

*For: Monday, July 28, 2014, City Council Meeting*

## **Advance Packet Information**

Dated: July 18, 2014

Included in this packet is documentation to support the following Agenda items:

### **PUBLIC HEARINGS/ORDINANCES**

1. Public Hearing on File CP-1-14, approval of the April 2014 Water Master Plan Update and revisions to the Comprehensive Plan and Public Facilities Plan. [PWDS, pg. 2]
  - a. Memo from staff dated July 2, 2014 [pg. 4]
  - b. Draft Public Facilities Plan [pg. 5]
  - c. Draft Goal 11 of the Comprehensive Plan [pg. 15]
2. Ordinance 14-O-734, adopting revisions to the Comprehensive Plan and Public Facilities Plan. [PWDS, pg. 21]
  - a. Ordinance 14-O-734 [pg. 22]
  - b. Comprehensive Plan, Goal 11 [pg. 24]
  - c. Public Facilities Plan [pg. 29]
3. Ordinance 14-O-733, revising Building Code Chapters 15.05 and 15.10 of the Brookings Municipal Code. [Building, pg. 38]
  - a. Ordinance 14-O-733 [pg. 39]
  - b. June 23, 2014 Council Agenda Report [pg. 43]
4. Ordinance 14-O-736, amending Brookings Municipal Code Chapter 8.15, Nuisances. [Building, pg. 44]
  - a. Language revisions [pg. 45]
  - b. Ordinance 14-O-736 [pg. 46]
5. Ordinance 14-O-735, adding City litter regulations to the Brookings Municipal Code by adding Chapter 8.15.060 and deleting section 8.15.060. [City Manager, pg. 47]
  - a. Ordinance 14-O-735 [pg. 48]


\*Obtain Public Comment Forms and view the agenda and packet information on-line at [www.brookings.or.us](http://www.brookings.or.us), or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

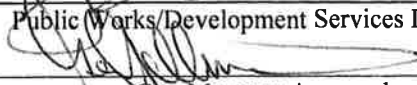
# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: July 28, 2014

Originating Dept: PW/DS

  
Public Works/Development Services Director

  
City Manager Approval

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**Subject:** A hearing on File CP-1-14 for consideration of 2014 Water Master Plan Update and revisions to the Public Facilities Plan and Goal 11 of the Comprehensive Plan.

**Recommended Motion:** Approve the 2014 Water Master Plan Update and revisions to the Public Facilities Plan and Goal 11 of the Comprehensive Plan.

**Financial Impact:** The document estimates \$6.1 million dollars needed for piping improvements, additional storage requirements, pump station and treatment plant upgrades.

**Background/Discussion:** The previous Water Master Plan update occurred in 2008. Master plans updates are recommended every five years for these reasons;

- 1) System development charges (SDC) are calculated based on the CIP projects identified in the master plan.
- 2) Future of SDC funds requires the project to be listed in the master plan.
- 3) Grant applications almost always require the project to be included in a master plan.
- 4) Priorities changes and new projects emerge.
- 5) Growth projects can differ than what was projected.
- 6) City Council direct staff to update all master plans in the City's strategic plan.
- 7) Master plans are necessary for future rate study and SDC updates.
- 8) Budgets are developed from master plans.

The new master plan addresses a 20 year planning period to year 2033 assuming an annual growth rate of 2%. After evaluating the past to present master plans, areas of interest include;

**Water consumption**

- Water use per capita has decreased 10% since the last master plan update in 2007 and 40% since the 2000 master plan update, or 77.8 gallons per capita per day (gpcd), 96.9 gpd, and 133 gpcd respectively.

**Unaccounted for water use**

- Has dropped to 10% which is considered acceptable in the industry. In 2007, the water loss was 13%, and in 2000 the water loss was 20%.

**Water supply**

- Staff does not concur with the recommendations for the water treatment plant. Attachment b) is a detailed explanation on the reasons staff does not support budgeting for water treatment plant expansion or removal.

#### Water storage

- The master plan recommends increased water storage in the Old County Road area (minimum of 250,000 gallons) and an estimated cost of \$860,000.

#### Distribution

- The most costly recommendation in this master plan is \$6.1 million dollars recommended for piping infrastructure improvements.

#### Booster Pumps

- The report recommends Mountain drive pump station replacement and a new pump station of the proposed Old County Road tank at a total of \$863,000. Staff will explore if the decommissioned Vista Ridge Pump Station as a part of the Airport infrastructure project can be reused for the Mountain Drive pump station, thereby eliminating a majority of the replacement costs.

#### Staffing

The report recommends increased staffing for maintenance and preventative maintenance such as valve exercising.

The Water Master Plan and Memorandum from staff Attachment a was unanimously approved by the Planning Commission on July 1, 2014.

Policy Considerations: Projects identified in the master plan are considered priority projects for capital improvement project budgeting for the next 5 to 10 years.

