* "Both the City and County have expressed a desire to ~~not~~ conduct ongoing monitoring ~~with City and County resources~~ ***only if funding is available.***"
6. Under "***Chemical application to reduce aquatic and roadside vegetation***" in Addendum (No.1), Attachment No. 4 (page 7-23), dated June 26, 2007, titled "Harbor Hills Special Plan Area, CSWMP Work Plan, the following text shall be made:

~~"Discourage this practice~~ **Follow the best management practice for chemical application** to the greatest extent possible."

7. The following typographical errors shall be corrected:
- a. Page 5-4, second paragraph, line 5 states "...many basins consist of only two or three basins." Shall be changed to "sub-basins."
 - b. Page 5-15, last paragraph, line 4 states "...requires oxygen to complete and ..." shall be changed to "deplete."
 - c. Page 6-17, last paragraph, last sentence states "The Couty" shall be changed to read "The County."
8. The text under **Harbor Hills Special Plan Area** in page 4 of "ADDENDUM TO STORM AND SURFACE WATER FACILITIES PLAN FOR BROOKINGS-HARBOR AREA" dated June 26, 2007 shall be replaced with the following text:

"The Harbor Hills Special Plan Area was established as an area of environmental concern under the Joint Management Agreement (JMA) between the City of Brookings and Curry County dated January 22, 2001. This area was to be designated as a special plan area on the comprehensive plan. Under the JMA, any special plan must be adopted as post acknowledgement plan amendment pursuant to ORS 197.610 by both the

City and County before any development permits are issued by the County for construction within Special Planned Areas.

“Under the terms of the JMA, the County must commission or require a comprehensive surface water management plan for the Harbor Hills Special Plan Area prior to land use approvals for new development (other than that allowed by the present zoning designation) to address surface water run-off, stream channel erosion, and potential impacts on the groundwater balance of the Harbor Bench aquifer. All future nonresource development, including roads and infrastructure, must comply with this plan. The plan is to include appropriate measures to assure that impacts from future development on water resources will be prevented or remedied.”

9. The following paragraph on page 6-22 shall be removed:

~~“The undeveloped hillsides in this area are the site of the proposed Harbor Hills (or HW3) development. The proposed development involves approximately 632 acres and has an estimated (projected) population of 5,000 persons.”~~

9. Attachment #4 of Addendum No. 1, which is a reprint from the Harbor Hills Special Plan Area *Comprehensive Surface Water Management Plan (CSWMP)*, shall be removed.
10. Correct the culvert size on maps 5.4, 5.16, 5.18 as suggested by Dan Crumley, County Roadmaster. The most northerly culvert in basin number 55.1 is labeled 48” and needs to be changed to 36” in size.

December 8, 2008

Brookings City Council & Board of Curry County Commissioners Joint Public Hearing:

Re: "Storm and Surface Water Facilities Plan for Brookings-Harbor Area"
Public Legal Notice published November 22, 2008

Council Members/Commissioners,

This public testimony, the attached documents and those documents incorporated by reference are provided for inclusion into this public record with respect to the above subject.

The Public Notice published November 22, 2008 stated this is "...a joint public hearing on the 'Storm and Surface Water Facilities Plan for Brookings-Harbor-Area.'" The Curry County notice for the regular Board of Commissioners meeting December 1, 2008 under item 11. ANNOUNCEMENTS shows only "Tuesday, December 9; 10:00 A.M. Commissioners' Special Meeting re Storm Water Plan" I am not sure what the objective of these two public hearings are other than discussion on the subject "Storm and Surface Water Facilities Plan for Brookings-Harbor-Area" hereinafter referred to as Plan.

I will attempt to keep duplication of prior city and county Planning Commission testimony on the above subject to a minimum. This testimony is broken into two parts.

- A. October 21, 2008 Joint Planning Commission (city & county) Workshop.
- B. List of attachments including those documents incorporated by reference.

The Plan is very territorial from a jurisdictional point. To the north of the Chetco River for the most part is "Brookings" turf and to the south is "Curry County" turf. My concerns and comments regarding the Plan have been directed south of the Chetco River. More specifically the western slopes of the Harbor Hills. There has been no accountability, no teeth in applicable storm water and sediment control ordinances and no enforcement.

A general critical comment regarding the City of Brookings. No one including the Planning Director had a clue as to the oversight of this Plan from its inception. This included costs associated with the Plan and public record files. I took over two months after a written request for the city to learn they had been reimbursed \$20,000 by the county. It took three weeks after a written request for the city to determine the cost of the Plan. Most disturbing were the missing public records from DLCD grant personnel that were critical of the Plan results. No one managed the Plan internally as it evolved. All but one individual from 2005 are gone that were associated with the Plan.

- A. October 21, 2008 Joint Planning Commission (city & county) Workshop.

I did not attend but obtained an audio recording of the subject workshop. Throughout this section I refer to specific quotations from the audio of the joint workshop. Those references will simply be in quotations preceded with the word "workshop."

I also refer to other public records that include communication to/from the respective Planning Directors, etc. One or both of the Planning Directors have all of the records, which is why they are being incorporated by reference. I trust the Council members and Commissioners will thoroughly review all the material, as it is critical to case.

Much of the discussion throughout the workshop between members of both Planning Commissions concerned the question; what is our purpose here and what is our objective?

Workshop: Commissioner Leighton: *"So I think I need to have an understanding of what my objective is. And if my objective is to address content then obviously I need the Plan itself. What is our objective?"*

Workshop: Commissioner Bismarck: *"I guess I'm still a little bit confused on the same question. It just seems like procedural backflow that it's here again without some kind of resolution to remand from the hearing bodies that had final authority which was the City Council and the county Planning Commission."* [Meant Board of Commissioners]

Workshop: Commissioner Truesdell: *"The county Planning Commission has no experience with this. This is just introduced to us. Your question [Bismarck] was right on because it seems like a normal flow should have could have started with the people and the Planning Commissions and worked up..."*

Finally nearly half way into the workshop Planning Director Pratt had to "let at least one cat out of the bag." Workshop: Planning Director Pratt: *"The City of Brookings Code, public hearings are required before the Planning Commission before it can go to the City Council for adoption."*

This was pure and simple deception on the part of both Planning Directors. They did not want to open this Plan up to discussion and possible criticism from the public.

Planning Director Morris generalized about erosion control plan requirements the city and county both have in place.

Example: E-Mail Subject: Re: Missing Files: Tax Lot#4113-10-00306 E-Mail December 11, 2007 7:43 P.M. AD-0514 with a Cc: to Planning Director Pratt; County Planning Department personnel demonstrate in this example they are incapable of handling development of one lot with geologic requirements regarding storm water and erosion control on a very steep grade. This negligence contributed to nearly washing out a newly replaced 36" diameter culvert downstream of this tax lot. This is still a ticking time bomb as the situation has never been rectified nor did the Planning Director ever even respond to the e-mail.

Example: Curry County Planning Commission hearing January 6, 2005. Page 15 of 74 pages of the transcript of the audio taped meeting. Attachment A. This concerns rapidly moving landslides and the use of third party geologists to review and approve development on hillsides, etc. This example goes to the mentality and mindset of what has been present in land use in Curry County. One day it is going to hit the fan with a catastrophic event and then it will be too late and yes, it will be criminal negligence.

Director Young: *"That's why that law was put into place, and that's what this does. It basically say the geologist has got to go out there and look at it and say whether it's safe or not."*

Unidentified Commissioner: *"And he's guessing."*

Unidentified Commissioner: *"Yeah, he's guessing, but at least if he signs it, it takes us all off the hook."*

About thirteen minutes into the workshop Planning Director Pratt managed to slip in language to include the city/county Joint Management Agreement (JMA) with the blessing of Planning Director Morris. Cunning on the counties part. Incompetent on the city Planning Directors part.

City of Brookings Letter: September 11, 2007 to the Curry County Board of Commissioners. Re: Unanimous City Council vote to delay the Mixed-Use Master Plan Zone and amend the JMA.

City of Brookings & Port Orford Joint Resolution: December 10, 2007 Re: Amendments to the JMA.

Transcript of Curry County illegal workshop held March 27, 2007. This document (one of several) was initially forwarded to Planning Director Pratt for inclusion into the public record of a Curry County Planning Commission Workshop September 25, 2008. It was initially censored by the Planning Director and not provided to the commission members. Suffice to say it later was provided to the members. Among other things, sections of the transcript take abuse of the JMA and a total disregard for citizen's safety to a whole new level.

Example: Transcript page 38: Planning Director Pratt: *"...because right now we have haphazard development occurring up along Harbor Hills."*

Haphazard is nothing new in Curry County. Attachment B: E-Mail Wednesday, September 10, 2008: Re: 9/6/2008 Article: "Building bridges over troubled water." describes a sub-division again on the western slopes of the Harbor Hills in which the contractor/owner never completed the fire protection system. I.e.; going on twenty years and there is still no water in the hydrant system for fire protection and the county has known this for the entire time.

Example: Curry County Audio of July 18, 2007 Brookings Town Hall Meeting Re: Mixed Use Master Plan Zone. Planning Director Pratt down-playing the value of 1976 USGS maps showing areas subject to mass land movement over much of the western slopes of the Harbor Hills. *"The hills haven't changed. It's a matter of the detail level. Technology has changed that provides some more adequate more detailed information as far as slopes go and stability."*

Attachments C; D: Geologic Hazard Map (Department of Geology and Mineral Industries) of Brookings Urban Growth Boundary (UGB) & an enlarged area of the western slopes of the Harbor Hills.

Attachment E: Statewide Landslide Information Re: Landslide Topography Release #1 - 2008: Oregon Department of Geology and Mineral Industries. Nothing has changed in thirty plus years.

Brookings Town Hall Meeting: Citizen to Planning Director Pratt: *"The fellow just mentioned that he contacted the commissioners and they didn't respond to his questions. What do the citizens do or what do you suggest the citizens of this area do when we write to the commissioners multiple times with environmental questions, concerns like this gal talking about the roads washing out, boulders washing out and the commissioners do not respond to our questions? What do you suggest?"*

Planning Director Pratt: *"I don't have an answer."*

As luck would have it, Commissioner Nowlin was present at the Town Hall Meeting. I personally gave her a list of 14 questions she and the other two commissioners have been given regarding safety issues, legal issues, environmental issues, etc. and that she had refused to respond to (answer) in writing.

Commissioner Nowlin: *"We can talk about it. I can write some of it down."*

Commissioner Nowlin: *"OK. I'll try to do my best and put it in writing. Without legal counsel."*

Holding true to form, the commissioner made this commitment in the presence of fifty plus citizens and never had the courtesy to respond.