#### Attachment(s):

- a. Memorandum from staff dated 7/2/14
- b. Draft Public Facilities Plan
- c. Draft Goal 11, Public Facilities and Services



# City of Brookings

**PUBLIC WORKS/DEVELOPMENT SERVICES DEPARTMENT**  
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## Memorandum

**Date:** July 2, 2014  
**To:** City Council  
**From:** Public Works/Development Services Director *LP*  
**CC:** City Manager  
**Subject:** Water Master Plan Additional Comments from staff

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The City recently retained the services of Bill Pavlovich with Pace Engineering to update the water system master plan. The purpose of a master plan update is to evaluate existing infrastructure compared to future development and population growth trends for up to 20 years. The master plan will identify deficiencies and infrastructure needs and serves as a tool for grants, system development charge updates (SDC) and capital improvement project (CIP) budgeting. The last update to the water master plan occurred in 2008.

The intent of this memorandum is to document staff's opinion which differs from a recommendation made in the recent water master plan update. The master plan proposes an upgrade or elimination of the water treatment plant. Staff disagrees with elimination of the treatment plant, and sees no urgency in upgrading the treatment plant. Staff argues that deficiencies are not with the treatment plant capacity, but with the hydraulics of the associated piping/pump systems. The water master plan considers the water treatment plant a bottleneck to adequate water supply for future demand (3.1 MGD) and recommends upgrading, eliminating or building a new treatment plant to meet future capacities. All three options have a significant financial impact ranging from \$3.8 to \$14 million dollars.

The existing treatment plant is a 2.6 million gallon per day (MGD) capacity plant located on the North Bank Chetco River in the vicinity of the Datone rock quarry. The distribution pumping at the WTP is designed for 2.6 MGD but currently runs a total of 2 of the 3 pumps at 2.1 MGD peak flow. The water supply is collected underground via the Rainey Collector on the gravel bank of the Chetco River, injected with chlorine, and conveyed to the water treatment plant. The treatment plant consists of a clear well (or underground holding tank for water), 3 distribution pumps that pump the water into the City's distribution system, and 2 sedimentation tanks and 2 filter bays which is the treatment process for the water system. After several years of providing water samples to Department of Health Services (DHS), the pre treated disinfected water samples collected from the Rainey Collector's intake have passed DHS standards. The DHS permit was downgraded such that the permit no longer requires the use of the treatment plant in order to comply with the permit. The master plan suggests removing the water treatment plant (WTP) or upsizing it to meet future water

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## PUBLIC FACILITIES PLAN

### CITY OF BROOKINGS WATER SYSTEM

The City of Brookings acquired the water system serving property within the City in 1973 and operates the water system as a City business enterprise. The City has made substantial improvements to the water system over the years.

The water enterprise consists of the following operating systems:

**Source of Supply:** The locations where the City takes or has the right to take water for municipal purposes, and the system for transmission of the water taken from these locations to the water treatment plant and distribution system.

**Treatment:** Filtering and chemically treating water from the sources of supply to assure that the water meets safe drinking water standards.

**Distribution:** A system of pipes that delivers water from the treatment plant to storage reservoirs, fire hydrants and individual properties for domestic and industrial use. Distribution includes operation and maintenance of water usage meters.

**Management and Customer Service:** Overall management of the water enterprise, engineering, planning, meter reading, billing/collections and customer service (new connections, turn-on/turn off, etc).

### WATER SOURCE

Following is the current status of the City's various water right development applications and certificates.

Table 3.1: City of Brookings Water Rights

Source /Type	Permit No.	Certificate No.	Priority Date	Quantity
Chatco River (S) (Ranney)	27610	83682	9/14/1961	4.0 cfs
Chatco River (S) (Ranney)	31293	87358	1/21/1966	1.57 cfs
Chatco River (G) ("Tide Rock")	G-5601	64614	8/14/1972	6 cfs
Chatco River (S)	51383		12/12/1990	1.0 cfs Mar 1 - Jun 30)
Chatco River (R)	R11535		5/13/1993	62.3 Ac-ft
Chatco River (R) (10 Reservoirs)	51595		5/13/1993	62.3 Ac-ft
Ferry Creek (S)	1740	2078	8/22/1913	3.0 cfs
Ferry Creek Reservoir (R)	372	1407	8/9/1916	1.5 MG
Ferry Creek Reservoir (R)	408	2071	8/25/1917	28 Ac-ft
Ferry Creek Reservoir (R)	31224	46861	2/10/1966	167.4 Ac-ft
Ferry Creek Reservoir (R)	R4720	46860	2/10/1966	167.4 Ac-ft
Joe Hall Creek (S)	4674	4953	6/23/1920	2.5 cfs
Ransom Creek (S)	18123	20734	2/24/1948	0.53 cfs

## City of Brookings Water Rights Summary

## City of Brookings Municipal Supply Water Rights

Application	Permit / Certificate	Type of Use	Source	Priority Date	Rate (cfs)	Volume (AF)	Point of Diversion (POD) Location	Status
S-41805	S-31293 N/A	Municipal	Chetco River	1/22/1966	6.61		Ranney Collector Well	Development timeline expired 10/1/1999; currently in extension process at OWRD.
S-37091	S-27610 83682	Municipal	Chetco River	9/14/1961	4.00		Ranney Collector Well	in use.
G-5869	G-5601 64614	Municipal		8/14/1972	6.00		River Wall #1	Currently not in use.
R-41870	R-4720 46860	Municipal	Ferry Creek	2/10/1966		167.40	Ferry Creek	Water being stored.
S-41871	S-31224 46861	Municipal	Ferry Creek Reservoir	2/10/1966		167.40	Ferry Creek Reservoir	Water released from reservoir, not currently being used for potable supply.
S-22928	S-18123 20734	Municipal	Ransom Creek	3/24/1948	0.53			Currently not in use.
Total:					17.14	334.80		

## City of Brookings Irrigation Water Rights

Application	Permit / Certificate	Type of Use	Source	Priority Date	Rate (cfs)	Volume (AF)	POD Location	Status
S-71042	S-51383 N/A	Primary irrigation of 180.3 acres on golf course	Chetco River	12/12/1993	1.00		S. bank Chetco River near Freeman property	Use is limited by permit to March 1 through June 30. Development timeline expired 10/1/2002; no extension application pending. Currently not in use and no POD constructed.
R-73396	R-11535 N/A	Storage of water in ten reservoirs for supplemental irrigation on golf course	Chetco River	5/13/1993		62.30	S. bank Chetco River near Freeman property	Development timeline expired 10/1/2002; no extension application pending. Currently not in use and no POD constructed. Numerous permit conditions.
S-73397	S-51595 N/A	Use of stored water from ten reservoirs for supplemental irrigation on golf course	Ten Reservoirs, tributaries of Chetco River	5/13/1993		62.30	Reservoirs on golf course	Development timeline expired 10/1/2002; no extension application pending. Currently not in use and no POD constructed. Numerous permit conditions.
Total:					1.00	124.60		

## Additional Water Rights Identified in October 2007 HGE Water System Master Plan Update

Application	Permit / Certificate	Type of Use	Source	Priority Date	Rate (cfs)	Volume (AF)	POD Location	Status
S-3151	S-1740 2078	Domestic and Industrial / Manufacturing	Ferry Creek	8/22/1913	3.00			Currently not in use.
R-5114	R-372 1407	Domestic	Ferry Creek	8/9/1916		1680.00		Currently not in use.
R-5705	R-408 2071	Domestic	Ferry Creek	8/25/1917		28.00		Currently not in use.
S-7364	S-4674 4953	Domestic and Industrial / Manufacturing	Joe Hall Creek	6/23/1920	2.50			Currently not in use.
Total:					5.50	1708.00		

Currently, the Chetco River supplies 100 per cent of the City's water needs through a Ranney type intake collector located approximately 4 miles upstream from the Highway 101 bridge. The pump station at this point of diversion has a rated capacity of 5.4 million gallons per day (mgd). The City installed a new 16-inch raw water line from the point of diversion to the treatment plant in 2008. With this addition, the system now has the capacity to deliver 3.6 mgd to the treatment plant.

~~In 2008, the City received Certificate of Water Right (Permit 27610) for 4.0 cfs at the above referenced intake. In 2010, the City submitted a claim of beneficial use to support its partial perfection application (Permit S-31293) for 1.54 cfs at the above referenced intake.~~

**In 2012, Certificates 83682 and 87358 were obtained as part of a negotiated agreement with Oregon Water Resources Department (OWRD) and Waterwatch, and represent the only water rights currently used by the city for municipal water production.**

#### WATER TREATMENT

The water treatment plant, installed in 1976, is a Neptune Microfloc Aquarius Model AQ-300 that utilizes the conventional rapid sand filtration treatment process. The plant consists of two identical, side-by-side units with a combined capacity of approximately 2.6 mgd.

#### WATER DISTRIBUTION

The main line distribution system consists of approximately 26.5 miles of pipe ranging in size from 2 to 16 inches. Pipe materials vary with the most common types being asbestos cement (AC) and polyvinyl chloride (PVC). The distribution system is over-extended in the higher elevation portions of the service area and is not capable of delivering fire flows in some areas.

#### WATER USAGE

~~Calendar 2009 water production data shows that the average daily water demand is 1,059,000 gallons with the peak day demand being 2,055,000 gallons. Using an estimate of 6,470 persons for the current population, the average daily water usage per person would be 164 gallons, with a peak demand of 318 gallons per person.~~

**Water production data from October 2011 to September 2012 shows that the average daily water demand is 771,503 gallons with the peak day demand being 1,063,052. Using an estimate of 9,934 persons being served water, the average daily water usage per person would be 106.4 gallons.**

The City began offering water conservation incentives to customers in 2007, and has reduced its unaccounted-for water usage from 17% in 2007 to **10.1% in 2012.** ~~13.5% in 2009.~~

#### FIRE FLOWS

The water system must offer sufficient capacity to furnish water for firefighting while maintaining adequate flows for domestic, commercial and industrial demands. In addition, the required fire flow must be delivered at an accepted residual pressure, which is 20 psi. The City of Brookings has adopted the Oregon Fire Code. The Oregon Fire Code provides the minimum fire flow standard applied to new development. A matrix used to determine fire flow requirements can be

found in Oregon Fire Code, Appendix B, Table 105.1- Minimum required fire flow and flow duration for buildings. There is no community-wide standard, although a basic fire flow of 1,500 gpm for a two hour duration is a minimum in the Oregon Fire Code.