ARROGANCE AND NO ACCOUNTABILITY!

Example: Transcript page 57: Commissioner LaBonté talking about the JMA and the use of "discretionary" measures to bend the rules. *"...discretionary because it seems to me we have zoning rules set up for public safety and everything else. Why are we gonna suddenly keep bending all of them?"*

Example: Transcript page 60: Commissioner LaBonté: *"What's the point in even having them if you're gonna say, oh, well, you can bend all the rules? You don't have to have - You don't have to have width of streets proper for fire trucks to get up, and you don't have to do any of that because it's discretionary, and we're gonna approve this. And you could have total idiots sitting up here approving that kind of stuff like you have in the past. What do you think happened in Harbor? Why do you think you have the little alleyways in the streets? Some people approved all that, thought that was just honkey-dorey."*

Example: Transcript pages 61 & 62: Mr. Blodgett trying to skirt around the rules regarding fire truck safety access no less. *"But it's a discretionary thing, you can require that the fire department approve."*

Example: Transcript page 90: Commissioner Schafer to Planning Director Pratt regarding weasel clauses. *"You know, I've decided that master planners talk lawyer language."*

Planning Director Pratt: *"Yeah, we have to. That's exactly it."*

Commissioner Nowlin: *"Well, because - because when people go after it, it's based on legalese."*

Commissioner Schafer: *"No, it's based on the fact that they've got so many words in there that they*

can squeeze their way around whatever they want to say.”

Example: Transcript page 96: Commissioner LaBonté: “-objective. So you’re not gonna have any limits on the discretionary.”

Example: Transcript page 97: Commissioner Schafer creating an illusion that the citizens safety is important: County Counsel is present throughout this entire workshop. “Yeah, we definitely want to make sure that the public safety thing - concerns are I think still there, because if we don’t have some mention of that, then - then we won’t be able to bring in those people that could say, don’t you think? I mean,-”

Example: Transcript page 164: Commissioner LaBonté regarding areas on the western slopes of the Harbor Hills. “What happens when solar panels slip compared to a building. I mean - I mean, that would be a great use for some of the slopes.”

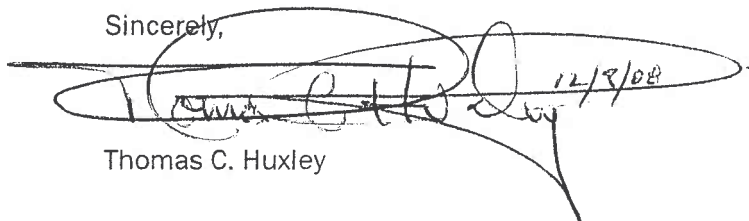
About fifteen minutes into the joint workshop Planning Director Pratt regarding his eliminating the drainage basins in the cities Public Facilities Plan. “And I know there was reference made to eliminating some of the drainage basins in the old Public Facilities Plan. The one that is currently in effect. The problem with that is that the drainage basins are entirely different. The coverage area and the way they categorized it and the way they configured it. So the numbers between the two documents are inconsistent.”

Interesting that the Plan and the Harbor Hills Special Area Comprehensive Surface Water Management Plan (CSWMP) also have different basins assigned (why I truly do not know) to the geographic areas covering the western slopes of the Harbor Hills and the Harbor Bench. In a letter to a DLCD representative June 1, 2007 the project manager (HGE) for the firm that was contracted by Curry County and the City of Brookings to complete the Plan stated: “The recently completed CSWMP for the Harbor Hills Special Plan Area includes extensive data analysis and modeling of surface and groundwater in the Harbor Hills and Harbor Bench. HGE model results for flows starting on the Harbor Hills and terminating at, or near, the coast, are comparable.”

They had no problem making a general comparable analysis although the basins of the two studies are different. There is **NO** reason to delete the post development data in the current Public Facilities Plan at this time nor at anytime until new post development data is generated.

My position regarding this Plan has been and remains; there must be a “critical path” chart developed and specific **ACCOUNTABILITY** (yes, a novelty in Curry County) at each critical point, not “weasel” clauses. Until the storm water drainage infrastructure west of Hwy. 101 is designed, funds committed and a firm construction schedule exists, nothing east of Hwy. 101 should move forward.

Sincerely,



Thomas C. Huxley

B. List of attachments including those documents incorporated by reference.

Attachment A: Curry County Planning Commission hearing January 6, 2005. Page 15 of 74 pages.

Attachment B: (E-Mail Wednesday, September 10, 2008: Re: 9/6/2008 Article: "Building bridges over troubled water.")

Attachments C; D: Geologic Hazard Map (Department of Geology and Mineral Industries) of Brookings Urban Growth Boundary (UGB) & an enlarged area of the western slopes of the Harbor Hills.

Attachment E: Statewide Landslide Information Re: Landslide Topography Release #1 - 2008: Oregon Department of Geology and Mineral Industries.

Documents Incorporated by Reference

E-Mail: Re: Missing Files: Tax Lot#41113-10-00306 E-Mail December 11, 2007 7:43 P.M. AD-0514

City of Brookings Letter: September 11, 2007 to the Curry County Board of Commissioners. Re: Unanimous City Council vote to delay the Mixed-Use Master Plan Zone and amend the JMA.

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Transcript of Curry County illegal workshop held March 27, 2007

Curry County Audio of July 18, 2007 Brookings Town Hall Meeting Re: Mixed Use Master Plan Zone.

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TRANSCRIPTION OF THE AUDIOTAPED
PLANNING COMMISSION HEARING
OF JANUARY 6, 2005

1 that -- that if I build a house here at this flat spot that I'm
2 not gonna slide down hill.

3 COMMISSIONER NETTGEN: Well, we've already got that
4 provision for --

5 DIRECTOR YOUNG: Basically what this does is there's a
6 difference here. We're not just considering slope. We're
7 considering danger to the development from other areas that are
8 steep. This is a rapidly moving landslide ordinance is what it
9 is. There's a -- State law right now requires us to do
10 something. They don't have their maps out, so we're gonna
11 generate our own, but the language in the statute is there. It
12 says basically you need to address this in your ordinance.

13 COMMISSIONER _____: On anything 30 percent.

14 DIRECTOR YOUNG: It just says in areas that are subject
15 to rapidly moving landslides, debris flows, and stuff. So
16 what -- The geologist is kind of critical to go out there and
17 look around and say their property is nice and flat, but here's
18 45 percent with a gully, here's another one, and here's another
19 one, and this shows clear evidence of a rapidly moving landslide
20 flowing through it before, you know. It wouldn't matter what
21 the slope is. They could locate their development there without
22 a problem but still get knocked right out. That's what happened
23 in Roseburg in '97. That's why that law was put into place, and
24 that's what this does. It basically says the geologist has got
25 to go out there and look at it and say whether it's safe or not.

26 COMMISSIONER _____: And he's guessing.

27 COMMISSIONER _____: Yeah, he's guessing, but at least
28 if he signs it, it takes us all off the hook.

29 DIRECTOR YOUNG: I don't know any other way to do it. A

B

t&k

From: "John J. Brazil" <jbrazil@bigfoot.com>
To: "t&k" <runawayfreighttrain@verizon.net>
Cc: <kmadar@currypilot.com>, "Harms, Harry" <hastingsbulb@charterinternet.com>; "Crockett, Carol" <winharbor@charter.net>
Sent: Wednesday, September 10, 2008 4:25 PM
Subject: Re: 9/6/2008 Article: "Building bridges over troubled water"

Tom:

Thank for sending this on to Mr. Madar, As you know we have informed the County and HW3 over and over on the issue of public safety in the fact the HW3 has not completed the project water supply issue for fire protection per his agreement that is near 20 years late.

It still is my feeling that HW3 should live up to the first issue before starting another. Until one completes there first bridge one should not start building another. "Troubled Water" ? Pelican Bay Heights do not have the water to be troubled about. We should look to the safety of our landowners and to the agreed to product from the developer.

Again Thanks for sending this on.

John Brazil
 Chief Harbor Fire.

On Sep 9, 2008, at 7:59 PM, t&k wrote:

September 9, 2008

Re: Pilot Article by Kurt Madar September 6, 2008; "*Building bridges over troubled water.*"

In the article you state "The houses that Harms is talking about were not built by HW3, but other landowners." That is not exactly correct. There is a Pelican Bay Heights **First** Addition Subdivision and a **Second** Addition Subdivision. Your statement applies for the **First** Addition Subdivision. The **Second** Addition Subdivision includes what is typically called Napa Lane although some maps show this as Upper Benham Lane or Upper Pelican Bay Drive. The **Second** Addition Subdivision can be found on Curry County Assessor map numbers 41S 13W 10C and 41S 13W 15B.

Parcels in this **Second** Addition were purchased by the Westbrook's (HW3) around 1987. Approximately twenty years later skeletons still exist in this Subdivision. Hopefully in the very near future you will do an in depth article and expose this fact so that not one more individual or couple will purchase property in this Subdivision only to find out later the fire hydrant they informed their homeowners insurance carrier was just down below the end of their driveway has no water. You might have a lengthy chat with the Harbor Fire Chief whose volunteers can empty a 1000 gallon water truck in three or four minutes using just one fire nozzle. After that, short of another water truck immediately arriving on the scene, should a house fire occur in this Subdivision, there is **NO** water to put the fire down. Matter of fact, this has been the case and common knowledge to Curry County officials for nearly twenty years (not good stewardship). Refer to attached Western Land Use Services letter dated April 13, 1990 and Harbor Rural Water District letter dated March 29, 1991. I cannot speak for the Chief but would bet he is eager to provide you with the history behind this particular subject.

Should this real life situation occur with a resulting loss of life, it will make the "half million" report cost you referred to in your article mere pocket change.

9

12/8/2008

Harry presented public testimony July 1, 2008 during a Brookings Planning Commission meeting regarding the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." I believe you or another Pilot staff member was in attendance for the agenda item that preceded this item but not for this subject. Nearly twenty-five column inches in your article related to the Comprehensive Surface Water Management Report (CSWMP). It is interesting that both these "studies" encompass the entire Westbrook property yet neither has much at all in common with the other, especially with respect to the correlation of drainage basins. During the July 1, 2008 and a subsequent commission meeting, additional testimony was provided including photographs showing how relatively minor uncontrolled grading without proper precautions at higher elevations can dramatically effect geologic conditions and resulting storm water runoff at lower elevations and ultimately the Harbor Bench.

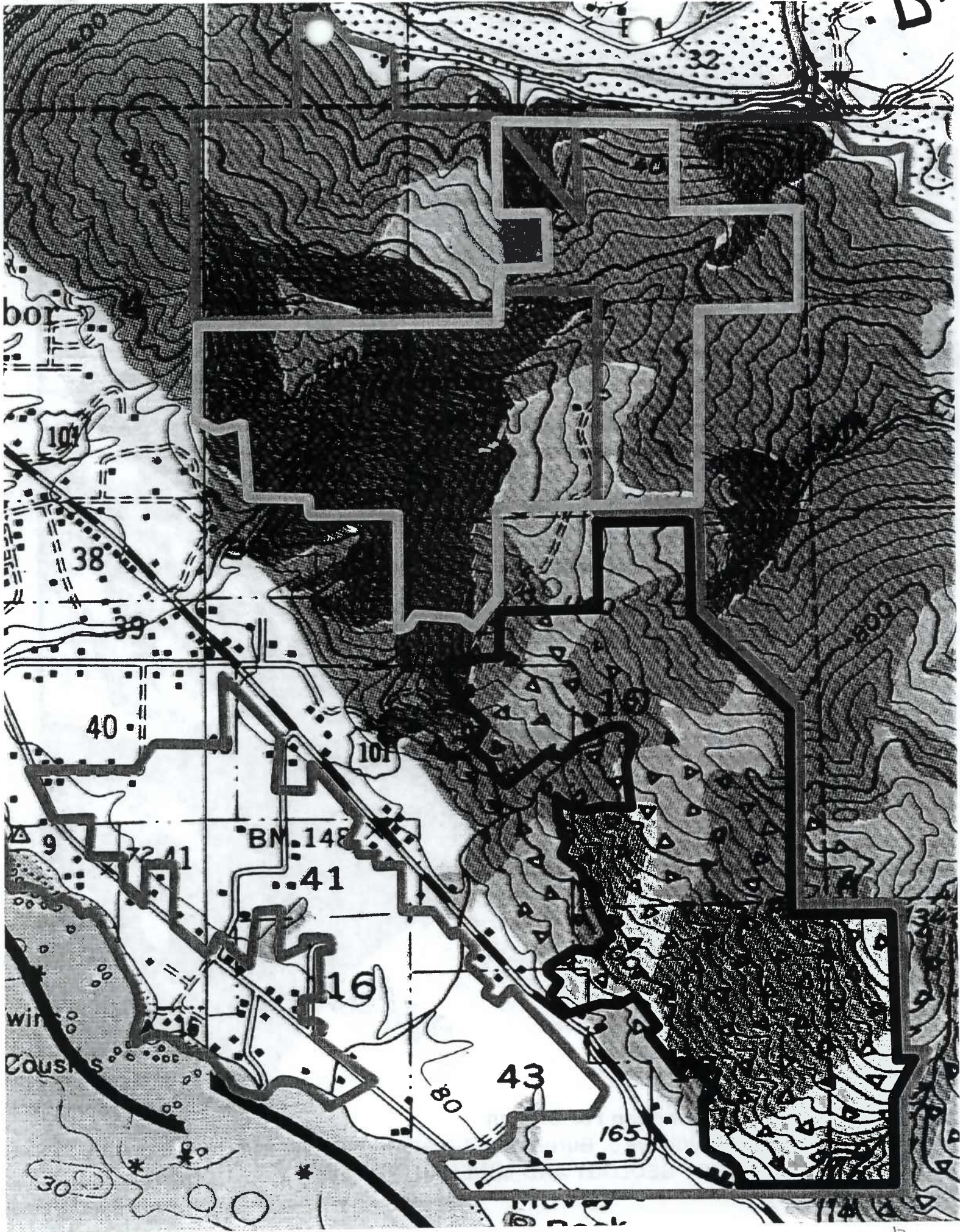
Dozens of acres are currently being scarified with no apparent concern of the possible consequences downstream. The five attached photos are but minor examples of both before and after results of similar behavior. The storm water image was just before both the culvert and road washed out. The type of grading (cut-in) shown in another of the attached images can easily alter the course of water, wreak havoc with culverts directly downstream creating a domino effect and ultimately affecting the Harbor Bench.

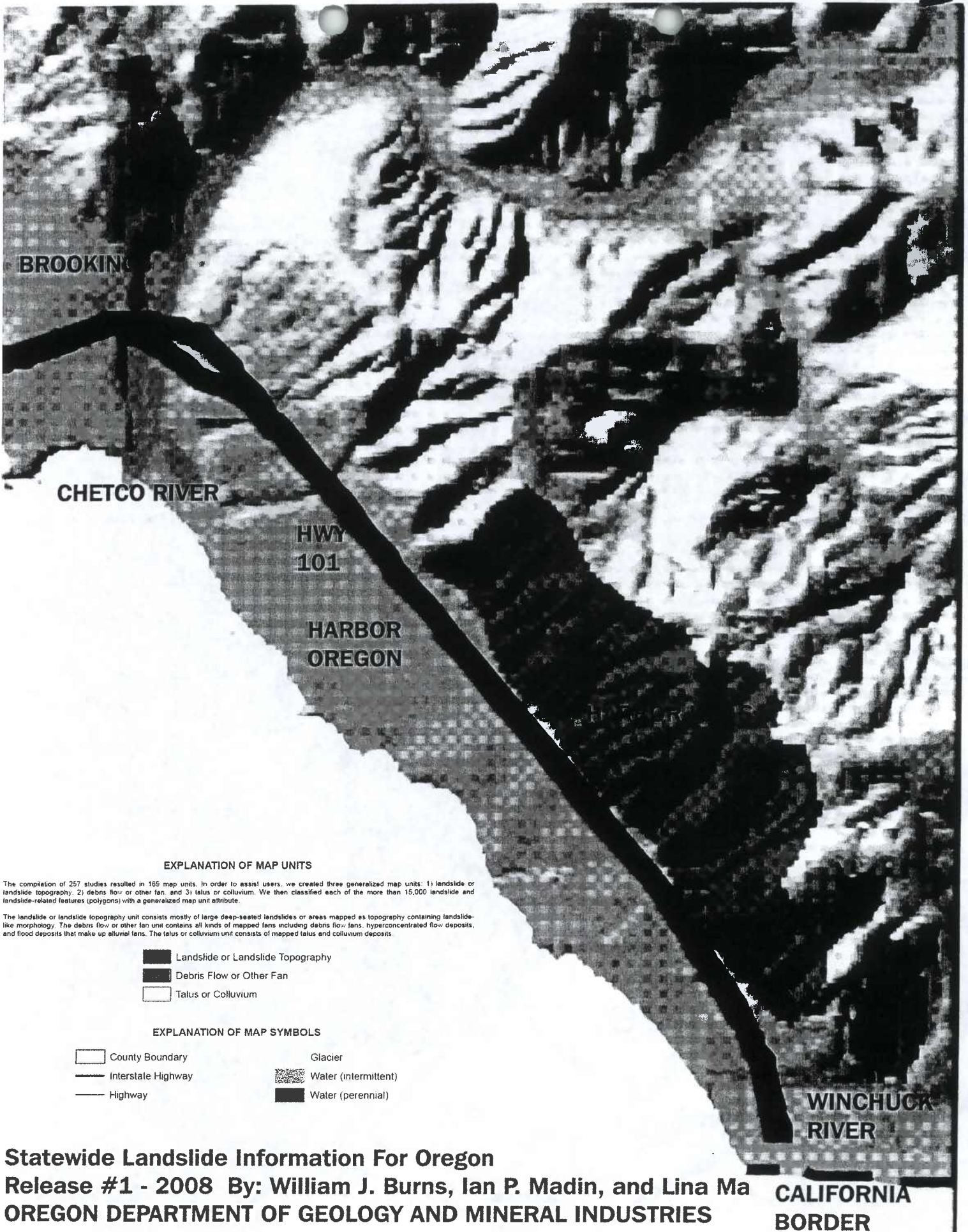
Harry indicated to me yesterday afternoon you appeared to have a sincere interest in investigating this complex subject further and presenting factual information to the public in future articles. If this were indeed the case, I would like very much to meet and provide you with additional factual pieces of the puzzle.

Thank you for your time.

Tom Huxley

<WEB_HHD76.jpg><WEB_6614.jpg><WEB_6621.jpg><WEB_HHD2.jpg><WEB_HHD41.jpg><Harbor Rural Water District Letter 3-29-1991.pdf><Western Land Use Services Letter 4-13-1990.pdf>





BROOKING

CHETCO RIVER

HWY
101

HARBOR
OREGON




WINCHUCK
RIVER

CALIFORNIA
BORDER

EXPLANATION OF MAP UNITS

The compilation of 257 studies resulted in 165 map units. In order to assist users, we created three generalized map units: 1) landslide or landslide topography, 2) debris flow or other fan, and 3) talus or colluvium. We then classified each of the more than 15,000 landslide and landslide-related features (polygons) with a generalized map unit attribute.

The landslide or landslide topography unit consists mostly of large deep-seated landslides or areas mapped as topography containing landslide-like morphology. The debris flow or other fan unit contains all kinds of mapped fans including debris flow fans, hyperconcentrated flow deposits, and flood deposits that make up alluvial fans. The talus or colluvium unit consists of mapped talus and colluvium deposits.

-  Landslide or Landslide Topography
-  Debris Flow or Other Fan
-  Talus or Colluvium

EXPLANATION OF MAP SYMBOLS

-  County Boundary
-  Interstate Highway
-  Highway
-  Glacier
-  Water (intermittent)
-  Water (perennial)

Statewide Landslide Information For Oregon
Release #1 - 2008 By: William J. Burns, Ian P. Madin, and Lina Ma
OREGON DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES

December 7, 2008

In a meeting on September 25, 2008, for the MUMPZ project, I saw first hand how a few folks in county government are unfairly and/or incompetently handling a potential disaster to the Harbor Hills. It looks like some of these same folks are also involved in yet another boondoggle called the Storm and Surface Water Facilities Plan for Brookings-Harbor Area.

Tom Huxley, a man who lives directly below one of the major slide areas of the Harbor Hills, tried in vain to get Dave Pratt to release vital information that he had sent in. As I sat and watched this take place, Mr. Pratt sat in what appeared to be a stupor while Mr. Huxley asked about the dissemination of the material. Mr. Pratt finally said "I have it on my desk and it will be submitted at the proper time when public testimony is taken.", but, he was not going to release it to the other Planning Commissioners at that time. This is a blatant act, on the part of the county, to deliberately keep information from the commissioners that will prove that the Harbor Hills MUMPZ project is extremely dangerous to all the people living on and below it!