#### WATER STORAGE

With the completion of the 1.6 million gallon Seacrest reservoir in 2009, the current available storage is 3.6656 million gallons, or 1.78 times the peak day demand. The sizing of the Seacrest reservoir was reduced from a proposed 2.0 mg due to site constraints. The City ~~plans to include the remaining 400,000 gallon capacity in a future project near the Brookings airport.~~ **received a grant to fund installation of a .5 mg water reservoir east of the Brookings Airport. Construction is slated to begin on this project in the fall of 2014. The site will accommodate an additional .5 mg reservoir in the future.**

#### WATER SYSTEM MASTER PLAN

The City adopted a Water System Master Plan Update **prepared by PACE, An Engineering Services Company on (date of adoption).** ~~in 2007, which also serve as the City's Water Conservation Management Plan.~~ These Plans are incorporated herein by reference.

### Harbor Water People's Utility District

#### WATER SOURCE

Currently the Chetco River supplies the Harbor Water Peoples Utility District (HWPUD) water needs. The river intake is a Ranney collector with a rated capacity of 6 million gallons per day. Four pumps serve the intake; each rated at 2.4 mgd capacity. The pumps alternate, with two operating together to handle peak demands.

The HWPUD currently holds two surface water rights from the Chetco River and has two ground water sources. These are summarized in the following table.

Harbor Rural Water District Water Rights			
Source	Priority Date	Amount	Amount
Chetco River	1966	3.500 cfs	2.26 mgd
Chetco River	1980	7.00 cfs	4.53 mgd
Well G3240	1966	3.50 cfs	2.26 mgd
Well G9438	1980	7.00 cfs	4.53 mgd
Total		21.00 cfs	13.58 mgd

#### WATER TREATMENT

The Ranney intake is considered equivalent to a ground water system. For this reason, water treatment is not practiced.

#### WATER DISTRIBUTION

The distribution system is an extensive loop system that extends from the Chetco River to the California border, and consists of approximately 50-55 miles of pipe ranging in size from 2 to 16 inches. Pipe materials vary with the most common types being asbestos cement (AC) and polyvinyl chloride (PVC), and ductile pipe.

## WATER USAGE

Current water production data shows that the average daily water demand is 700,000 gallons with the peak day demand being 1,700,000 gallons. Serving an estimated 2,500 persons, the current population, the average daily water usage per person is approximately 280 gallons, with a peak demand of 680 gallons.

## FIRE FLOWS

The water system must offer sufficient capacity to furnish water for fire fighting while maintaining adequate flows for domestic, commercial, and industrial demands. Also the required fire flow must be delivered at an accepted residual pressure which is 20 psi. The HWPUD has sufficient storage to meet a demand of 1500 gpm for two hours where necessary. The necessary storage to meet that requirement would be 180,000 gallons. HWPUD has the capacity to deliver fire flows.

## WATER STORAGE

There are eleven water storage reservoirs in the HWPUD, which give a total storage capacity of 2,060,000 gallons. The following table summarizes the current water storage for the district.

Harbor Water District Storage			
Reservoir	Bottom Elevation	Overflow Elevation	Storage Capacity
Crown Terrace 1	525.5'	537.5'	10,000 gal
Crown Terrace 2	525.5'	537.5'	10,000 gal
Crown Terrace 3	795'	807'	10,000 gal
Crown Terrace 4	795'	807'	10,000 gal
Crown Terrace 5	1,025'	1,037'	10,000 gal
Crown Terrace 6	1,025'	1,037'	10,000 gal
Hallway 1	201.36'	234.81'	750,000 gal
Hallway 2	203.62'	234.81'	500,000 gal
Coleman	355.18'	388.60'	300,000 gal
Benham	355.18'	386.60'	200,000 gal
Freeman	203.32'	234.74'	250,000 gal
TOTAL			2,060,000 gal

The required storage for the HWPUD is shown in the following table.

Harbor Water Storage Estimate		
Peak Day Demand	1,700,000 gallons	
Twice the Ave Day Demand	1,400,000 gallons	
Larger of the above two		1,700,000 gallons
Fire Storage	1500 gpm x 2hrs	180,000 gallons
Equalization Storage	20% peak	340,000 gallons
Required Storage		2,220,000 gallons

## HARBOR WATER PUD MASTER PLAN

Harbor Water PUD adopted a Master Plan in December, 2000 that is incorporated herein by this reference.