The MUMPZ project and the Storm and Surface Water Facilities Plan for Brookings-Harbor Area are dangerous because the storm run-off problem cannot be solved. Due to the steepness of the hills and the huge amount of water that runs off in the rainy season, absolutely nothing can be done to control it. Additionally a large portion of the western slopes of the harbor hills is classified as an area of mass land movement.

As it stands now, recent logging and burning activity by HW3 may have already damaged the hills beyond recovery. We now face potential "Rapid Landslide Movement" above the Pelican Bay Drive neighborhood and this has the potential to kill hundreds of people in just a few seconds with no prior warning. We have had at least three slides on and around Harbor Hills Heights Road and Pelican Bay Drive just in the past two years. This MUMPZ project and the Storm and Surface Water Facilities Plan for Brookings-Harbor Area should be stopped before they can cause mass destruction of property and loss of lives.

The three rapid landslide movements, in the past two years, caused a great deal of damage in an area only a few hundred yards wide. One landslide came off of the property owned by the Garvin family and pushed a travel trailer up against a home owned by a friend of mine on Pelican Bay Drive. Another rapid landslide movement took out part of Harbor Hills Heights Road which is an adjoining road to Pelican Bay Drive and the only ingress and egress for the homeowners on this road. The third rapid landslide movement completely took out a huge section of Pelican Bay Drive and caused weeks of detours because of the limited access for homeowners on Pelican Bay Drive.

Every one of these rapid landslide movements could have been prevented if the Planning director of Curry County had mustered the common sense to limit or prevent building, slash and burn logging and/or road construction on these three sections of Harbor Hills Heights and Pelican Bay Drive.

This same Planning director has now allowed HW3 and several other developers and/or homeowners to slash and burn timberland on slopes up to and including 90% slopes. A prime example of these 90% slopes that are hazardous can be viewed about a half mile up Harbor Hills Heights Road. This used to be a beautiful forested area, but now looks like a burned-out war zone with no living vegetation. Some of this work was allowed to be done without permits and the authority that should have been aware of the illegal activity was the County Planning Director. He knew about the slash and burn activity beforehand and only acted on the illegal activity when he received a complaint and photographs from a concerned citizen who was afraid that the activity was causing a potential hazard to properties down slope from that area.

The ditches on Harbor Hills Heights Road are all filled in with debris from logging activity and from HW3's heavy equipment crushing the road and ditches when passing vehicles on this 10'-12' wide road. The other developers in the area have also caused major damage to Harbor Hills Heights. Since HW3 has done the most work on his property adjacent to Harbor Hills Heights, he is most responsible. I have personally witnessed many of his heavy vehicles traversing Harbor Hills Heights and have seen the damage as it was caused.

In an attempt recently to correspond with an employee of HW3's to have HW3 address his responsibility on Harbor Hills Heights Road damage, I was met with utter silence. In short, HW3 does not appear to be willing to take responsibility for the damage caused by his activities. Since it is common knowledge that HW3 was supposed to provide water for fire hydrants in another area and failed to do so, I am not surprised that he does not want to take responsibility for his actions on Harbor Hills Heights Road.

As of today, the above mentioned area has already begun to fail, with rock and dirt falling off the 90% slope and running down the road (because the ditches are filled in) and will eventually cause the road to fail as well. Harbor Hills Heights Road and Pelican Bay Drive are both privately owned roads and are only maintained by a few existing homeowners along each road. The county refuses to accept them as county roads and will not maintain them even though the homeowners are paying taxes to have them maintained.

This is illegal and, at the very least, the act of either an incompetent fool or someone who is acting, not in the best interests of the people of Curry county, but in the best interests of big time developers with wads of cash in hand. As it stands now, the slopes and ditches along roads next to the slash and burn areas OK'ed by the County Planning Director, Dave Pratt, are in such unstable condition that those areas now constitute a major hazard to the existing homeowners on Harbor Hills Heights Road and those homeowners directly below and adjacent to Harbor Hills Heights Road.

The MUMPZ project and the Storm and Surface Water Facilities Plan for Brookings-Harbor Area has been so clouded with all kinds of intrigue, false reports and outright lies about what the land is capable of being used for, that I would not trust the current

commissioners, planning directors or anyone associated with them to make any decision that concerns my well being. In short, there appears to be a whole lot of shenanigans going on that make even the worst skeptic suspicious about who might be taking bribes and/or getting paid off in some other (less apparent) form.

At least one of the three commissioners who have pushed these two projects has, by their own admissions, had emotional break-downs and/or other problems associated with coping with their duties as commissioners. These three commissioners are incapable of governing without becoming stressed; therefore, their decisions on these projects should be considered suspicious at best and should be completely reevaluated by others who are more capable of handling stress. We need clear headed commissioners, not people who need drugs and/or the bottle to function.

We now have a third set of planners/commissioners who are working on how roads should be set up for the Harbor Hills. Besides being made up of several developers who are the last people who should be making the decisions for where roads should go on the hills (think self interest here), there are also some of the same people associated with the other two boondoggles in this same commission. The Fox (in this case several Foxes) is in charge of the hen house in all three projects. One of the developers that is on the road commission recently made a statement at a road commission meeting that a prime location for an access road to the Harbor Hills should be in the same area as where a major slide occurred two years ago. This same developer/commissioner also stated that the roads should only be 12' wide so as to maintain the feeling of a hillside village.

Oregon law has determined that the western slopes of the Harbor Hills are much too dangerous to build on because of the Rapid Landslide Movement nature of the area. Should the greed/incompetence of the county employees and their friendly developers be enough to throw common sense to the wind and build where lives will eventually be lost due to a rapid landslide movement? It will happen! There is no doubt! Lives will be lost!

It appears that the most valuable property is on the western slopes and that certainly explains why so many county employees and developers are willing and yes, anxious, to ignore the grave danger to the lives of present and future homeowners on and below the Harbor Hills.

In conclusion, the folks who have the power to make or break this project should immediately stop wasting the tax payers' money, and that is exactly what is being done, and forever put MUMPZ and the Storm and Surface Water Facilities Plan for Brookings-Harbor Area, in a grave. The lives of people are on the line but nobody seems to care.

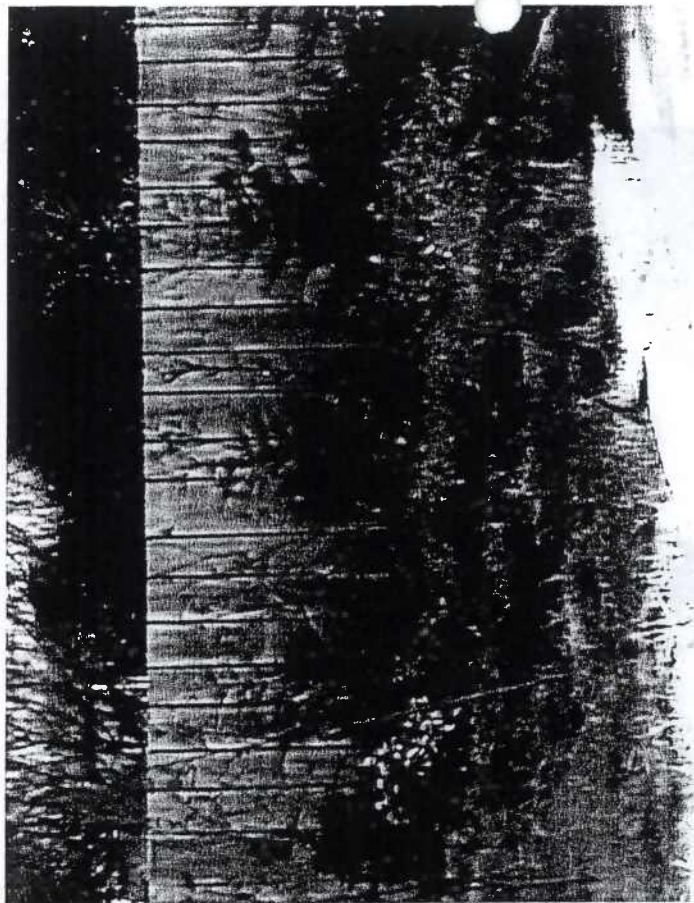
There is no solution to the massive rainfall water runoff problem because of the steepness of the slopes and the composition of the soil, period!

I am requesting that this document be included in the public record as testimony for this hearing.

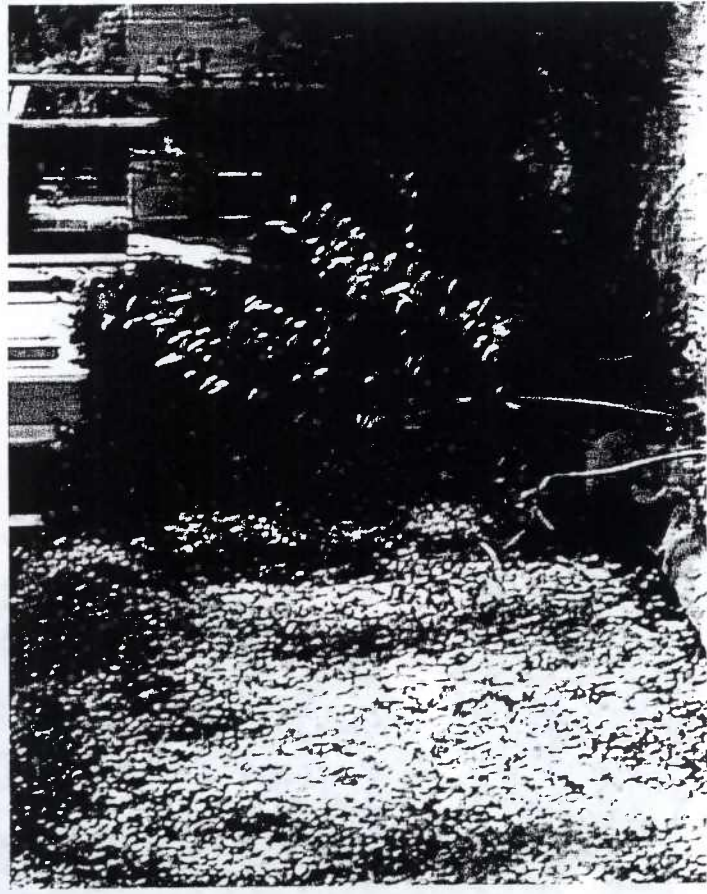
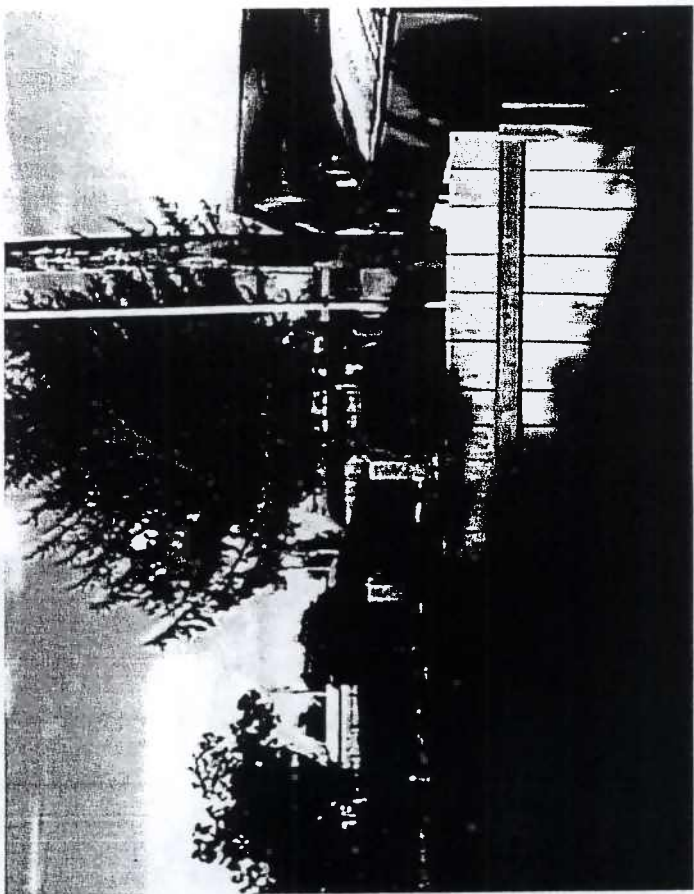
I would also point out again the efforts of some of the planners and/or county commissioners/coHORTs to prevent information from getting into the record. These efforts to block information, at the very least, are a blatant act and are being viewed by the public as illegal, immoral and telling as to the corruptible nature of the people overseeing the MUMPZ project, the Storm and Surface Water Facilities Plan for Brookings-Harbor Area and the Harbor Hills road committee.