### **CITY OF BROOKINGS WASTEWATER SYSTEM**

The original Brookings sewer system was constructed about 1916 and service was initially limited to the downtown area. The City assumed operation of the sewer system soon after incorporation in 1951. The City operates the wastewater system as a City business enterprise. The wastewater enterprise consists of the following operating systems:

#### COLLECTION

The City accepts domestic sewage from property in the service area that is connected to the sanitary collection system, and transmits the sewage to the wastewater treatment plant. The collection function includes the operation of sewage lift stations installed at various locations within the collection system to assist the flow of sewage to the treatment plant.

Currently, the collection system consists of a network of 6, 8, 10 and 12-inch mains connected to 18 and 21-inch interceptors and lift stations. There are approximately 32.7 miles of 6-inch to 21-inch gravity mains and 2.75 miles of 4-inch to 14-inch diameter force mains in the collection system. The system provides service connections to individual properties within the service area. The interconnection with the HSD also functions as a part of the collection system.

#### LIFT STATIONS

The City currently operates 13 lift/pump stations located to serve areas which cannot be served with gravity-fed sewer mains.

#### TREATMENT

Treatment involves removal of solids from the sewage received at the wastewater treatment plant, and clarification of processed solids after biological treatment and disinfect using U.V. bulbs in the effluent stream, to meet federal and state standards prior to discharge into the ocean. Treatment includes the processing, reprocessing and disposal of solids removed from the sewage.

The wastewater treatment plant has been located at Chetco Point since the early 1950's. Major modifications to the plant were made in 1973, 1991, and 2000.

Treated water, or effluent, produced by the wastewater treatment plant is discharged to the Pacific Ocean. The Oregon Department of Environmental Quality establishes discharge limitations for discharge to ocean waters. The residual of the solids removal process, or sludge, is currently taken from the bio-solids storage tank and transported to a processing facility in Grants Pass during the summer months. Approximately 1,598,040 gallons of sludge was

transported for disposal in 2009. A new Class B sludge dewatering facility is planned for construction during 2010-11 which will eliminate the need for sludge trucking to Grants Pass.

#### RELATIONSHIP TO HARBOR SANITARY DISTRICT

In 1976, the Harbor Sanitary District was formed to serve an area just south of the City. The City and HSD have entered into a series of intergovernmental agreements whereby the City accepts sewage from HSD for treatment. See below for a description of the HSD system.

#### BROOKINGS WASTEWATER MASTER PLAN

The City adopted a Wastewater Facilities Master Plan in March, 2008. That Master Plan is incorporated herein by reference. A detailed discussion of the treatment system and plant capacity can be found in the Plan. Until sewer service can be extended to properties, interim urban-level treatment systems may be allowed only if specifically provided for in master plans which set forth appropriate standards and conditions and which have been adopted as post-acknowledgement plan amendments or periodic review work task elements.

#### **HARBOR SANITARY DISTRICT WASTE WATER SYSTEM**

The community of Harbor is an unincorporated residential, commercial, and industrial area south of the Chetco River and the City of Brookings. The Harbor Sanitary District (HSD) has served this area since June 1976. The HSD operates only a collection system. Wastewater is piped to the Brookings wastewater treatment plant for treatment. The area's land use is predominantly residential, but a regional shopping center and an extensive commercial and industrial complex surround the Brookings-Harbor Boat Basin. The Harbor Bench area south of Harbor, an area experiencing steady growth, currently is out of the sewer service area; however, it is an area that potentially may become part of the service area. In 1979 the Oregon Health Division directed the HSD to annex an adjoining area, the Oceanview Mobile Home Estates, due to wastewater treatment concerns.

#### POPULATION

The following population data was taken from the "City of Brookings Comprehensive Utilities Plan" dated September 1981. Population projections were based on the 1970s, a growth period.

Harbor Sanitary District Population Growth				
Year	1980	1990	2000	2010
Population	1,968	2,645	3,555	2,770

#### COLLECTION SYSTEM

In 1976, the HSD was formed. The collection system consists of four pump stations and a network of gravity lines. Wastewater is pumped across the Chetco River to the south portion of

the City of Brookings service area. There a 20-inch gravity main conveys the wastewater to the Brookings treatment plant. The daily flow rate is approximately 0.28 mgd.

The collection system consists of 16.5 miles of 8-inch and 12-inch transite pipe.

#### **PUMP STATIONS**

Flows from the entire Harbor collection system enter HSD pump station No. 14. Discharge from this station is to the Brookings WWTP by means of an 8-inch force main over the Chetco River or a 12-inch force main under the Chetco River. Space for additional force mains is available. Pump station No. 14 is rated at 2,000 gpm and 125 feet. The other three pump stations are small and serve limited areas.

#### **HARBOR SANITARY DISTRICT MASTER PLAN**

HSD plans to complete a Master Plan during the winter of 2010.

Until sewer service can be extended to properties, interim urban-level treatment systems may be allowed only if specifically provided for in master plans which set forth appropriate standards and conditions and which have been adopted as post-acknowledgement plan amendments or periodic review work task elements.

#### **CITY OF BROOKINGS STORM DRAINAGE**

The City of Brookings operates a storm drainage system within the city boundaries. 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**

Curry County services all public storm drainage in the study areas north and south of the Chetco outside City limits. The service level is mainly rural road maintenance that 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 to upstream growth and diversion of flows due to culvert placement.

#### **CITY/ COUNTY STORM DRAINAGE MASTER PLAN**

On January 12, 2009, the City and the County adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." 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 in City limits and the Urban Growth Area, hydrologic/ hydraulic analysis, and the discussion of the effects on specific areas in the Plan. The Plan is hereby incorporated by this reference.

The Storm and Surface Water facilities Plan for Brookings 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.
- 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. To avoid adverse impacts created by development, the Plan contains five strategies to be 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 2007 “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.

The Harbor Hills Master Plan Area within the UGA is required to prepare a comprehensive surface water management plan prior to any land use approvals. The details required and the review and approval process are described in the “City of Brookings and Curry County Joint Management Agreement”, dated June 30, 2010.



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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.
2. The City has adopted a Water Master Plan/Conservation Management Plan. **On (adoption date), the City adopted "City of Brookings Water Master Plan Update". This update included data in the appendices from the 2007 "Water System Master Plan Update" regarding the Harbor Water People's Utility District which serves the Brookings Urban Growth Area south of the Chetco River Bridge.**
3. 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.
4. On January 12, 2009, 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."
5. In March, 2008, the City adopted a Wastewater Facility Plan.
6. The city currently provides the following facilities and services within the City Limits:

#### A. Public Works

- 1) Water Treatment - 2.2 ~~0~~ to 2.6 mgd capacity.
- 2) Water Distribution, Pumping and Storage - (Total connections **3,354** ~~3,131~~; ~~2,711 within the city limits and 420 out side city limits, June 30, 2010~~). **3,053 of the connections are residential, 2012**).
- 3) Wastewater Treatment – 15.4 mgd peak wet weather capacity. The yearly average flow is 1.42 mgd. The service area includes the incorporated area of Brookings plus the Harbor Sanitary District to the South. (Total of 2,228 connections within the City limits. The Harbor Sanitary District has approximately 895 connections, which are pumped to the City's treatment plant, July 8, 2010).

- 4) Wastewater Collection and Pumping - All public facilities within the city limits are the responsibility of the City of Brookings. All such facilities in the Harbor Sanitary District are owned, operated and maintained by that district.
- 5) Street and Infrastructure Maintenance - The City's Public Works Department provides maintenance of City streets, water mains, sewer mains, storm drains, and other infrastructure systems.

B. Solid Waste Removal - is presently done by franchised contract

C. Fire Prevention and Protection Services

These services are provided with two paid employees (Chief and Assistant Chief) and 40 volunteers. Ratings outlined in the Inventory document show an adequate program with primary need being in the area of improved water system.

D. Police Protection

- 1) Existing police facilities in the city hall are presently adequate as a base of operations.
- 2) If population growth exceeded significantly the number projected or if the city boundaries were considerably expanded through annexation, or if the incident of crime jumped radically, it is conceivable that new facilities and additional manpower might be required.

E. Parks and Recreation Facilities and Services

- 1) One state park, Harris Beach State Park, is located within the City of Brookings. See adopted Harris Beach Master Plan, 2003.
- 2) The city owns and maintains approximately 54.4 acres of parkland.
  - a. Azalea Park (formally Azalea State Park)
 

33 ±.2 acres	-4 Horseshoe pits
- 2 Softball fields	-2 Bar-ba-que grills
- Outdoor amphitheater/bandshell	-11 Picnic tables
- 2 Volleyball Courts	-Flower garden/natural area
- Kidtown (.25 ac.)	-Restroom facilities
- Walking and biking trails	-Snack shack
- Capella by the Sea (weddings and passive meditation)	
- Gazebo	
  - b. Bud Cross Park
 

- 6.4 acres	-Skate park
- 3 lighted tennis courts	-3 Picnic tables
- 2 baseball fields	-Basketball courts
- swimming pool and bathhouse	
- restroom facilities	
- concession stand	
  - c. Chetco Point Park

- 8.9 acres
- walking trails
- 5 picnic tables
- ocean access/ beach access
- 4 Horseshoe pits
- Fire pit
- Restroom facilities
- 4 Seating benches
- d. Easy Manor Park
  - .8 acres
  - playground facilities (remodeled in 2010)
  - 4 Picnic tables
  - 4 Seating benches
  - 2 Bar-ba-que grills
  - Restroom facilities
- e. Stout Park
  - 3.3 acres
  - walking paths
  - 8 Seating benches
  - Model railroad garden
  - Manley Arts Center
- f. Numerous mini parks around the City (pocket parks).