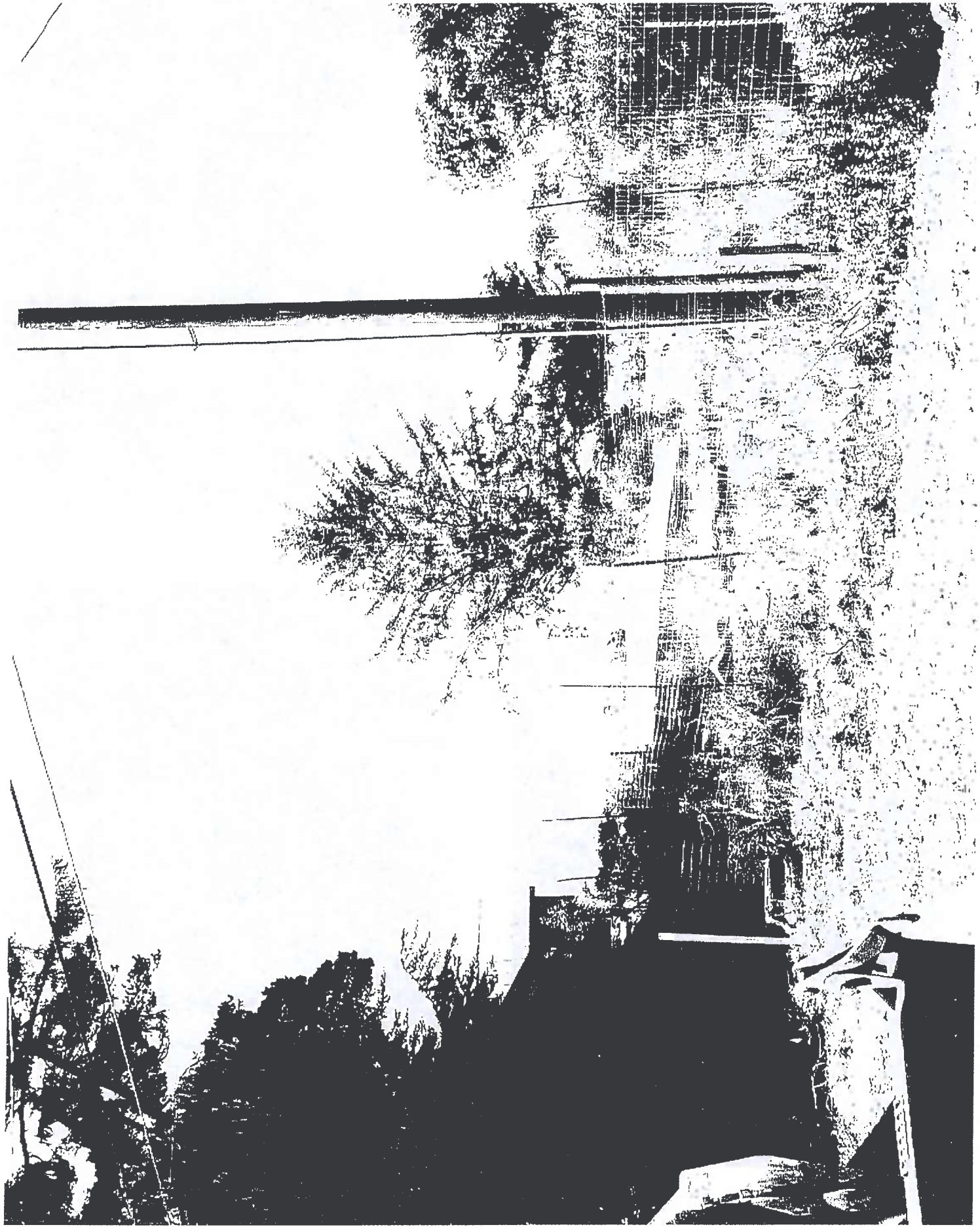
Robert Lake
Harbor, Oregon

Robert Lake



1.





8, Dec. 2008

HCAC
P.O. Box 7102
Brookings, OR 97415

Re: File Number CP-1-08 & CP-0801

Commissioners, Mayor & Councilmen of Brookings.

Thank you for the opportunity to present these comments to you this evening. I am well aware of the amount of work that has gone into the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area," hereinafter referred to as Plan which is to be adopted by reference into the Comprehensive Plans of the City and County.

The Plan is to be adopted prior to issues being resolved. Comment made by one Planning Commissioner.

I would like to thank again both Planning Directors for removing the SCWMP from the Plan as well as the projected population of 5,000 persons for HW3's development. A much higher number than was adopted in the Public Facilities Plan. Also there is an additional 25 acres that HW3 had added to the original 607 acres in the Harbor Hills.

These issues were already raised in written comments provided at the city and county Planning Commission hearings and they are in your packets.

The Agreement among City of Brookings, Curry County and HGE, Inc., Engineering.
Page 2 of 6 Attachment A

Evaluation Phase: Develop policies and procedures for water quality assessment and monitoring within the urban watersheds.

Final Phase: Provide procedures manual and Curry County will request plan reviews by Charles Strom PE., Marquess & Associates Curry County Engineer of record. Are the procedures manual and plan reviews by Mr. Strom available for public review and comment?

Page 7.2 In the Plan, "...monitoring may be required of developers when development warrants monitoring of pre-development and post-development conditions..."

Addendum #1 Attachment 2
Curry County Water Quality Implementation Plan (June 30, 2006)
Page 10 Barriers to Implementation.

Complacency: Only vigilance will continue to protect and improve the water quality in our rivers and streams,...In the long 200-year history of urbanization and salmon populations, salmon always lose. Citizens should hold their officials responsible for obeying and improving existing laws and regulations. Strong words and yet both city and county have expressed a desire not to conduct on-going monitoring with city and county resources. Amended to, only if funding is available.

Funding is available and a request should be made to Borax, HW3 and Harbor Construction. Developers with large land holdings in the Urban Growth Boundary (UGB) should provide the needed funds for monitoring purposes.

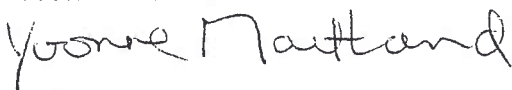
How will citizens "hold their officials responsible for obeying existing laws and regulations" without conducting monitoring, and without regulatory oversight? The land use planning process is diminished when it cannot uphold public interest and trust.

The nearly \$137,000 dollar Plan that involves 6,687 acres without vigorous monitoring and enforcement especially on marginal lands does not meet public values, concerns or safety issues.

7.3.2 Future Development

Current Mapping is provisional and may omit detail or include erroneous detail depending on the ultimate reliability of the sources or the extent to which detail was verified or discovered. More importantly HGE should have referenced the USGS Geologic Hazard Map which shows most of the western slope of the Harbor Hills as a Mass Movement Area. Also, the Department of Geology and Mineral Industries (DOGAMI) provisional map of Rapidly Moving Landslides was also excluded by HGE.

Yvonne Maitland



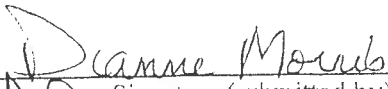
HCAC Secretary

CITY OF BROOKINGS

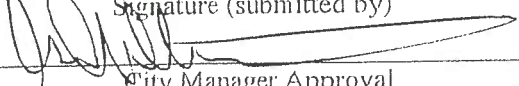
COUNCIL AGENDA REPORT

Meeting Date: December 8, 2008

Originating Dept: Planning



Signature (submitted by)



City Manager Approval

Subject: File # CP-1-08 provides proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) to provide for the Adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**

Recommended Motion: In the matter of file # CP-1-08 I move that the Council approve the proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) and adopt the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**

Financial Impact: None.

Background/Discussion: The County and City Staff have prepared the attached Report concerning the subject listed above.

Policy Considerations: None.

Attachment(s): Staff report to consider adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**



FOR THE MEETING OF DECEMBER 8, 2008

STAFF REPORT

To: Curry County Board of Commissioners
Brookings City Council

From: David J. Pratt, AICP, Public Services/Planning Director
Curry County

Dianne Morris, Planning Director
City of Brookings

Date: November 24, 2008

Subject: Public Hearing on the Adoption of the *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* (Curry County CPC Case No. 0801)

Issue

To amend the *Curry County Comprehensive Plan*, the *City of Brookings Comprehensive Plan*, and the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* for the purpose of adopting and incorporating the *Storm and Surface Water Facilities Plan for Brookings-Harbor Area*, dated October 2007, by reference as a supporting document to the *Curry County Comprehensive Plan*, the *City of Brookings Comprehensive Plan*, and the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas*

Background

The *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* (October 2007) was prepared by, HGE Inc., a private consulting firm. The development of this Plan was a joint effort between the City of Brookings and Curry County using a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD).