3) The City adopted a Parks Master Plan in Aug., 2002. This Plan is incorporated herein by reference.

F. Other facilities and services provided in the City of Brookings are

- 1) Schools
- 2) Transportation for the elderly.
- 3) Regional recreational facilities such as state parks and harbor facilities.

7. The following entities will provide services outside of the city limits within the Urban Growth Boundary.

A. Wastewater Collection

- 1) The Harbor Sanitary District.
  - a. Collects wastewater within their district south of the Chetco River and pumps to the City's wastewater treatment plant.
  - b. Has stated, expansion of the District will only occur when it is in compliance with the Districts adopted Growth Management Policy (Resolution 07-18-R).
- 2) The City of Brookings
  - a. Will provide wastewater collection in the Urban Growth Boundary, south of the Chetco River outside of the Harbor Sanitary District boundaries when land is annexed to the city.
  - b. Will provide wastewater collection in the Urban Growth Boundary north of the Chetco River when land is annexed to the city.

B. Water Distribution

- 1) The Harbor Water District People's Utility District
  - a. Pumps from an intake on the south bank of the Chetco River.
  - b. District boundaries include the entire Urban Growth Boundary expansion south of the Chetco River except for the areas north of its

- intake facility and the top of the Harbor Hills.
- c. Is willing to expand its boundaries to include the entire Urban Growth Boundary south of the Chetco River.
- 2) The City of Brookings
  - a. The City currently provides water service to some areas of the Urban Growth Boundary north of the Chetco River.
  - b. The City will provide service to the entire Urban Growth Boundary north of the Chetco River.
  - c. Due to City Charter language, the City must provide water service to properties in the Urban Growth Area that want to annex unless the legal voters of the City authorize another water provider to serve.

C. Fire Protection

- 1) Brookings Rural Fire Protection District.
  - a. Is located around the City in the area north of the Chetco River.
  - b. Is served under contract by the Brookings Fire Department
- 2) Harbor Rural Fire Protection District
  - a. Provides service to the entire Urban Growth Boundary south of the Chetco River.
  - b. Fire station is located on Benham Lane.

D. Police protection

All of the Urban Growth Boundary outside of the city limits is provided police protection by the Curry County Sheriff's Department.

E. Storm Drain Maintenance

- 1) The Oregon Department of Transportation maintains all drainage facilities within a state road or highway rights-of-way.
- 2) The Curry County Road Department maintains all drainage facilities within county road or street rights-of-way.
- 3). Drainage facilities on private property are maintained by the property owner.

**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 current City of Brookings ~~Standard—Specifications~~ **Engineering Requirements and Standard Specifications for Public Works Infrastructure** document.

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. A Backflow Prevention Program was adopted in 2012.**

~~DE~~. Wastewater treatment facility. Expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.

~~EF~~. Wastewater collection facilities. New development requiring extension of sewer mains and new pumping stations will be paid for and constructed by the developer pursuant to the provisions of the current City of Brookings ~~Standard—Specifications~~ **Engineering Requirements and Standard Specifications for Public Works Infrastructure** document.

~~FG~~. 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 current City of Brookings ~~Standard—Specifications~~ **Engineering Requirements and Standard Specifications for Public Works Infrastructure** document.

~~GH~~. Storm drain facilities. New development requiring new storm drain systems or the extension of existing systems including provision of detention basins, will be paid for and constructed by the developer pursuant to the provision of the current City of Brookings ~~Standard—Specifications~~ **Engineering Requirements and Standard Specifications for Public Works Infrastructure** document.

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

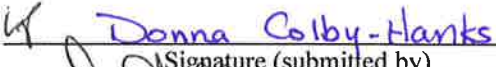
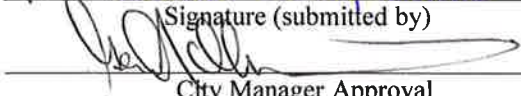
The Chief of Police shall be responsible for continually monitoring the department's facility requirements and operations. In conjunction with the annual preparation of his budget request, a written evaluation shall be prepared for the City Manager, who in turn, may call attention to specific items for consideration by Planning Commission, Council or staff.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: July 28, 2014

Originating Dept: PWDS

  
Signature (submitted by)  
  
City Manager Approval

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Subject: Ordinance revising Comprehensive Plan Goal 11 and adopting a new Public Facilities Plan.

Recommended Motion: Motion to adopt Ordinance 14-O-734.

Financial Impact: None

Background/Discussion: These revisions were approved by the City Council at their July 28, 2014 meeting.

Policy Considerations: N/A

Attachment(s):

- A. Adopting Ordinance 14-O-734.
- B. Comp Plan, Goal 11
- C. Public Facilities Plan

IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON

ORDINANCE NO. 14-O-734

IN THE MATTER OF ORDINANCE 14-O-734, AN ORDINANCE ADOPTING REVISIONS TO THE CITY OF BROOKINGS COMPREHENSIVE PLAN, GOAL 11, PUBLIC FACILITIES AND SERVICES AND ADOPTING A NEW PUBLIC FACILITIES PLAN. THIS EFFECTIVELY REPEALS THE PREVIOUS PUBLIC FACILITIES PLAN CREATED BY ORDINANCE 11-O-678 AND ALL SUBSEQUENT REVISIONS.