The initial draft of the Plan was completed in December 2006. Upon review and comment by DLCD, an addendum (No. 1) was submitted by HGE Inc. in June 2007 for City and County review. In the fall of 2007, the City of Brookings reviewed the plan and suggested some changes (Addendum No. 2, dated October 2007). Subsequently, the Brookings City Council reviewed and "approved" the Plan with the two addendums in December 2007.

The Curry County Board of Commissioners reviewed and discussed the *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* (October 2007) at a work session on March 26, 2007. The Board recommended text changes to the plan.

With the concurrence of the Brookings City Council and the Curry County Board of Commissioners, the 45-day DLCD notice required under ORS 197.610 for post acknowledgement plan amendments was submitted to the DLCD. Public hearings to receive oral and written testimony on adoption of the Plan were scheduled before the Curry County Planning Commission and the City of Brookings Planning Commission.

Findings of Fact

1. The Curry County Comprehensive Plan was amended on August 30, 2002 for the purpose of adopting the *Public Facilities Plan for Urban Growth Expansion - Brookings and Harbor Study Areas* (Curry County Ordinance No. 02-03).
2. On March 26, 2008, the Curry County Board of Commissioners held a work session on the on the *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* and suggested that certain text changes (Attachment 1) be made. The Brookings City Council agreed to those changes.
3. The Curry County Planning Commission held its initial public hearing on August 7, 2008 and continued to the Planning Commission meetings of August 28, 2008. At the August 28, 2008, meeting, the Planning Commission requested that staff arrange a work session with the Brookings Planning Commission and continued the public hearing to October 23, 2008. On October 21, 2008, the Curry County Planning Commission held a work session on the Plan with the Brookings Planning Commission to discuss the proposed amendments to the comprehensive and public facilities plans. On October 23, 2008, the Curry County Planning Commission deliberated on the matter and passed motion recommending:

“Adoption of the *Storm and Surface Water Facilities Plan for Brookings - Harbor Area* by the Board of Commissioners, subject to staff recommendations and consideration of public input.”
4. The suggested revisions to the *City of Brookings - Public Facilities Plan* to accommodate the adoption of the *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* can be found in Attachment 3.
5. Written testimony that was submitted to the Curry County Planning Commission and the Brookings Planning Commission may be found in Attachment 4.
6. In a letter to the Planning Commission dated August 7, 2008, Mr. Huxley states that a culvert size was incorrectly identified for basin number 55.1 (see Attachment 4, page). The Curry County Roadmaster investigated the site and

found that the most northerly culvert was mislabeled as being 48” when it was actually 36” in size. The change to the culvert size will be made to the *Storm and Surface Water Facilities Plan for Brookings – Harbor Area*.

7. It should be noted that there are four (4) storms facilities maps in the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* in Appendix A: Facilities Maps/Project Descriptions, These maps should be removed since the *Storm and Surface Water Facilities Plan for Brookings – Harbor Area* is based on reconfigured drainage basins.

Recommendation

It is recommended that the Board of Commissioners and the Brookings City Council:

1. Adopt the Facts and Findings of this staff report;
2. Amend the draft of the *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* (October 2007) to include the suggested text changes by the Curry County Board of Commissioners as listed in Attachment 1 and the following additional proposed text changes:
 - a. The text under **Harbor Hills Special Plan Area** on page 4 of “ADDENDUM TO STORM AND SURFACE WATER FACILITIES PLAN FOR BROOKINGS-HARBOR AREA” dated June 26, 2007 should be replaced with the following text:

“The Harbor Hills Special Plan Area was established as an area of environmental concern under the Joint Management Agreement (JMA) between the City of Brookings and Curry County dated January 22, 2001. This area was designated as a special plan area on the comprehensive plan. Under the JMA, any special plan must be adopted as post acknowledgement plan amendment pursuant to ORS 197.610 by both the City and County before any development permits are issued by the County for construction within Special Planned Areas.

“Under the terms of the JMA, the County must commission or require a comprehensive surface water management plan for the Harbor Hills Special Plan Area prior to land use approvals for new development (other than that allowed by the present zoning designation) to address surface water run-off, stream channel erosion, and potential impacts on the groundwater balance of the Harbor Bench aquifer. All future nonresource development, including roads and infrastructure, must comply with this plan. The plan is to include appropriate measures to assure that impacts

from future development on water resources will be prevented or remedied.”

- b. Remove the following paragraph on page 6-22:

~~“The undeveloped hillsides in this area are the site of the proposed Harbor Hills (or HW3) development. The proposed development involves approximately 632 acres and has an estimated (projected) population of 5,000 persons.”~~

- c. Remove Attachment #4 of Addendum No. 1, which is a reprint from the Harbor Hills Special Plan Area *Comprehensive Surface Water Management Plan* (CSWMP);
3. Amend the *Curry County Comprehensive Plan*, *City of Brookings Comprehensive Plan*, and the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* (August 2002) to adopt and incorporate the *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* with the suggested text changes and changes to the *City of Brookings - Public Facilities Plan* as found in Attachment 3; and
4. Remove the four (4) “Storm Facilities” maps in the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas*, Appendix A: Facilities Maps/Project Descriptions.
5. Consider the written comments that have been received from the general public (see Attachment No. 4).

Exhibits:

1. “Recommended Changes to the *Storm and Surface Water Facilities Plan for Brookings-Harbor Area*” – Curry County Board of Commissioners Work Session on March 26, 2007
2. “Recommended Changes to the *Storm and Surface Water Facilities Plan for Brookings-Harbor Area*” – Curry County Planning Commission meeting of October 23, 2008
3. “Recommended Changes to the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* and the *City of Brookings Comprehensive Plan*.”
4. Written Testimony submitted to the Curry County Planning Commission and the Brookings Planning Commission.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Comprehensive Plan and Public Facility Plan Amendment
FILE NO: CP-1-08
HEARING DATE: November 4, 2008

REPORT DATE: October 24, 2008
ITEM NO: 7.2

GENERAL INFORMATION

APPLICANT: City Initiated.

REPRESENTATIVE: City Staff.

REQUEST: Proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) for the Adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**

PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

This is a continuation of the hearing to consider amendments to the Comprehensive Plan and Public Facility Plan (PFP) to adopt by reference the "Storm and Surface Water Facilities Plan for Brookings Harbor Area" ("Storm...Plan"). In hearings discussing this matter, concerns expressed by the public moved beyond the amendments to adopt the "Storm...Plan", to criticisms of the "Storm...Plan" itself. The "Storm...Plan" was reviewed and approved by the County Board of Commissioners and City Council after workshops and meetings involving the consultants who drafted this document. As explained in the combined City/ County Planning Commission workshop on Oct. 20th, the Board and Council are the decision making bodies that have studied the "Storm...Plan" and have the background to consider possible revisions to it. The Planning Commission's role is to review the adoption language. In previous hearings on this matter the City Planning Commission suggested several revisions to the adoption language and those have been incorporated into the amendments.

Attached to this Staff Report is the text of the amendments to the Comprehensive Plan and the PFP. Also attached are additional materials recently submitted with concerns relating to the "Storm...Plan". Staff believes the Planning Commission should make a recommendation on the amendments and also recommend that the City Council consider all the materials submitted concerning the "Storm...Plan" during their hearing on this matter.

RECOMMENDATION:

Staff supports a Planning Commission recommendation of approval of file CP-1-08, proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) for the adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area**, to the City Council. In addition, Staff supports a Planning Commission recommendation that all exhibits submitted by the public in this matter be reviewed by the City Council to consider possible revisions to the "Storm...Plan."

ATTACHMENTS:

Attachment A – Draft Revisions to the Comprehensive Plan and the PFP.
Attachment B – Exhibit I, Materials from Yvonne Maitland dated October 7, 2008
Exhibit J, Materials from Tom Huxley dated October 21, 2008
Exhibit K, Email from John Cowan, City Public Works Director, dated September 19, 2008
Exhibit L, Correspondence from Dan Crumley, County Roadmaster, dated October 2, 2008

CITY OF BROOKINGS – COMPREHENSIVE PLAN

**DRAFT REVISIONS
SEPTEMBER, 2008**

**CITY OF BROOKINGS – COMPREHENSIVE PLAN
DRAFT REVISIONS – Sept., 2008**

Draft text is *bold and italicized*.
Text to be deleted has ~~struck throughs~~.

GOAL 11 PUBLIC FACILITIES AND SERVICES

GOAL:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.

FINDINGS:

1. The City has adopted a Public Facilities and Services Plan that establishes the framework for the distribution of water and sanitary sewer services and storm drainage systems throughout the expanded Urban Growth Boundary.

3. The City has adopted a Water Master Plan/Conservation Management Plan.

4. The City has adopted a Water Curtailment ordinance that provides the city with the mechanisms to curtail water use in emergencies, including low surface water flows in the Chetco River.

5. On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." New policies from this Plan are found in the "Public Facilities Plan for Urban Growth Expansion."

56. The city currently provides the following facilities and services within the City Limits:

**CITY OF BROOKINGS – COMPREHENSIVE PLAN
DRAFT REVISIONS – Sept., 2008**

Draft text is *bold and italicized*.
Text to be deleted has ~~strikethroughs~~.

POLICIES:

To insure timely, orderly and efficient arrangement of public facilities and services the following policies will be implemented by the City of Brookings.

1. Public Works

- A. Water treatment facilities. Facilities will be maintained with the proper observation and planning to expand facilities on a timely basis to provide continued service to existing customers and projected growth. Expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.
- B. Water distribution, pumping and storage. New development requiring extension of water mains, pumping and storage facilities will be paid for and constructed by the developer pursuant to the provisions of the City of Brookings Standard Specifications document dated August 1988.
- C. Water Master Plan/Conservation Management Plan. The city will maintain a Water Master Plan/Water Conservation Management Plan, which will be updated as required.
- D. Wastewater treatment facility. Expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.
- E. Wastewater collection facilities. New development requiring extension of sewer mains and new pumping stations will be paid for and constructed by the developer City of Brookings Standard Specifications document dated August 1988.
- F. Streets and other infrastructure facilities. The City's Public Works Department will inspect and maintain all public street and subsurface infrastructure facilities. The extension of existing streets for new development shall be paid for and constructed by the developer pursuant to the provisions of the City of Brookings Standard Specifications document dated August 1988.
- G. Storm drain facilities. New development requiring new storm drain systems

or the extension of existing systems including provision of retention basins, will be paid for and constructed by the developer pursuant to the provision of the City of Brookings Standard Specifications document dated August 1988.

On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." New policies from this Plan are found in the "Public Facilities Plan for Urban Growth Expansion."

2. Fire Prevention and Protection

The fire chief will continue to serve as the head of prevention and protection services. He will continue to maintain the high level of training and service that the community has come to expect through the conduct of local and regional training sessions and a continued education for himself.

3. Police Protection

The chief of police shall be responsible for continually monitoring the department's facility requirements and operations. In conjunction with the annual preparation of his budget request, a written evaluation shall be prepared for the city manager, who in turn, may call attention to specific items for consideration by planning commission, council or staff.

CITY OF BROOKINGS – PUBLIC FACILITIES PLAN

**DRAFT REVISIONS
SEPTEMBER, 2008**

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CITY OF BROOKINGS - PUBLIC FACILITIES PLAN
 DRAFT REVISIONS - July 8, 2008

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Stormwater Needs

On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." ~~A public education program is recommended to disseminate information on the importance of preventing negative impacts from stormwater. In the Plan are design and development standards and proposed improvements to the storm drainage facility. There are also maps depicting the various basin areas, hydrologic/hydraulic analysis, and the discussion of the effects on specific areas in the Plan.~~

Using the Santa Barbara Urban Hydrograph computer model, pre and post development storm flows were calculated for each basin. A 25 year return period was assumed. The flows for North and South of the Chetco are as follows. (See figures in Appendix A for reference)

~~North of the Chetco River (Brookings)~~

Area	Average	Pre-Development Peak Flow (cfs)	Post-Development Peak Flow (cfs)
1	109	69	101
2	222	110	260
3	107	35	92
3a	152	43	115
3b	67	20	53
3c	15	7	17
4	343	90	235
4a	10	8	16
5	154	53	136
5a	164	60	151
5b	258	60	147
6	286	93	240
7	52	30	68
8	125	64	150
9	125	19	42

South of the Chetco River (Harbor)

Area Number	Acreage	Pre-Development Peak Flow (cfs)	Post-Development Peak Flow (cfs)
10	204	61	161
10a	115	63	146
11	53	32	73
12&13	23	18	36
14	14	12	23
15	134	98	206
16	113	61	142
17	435	183	447
17a	342	151	368
17b	82	17	42
17e	54	17	44
18	257	116	280
19	19	14	30
20	226	35	74
21	42	40	72
22	446	59	122
23	90	60	132

On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." Details concerning storm drainage needs can be found in that document.

Improvements to the Harbor Bench drainage channels should be considered as a possible additional benefit to existing residents and new development, given the history of flooding in this area. As part of the development the culverts can be moved or altered to bring the drainage back to the natural configuration. Any detailed master plan should examine the feasibility of culvert changes in the areas south of the Chetco River. The Harbor Bench area is prime agricultural land. It is extremely sensitive to erosion and flood impacts. Special attention and planning must be given to this area.

Curry County currently provides storm drainage services for the study area. Curry County provides a low level of service, primarily ditch cleaning and culvert maintenance. Development in the urban growth areas will require much higher operational activities as maintain water quality features, detention facilities and substantial new amounts of pipes and/or ditches. A method of funding a utility to provide such services is critical in any selected alternative.

The storm drainage from newly developed areas creates additional impervious surfaces such as roads, roofs, sidewalks, and other open areas. Creating impervious surface increases the amount of runoff by allowing the water to concentrate faster. This increased runoff can exceed the capacity of the existing pipes, culverts, and natural drainage channels. The drainage from the newly developed areas must be collected and transported to the ocean without creating flooding, erosion, or negative environmental impacts.

Historically, runoff from the Harbor Hills drained down onto the Harbor Bench, over which flow a number of drainage swales. When the flow capacity of the swales was exceeded, the runoff flooded the flatland; the soils eroded from the hills onto the delta created farmland. Construction of Highway 101 altered this natural pattern by concentrating the more diffuse swale flows into culverts under the highway. The areas downstream of these culverts now convey additional, more concentrated flows with resultant flooding and erosion.

Storm Drainage Needs

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Text to be deleted has ~~strikethroughs~~.

CITY OF BROOKINGS - PUBLIC FACILITIES PLAN
DRAFT REVISIONS - July 8, 2008

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Alternatives

To avoid adverse impacts created by development, ~~three~~ five strategies are generally utilized:

1. *There should be no post-development net increase in storm drainage discharge downstream.*
2. *Low impact development practices as described in the 2008 "Storm and Surface Water Facilities Plan" shall be implemented.*
3. The capacity of the downstream drainage infrastructure is improved to convey the increased flow. Usually this means constructing larger culverts and storm drains. Generally, the natural drainage channels are improved, but because of the study area's proximity to the ocean and the steep rocky terrain, these channel improvements may not be necessary.
4. A regional detention facility is constructed to capture the additional runoff and release the flow at a slower natural rate. A regional facility is normally associated with a single drainage way or creek.
5. An onsite detention facility is constructed for each individual development. The goal for a regional or onsite detention facility is that the runoff from the post-development condition be reduced to flow equaling the pre-development condition.

Recommendation

The numerous drainage basins in the study area were evaluated for use of the above methodologies. Pre- and post-development flows were estimated using the Santa Barbara Urban Hydrograph computer model. An appropriate strategy for each drainage basin was selected using flow generation, amount of existing development, the terrain, and other features. The areas north and south of the Chetco River were considered separately because conditions vary greatly between these study areas.

Detailed master plans for each basin must be prepared to refine facility sizing, horizontal and vertical alignments, and to refine alternatives. Each basin should have a master plan prepared prior to large-scale development in the drainage basin to coordinate improvement efforts.

The Storm and Surface Water facilities Plan for Brooking Harbor Area" contains the following policies:

- *Low impact development is preferred.*
- *Negative impacts to natural watercourses are to be avoided.*
- *Piping of a natural watercourses is to be avoided, where practicable.*
- *Protection of ground water sources is critical.*
- *Proposed facilities should address water quality impacts and mitigation measures.*
- *Erosion and sediment must be controlled using the City, County, and Department of Environmental Quality requirements.*
- *Stormwater discharges shall be maintained at current levels.*

~~Provide local collection system to service new development~~
~~Construct main collector drain in Ram Creek drainage way~~
~~Improve culvert under Highway 101~~

~~Basin 2~~

~~Provide local collection system to service new development~~
~~Construct main collector drain in Lone Ranch Creek drainage way~~
~~Improve culvert under Highway 101~~
~~Provide channel erosion improvements between Highway 101 and ocean~~

~~Basin 1~~

Discussion concerning specific basins is found in the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area."

~~Basins 5A and 5B discharge into developed areas that appear prone to downstream damage.~~ With the high levels of development, regional detention facilities will be expensive. To mitigate the increased flows, onsite detention facilities for each development will be the best alternative to development impacts. Development would pay for these on-site detention facilities.

- constructing a local conveyance system;
- constructing a new collector or improving the existing channel;
- constructing a new culvert under Highway 101 (ODOT culverts are only designed for existing conditions, not anticipated development conditions), and
- erosion control improvements in the existing creek channels

Since the increased runoff insignificantly impacts the natural channels west of Highway 101, the recommended improvements involve the following:

The storm drainage improvements north of the Chetco River will be located on steep, rocky terrain. The proposed Urban Growth Areas are generally located east of Highway 101. The areas west of Highway 101, except for basins 5A and 5B, consist of steep hills that drop directly into the ocean. Basins 6 and 7 discharge directly to the Chetco River.

North of the Chetco River (Brookings)

The "Storm and Surface Water Facilities Plan for Brookings-Harbor Area" contains specific design and development standards and proposed improvements to the storm drainage facility.

- *A public education program is recommended to disseminate information on the importance of preventing negative impacts from stormwater.*
- ~~The City will consider a stormwater utility fee to fund needed maintenance on the existing facility.~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

3. ~~Basin 3, 3A, 3C, and 3B~~

~~Provide local collection system to service new development
Construct main collector storm drain in drainage way
Improve culvert under Highway 101
Provide channel erosion improvements between Highway 101 and ocean~~

4. ~~Basin 4 and 4A~~

~~Provide local collection system to service new development
Construct main collector storm drain in Shy Creek drainage way
Improve culvert under Highway 101
Provide channel erosion improvements between Highway 101 and ocean~~

5. ~~Basin 5~~

~~Provide local collection system to service new development
Construct main collector storm drain or channel improvements in Harris Creek drainage way
Improve culvert under Highway 101
Provide channel erosion improvements between Highway 101 and ocean~~

6. ~~Basin 5A and 5B~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain in drainage way
Improve culvert under Highway 101
Provide channel erosion improvements between Highway 101 and ocean~~

7. ~~Basin 6~~

~~Provide local collection system to service new development
Construct main collector storm drain in Ferry Creek drainage way
Improve culvert under North Chetee Road
Provide channel erosion improvements between North Chetee Road and River~~

8. ~~Basin 7~~

~~Provide local collection system to service new development
Construct main collector storm drain in Hall Creek drainage way
Improve culvert under North Chetee Road
Provide channel erosion improvements between Chetee Road and River
Improve culvert under Highway 101~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

South of the Chetco River (Harbor)

The study area south of the Chetco River provides a more complicated drainage situation. Basins 13 through 19 are located northeast of Highway 101 on the Harbor Hills. The terrain in the Harbor Hills basins are generally quite steep, then flatten out onto the Harbor Bench. Highway 101 provides a barrier between the Harbor Hills and the Harbor Bench.

The Harbor Bench is relatively flat and has a history of flooding. Many residences are located in this prime farmland, even though it is located outside the Urban Growth Boundary (UGB). Increasing runoff without proper controls would exacerbate an already serious flooding and erosion situation.

Unlike the areas north of the Chetco River, regional or onsite detention to service new development is the most suitable storm water control methodology for the areas discharging to the Harbor Bench. The Harbor Bench area is sensitive to erosion and flooding. The regional or on-site detention should be funded by the developer or through SDC accrual.

Basins 20 through 23 are also located on the Harbor Hills, but drain north to the Chetco River. Drainage of these basins requires use of the natural streams, so regional or onsite detention is the most likely scenario. Since the drainage crosses areas outside the UGB, constructing channel improvements or storm pipes would seem unlikely due to land use and environmental concerns. (Note: Drainage areas inside the UGB can be impacted with proper reconstruction and/or mitigation)

Discussion concerning specific basins is found in the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area."

~~The following improvements are recommended for Basins 13 through 23.~~

~~1. Basin 13~~

~~Provide local collection system to service new development
Provide onsite detention for every development~~

~~Construct main collector storm drains or improve drainage way
Improve culvert under Highway 101~~

~~2. Basin 14~~

~~Provide local collection system to service new development~~

~~Provide onsite detention for every development~~

~~Construct main collector storm drain or improve drainage way
Improve culvert under Highway 101~~

~~3. Basin 15~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

4. ~~Basin 16~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

5. ~~Basin 17 and 17A~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

6. ~~Basin 17B~~

~~Provide local collection system to service new development~~
~~Construct main collector storm drain or improve drainage way~~
~~Provide erosion controls in natural channels~~

7. ~~Basin 18~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

8. ~~Basin 19~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

9. ~~Basin 20~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Improve Jordan Creek drainage way~~

~~12. Basin 23~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain or improve drainage way
Improve culvert under Highway 101~~

~~11. Basin 22~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain or improve drainage way
Improve culvert under Highway 101~~

~~10. Basin 21~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Improve Carey Creek drainage way~~

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**CITY OF BROOKINGS – PUBLIC FACILITY PLAN
DRAFT REVISIONS – Sept., 2008**

Draft text is *bold and italicized*.
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Funding Sources

Implementing the infrastructure for the new urban growth areas requires capital funding. The following mechanisms are feasible for providing capital resources:

System Development Charges

Oregon law allows cities and service districts to charge system development charges for future growth. System development charges are fees that the developer pays to connect to the infrastructure system. The receipts from these fees can be saved, applied to bond payments, or applied to actual project expenses. Oregon law provides a specific methodology to justify charging these fees since the fees can only be applied towards growth related projects. System development charges are a common method of financing system growth.

Developer Financing

In cities and service districts that are unable to capitalize infrastructure improvements, developers have the ability to provide the improvements. Generally a developer provides the infrastructure improvements, transfers the facilities to the jurisdiction, then is reimbursed for the capacity outside the developers needs. Usually the developer is compensated on a per connection basis when the actual connection takes place. Generally the developer is not guaranteed full repayment.

Revenue Bonds

A common method of financing improvements to the infrastructure system is revenue bonding. Revenue bonds are repaid through rate charges for the service provided. The city or service district pledges to charge rates sufficient to repay the debt. In Oregon, a governing body such as a city council can implement revenue bonds, but revenue bonds can be referred to the voters through the petition process.

General Obligation Bonds

General obligation bonds assess a tax against property values in the taxation district as a capital source. This funding source was recently used by the City of Brookings to expand the wastewater treatment plant. General obligation bonds require a majority vote of the registered voters in the taxation district. The revenue stream can come from property tax receipts. However, the City is collecting user fees to pay for plant expansion. Use of general obligation bonds for development related projects presents obstacles. The requirement for a majority vote puts the project in the voters' hands. If there are no clear benefits to the public, then the bond issue can be defeated.

It is recommended that the City of Brookings and the Harbor Water PUD study and develop mechanisms for funding growth-related projects. These funding mechanisms will revolve around System Development Charges, Developer Contributions and Revenue Bonding. Other funding mechanisms should be explored where feasible or appropriate. The city will require all new development to pay for the expansion of services to the area being developed. While the use of bonds is a common revenue source for such projects, their inclusion in this document does not bind the city to their use. When bonds are determined to be the necessary mechanism to fund a project, the city shall bring the issue to the vote of the citizens.

Recommendations

Utility Fee
The City has adopted a stormwater utility fee to be added to monthly bills of properties within City limits to fund needed maintenance of stormwater facilities.

Grants
Federal or state grants do not appear to be feasible for providing the infrastructure. Many state and federal agencies provide grant assistance, but these funds are many aimed at assisting existing communities with long-standing problems. Unfortunately grant requests far outstrip available funds. With the current political climate, grant funds to provide infrastructure for new development appear unlikely.

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CITY OF BROOKINGS – PUBLIC FACILITIES PLAN
DRAFT REVISIONS – JULY 8, 2008

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INTRODUCTION (PAGE 11)

Pump Stations

Flows from the entire Harbor collection system enter HSD pump station No. 4. Discharge from this station is to the Brookings WWTP by means of an 8-inch force main over the Chetco River. Space for additional force mains is available. Pump station No. 4 is rated at 1,000 gpm and 125 feet. The number one pump station has a capacity of 650 gpm at 95 feet. The other three pump stations are small and serve limited areas.

City of Brookings Storm Drainage System

The City of Brookings operates a storm drainage system within the city boundaries. ~~Eight~~ Drainage basins flow to the ocean or the Chetco River. Generally local area flows are conveyed via pipes to discharge points at surface drainage ways. The majority of the existing piping system is located in the western old portions of the city draining to the Chetco. Highway 101 presents a major flow obstruction to natural drainage pattern, requiring culvert crossings. Some limited historical flooding has occurred, but the problems are related to site-specific causes.

Curry County Storm Drainage System

Curry County services all storm drainage in the study areas north and south of the Chetco. The service level is mainly rural road maintenance that mainly consists of ditch culvert cleaning associated with road maintenance. All other drainage features are privately owned. The Harbor Bench area, which is outside the urban growth area, has experienced flooding and erosion due upstream growth and diversion of flows due to culvert placement.



City of Brookings

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TO: Planning Commission

FROM: Dianne Morris, Planning Director

DATE: August 8, 2008

RE: Proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) for the Adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**

This matter is continued from the July 2nd and August 5th hearings. Concerns have been expressed concerning the actual language in the Storm and Surface Water Facilities Plan. The questions raised would require the author of this document to respond. The County and City jointly received grant money from the Department of Land Conservation and Development (DLCD) to hire consultants, HGE, to conduct the study and prepare the Plan. The County held a hearing on this matter on August 7th and heard the same concerns expressed as the City had received. The concerns involve properties in the Harbor area of the Urban Growth Boundary. The County and the City will pursue additional grant funds to hire HGE to address the concerns. While this option is being pursued the City needs to continue their hearing on this matter until the Planning Commission's October 7, 2008 meeting.

Attachments: Exhibit D – Materials submitted by Tom Huxley
Exhibit E – Material submitted by Maggi Runyan
Exhibit F – Material submitted by Yvonne Maitland

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Comprehensive Plan and Public Facility Plan Amendment
FILE NO: CP-1-08
HEARING DATE: Aug 5, 2008

REPORT DATE: July 23, 2008
ITEM NO: 7.2

GENERAL INFORMATION

APPLICANT: City Initiated.

REPRESENTATIVE: City Staff.

REQUEST: Proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) for the Adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**

PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

This matter is continued from the Planning Commission's July 1, 2008 hearing. Several additional comments were received and Staff has incorporated the Commission's proposed changes to the text in the Comprehensive Plan and the Public Facilities Plan. Those changes were the removal of text regarding public education program from the "Stormwater Needs" portion and inserting it in "Storm Drainage Needs" under "Recommendations". Also removed consideration of a utility fee under "Recommendations" and inserted it in "Funding Sources" portion. As mentioned at the July 1st hearing, four drawings depicting the previous basin configurations will be removed from the PFP. In the "Introduction" portion of the PFP the number "eight" under "City of Brookings Storm Drainage System" also needs to be removed.

The draft revisions are attached. Also attached is Exhibit B submitted at the July 1st hearing. This Exhibit is a narrative and photos showing problems resulting from storm events.

There were also concerns stated about the "Storm and Surface Water Facilities Plan" document that has been approved by the City Council and County Board of Commissioners. The word "naturally" when describing temperatures in the Chetco River was considered inappropriate as there is no baseline assessment available yet. Another concern was with the language that stated the City and County would conduct monitoring of the Chetco River "only if funding available". An additional concern related to Addendum (No.1), Attachment No. 4 of the Plan and discusses following the best management practice for chemical application to the "greatest extent possible". It was stated this was not good enough and should mean something. This Addendum in the Plan is a portion of the draft Comprehensive Surface Water Management Plan and was inserted by the consultants as a "place holder" for whenever that document is approved and adopted as a part of the "Storm and Surface Water Facilities Plan". The time to review and suggest revisions to that material will be in a separate hearing.

The Planning Commission can discuss these matters further and decide if a recommendation should be made to the City Council to alter the Plan before adopting the amendments to the Comprehensive Plan and PFP. If you would like to view the Plan a copy is available at the Planning Department.

RECOMMENDATION

Staff supports a Planning Commission recommendation of approval of file CP-1-08, proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) for the adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area**, to the City Council.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Comprehensive Plan and Public Facility Plan Amendment
FILE NO: CP-1-08
HEARING DATE: July 1, 2008

REPORT DATE: June 18, 2008
ITEM NO: 7.2

GENERAL INFORMATION

APPLICANT: City Initiated.

REPRESENTATIVE: City Staff.

REQUEST: Proposed amendments to the City's Comprehensive Plan and Public Facilities Plan (PFP) for the Adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area.**

PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

The Comprehensive Plan is the overall Planning document which addresses the 19 Statewide Planning Goals. Statewide Planning Goal 11 covers the requirements for Public Facility planning. The PFP is a supporting document to the Comprehensive Plan and identifies specific needs and proposed improvements dealing with water, sanitary sewer, and storm drainage.

Curry County and the City jointly applied for grant funds from the Department of Land Conservation and Development (DLCD) to hire a consultant to study the existing storm and surface water facilities (storm drainage) and determine what improvements are needed. This Study covered land within City limits and the Brookings Urban Growth Boundary (UGB). The City Council has reviewed and approved the Study. This hearing is to update language in the Comprehensive Plan and PFP to reflect the new information found in this Study. If you would like to view the Study a copy is available at the Planning Department.

PROPOSED AMENDMENT

Here is a brief synopsis of the changes to the Comprehensive Plan:

- In Goal 11, Public Facilities and Services, a reference to the Study has been added under "Findings" and "Policies".

Here is a brief synopsis of the changes to the Public Facilities Plan:

- The Study is referenced under “Stormwater Needs” and “Storm Drainage Needs”.
- Two new strategies are listed under “Alternatives”.
- The Study’s policies are listed under “Recommendations”.
- The Basin areas now discussed in the PFP have changed. Text discussing the former basin areas will be removed and a reference directs individuals to the Study itself to see detailed information.
- Under Funding Sources a possible stormwater utility fee will be considered to fund needed maintenance of stormwater facilities.

The last two pages of the attached text changes the County Board of Commissioners suggested to the **Storm and Surface Water Facilities Plan for Brookings-Harbor Area**. The City Council has reviewed and approved these changes. When adopted these changes will be incorporated into the Study.

RECOMMENDATION

Staff supports a Planning Commission recommendation of approval of file CP-1-08, proposed amendments to the City’s Comprehensive Plan and Public Facilities Plan (PFP) for the adoption of the **Storm and Surface Water Facilities Plan for Brookings Harbor Area**, to the City Council.

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