Sections:

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

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

Section 1: Findings

1. Goals 11 of the Brookings Comprehensive Plan is in need of amending to reflect the updated Water Master Plan. Amended Goal 11 is attached hereto and incorporated by reference.
2. The Public Facilities Plan is also in need of updating to reflect the updated Water Master Plan. The amended plan is attached hereto and incorporated by reference.
3. Staff sent the 35 day notice to DLCD as required under ORS 197.610 for post acknowledgment plan amendments for the proposed changes to the Comprehensive Plan and Public Facilities Plan.
4. Staff conducted a public hearing before the Brookings City Planning Commission on July 1, 2014. The Commission recommended approval to the City Council.
5. Following public notice, as required by law, the Brookings City Council conducted a hearing on the proposed amendments on Monday, July 28, 2014 at 7:00 P.M. at the Brookings City Hall. Approval was given to the Comprehensive Plan and to the Public Facilities Plan that are attached hereto and incorporated by reference.

Section 2 Amendments

The City of Brookings Comprehensive Plan (Ordinance No. 11-O-678, previously the most recent revision) is amended as shown by the attached changes in the Comprehensive Plan, and by adopting the attached Public Facilities Plan.

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:

This ordinance shall take effect 30 days following its passage.

First reading: \_\_\_\_\_  
Second reading: \_\_\_\_\_  
Passage: \_\_\_\_\_  
Effective date: \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor Ron Hedenskog

ATTEST:

\_\_\_\_\_  
City Recorder, Joyce Heffington

## **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.
2. The City has adopted a Water Master Plan/Conservation Management Plan. On July 28, 2014, the City adopted "City of Brookings Water Master Plan Update". This update included data in the appendices from the 2007 "Water System Master Plan Update" regarding the Harbor Water People's Utility District which serves the Brookings Urban Growth Area south of the Chetco River Bridge.
3. 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.
4. On January 12, 2009, 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."
5. In March, 2008, the City adopted a Wastewater Facility Plan.
6. The city currently provides the following facilities and services within the City Limits:

#### A. Public Works

- 1) Water Treatment - 2.0 to 2.6 mgd capacity.
- 2) Water Distribution, Pumping and Storage - (Total connections 3,354 3,053 of the connections are residential, 2012).
- 3) Wastewater Treatment – 15.4 mgd peak wet weather capacity. The yearly average flow is 1.42 mgd. The service area includes the incorporated area of Brookings plus the Harbor Sanitary District to the South. (Total of 2,228 connections within the City limits. The Harbor Sanitary District has approximately 895 connections, which are pumped to the City's treatment plant, July 8, 2010).
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- D. A Backflow Prevention Program was adopted in 2012.

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# PUBLIC FACILITIES PLAN

## CITY OF BROOKINGS WATER SYSTEM

The City of Brookings acquired the water system serving property within the City in 1973 and operates the water system as a City business enterprise. The City has made substantial improvements to the water system over the years.

The water enterprise consists of the following operating systems:

- **Source of Supply:** The locations where the City takes or has the right to take ground water for municipal purposes, and the system for transmission of the water taken from these locations identified in Table 3.1 to the water treatment plant and distribution system.
- **Treatment:** Filtering and chemically treating water from the sources of supply during river turbidity which DHS has determined the water treatment is not necessary.
- **Distribution:** A system of pipes that delivers water from the treatment plant to storage reservoirs, fire hydrants and individual properties for domestic and industrial use. Distribution includes operation and maintenance of water usage meters.
- **Management and Customer Service:** Overall management of the water enterprise, engineering, planning, meter reading, billing/collections and customer service (new connections, turn-on/turn off, etc).

## WATER SOURCE

Following is the current status of the City's various water right development applications and certificates.

Table 3.1: City of Brookings Water Rights

Source/Type	Permit No.	Certificate No.	Priority Date	Quantity
Chatco River (S) (Ranney)	27610	83682	9/14/1961	4.0 cfs
Chatco River (S) (Ranney)	31293	87358	1/21/1966	1.57 cfs
Chatco River (G) ("Tide Rock")	G 5601	64614	8/14/1972	6 cfs
Chatco River (S)	51383		12/12/1990	1.0 cfs Mar 1 - Jun 30)
Chatco River (R)	R11535		5/13/1993	62.3 Ac-ft
Chatco River (R) (10 Reservoirs)	51595		5/13/1993	62.3 Ac-ft
Ferry Creek (S)	1740	2078	8/22/1913	3.0 cfs
Ferry Creek Reservoir (R)	372	1407	8/9/1916	1.5 MG
Ferry Creek Reservoir (R)	408	2071	8/25/1917	28 Ac-ft
Ferry Creek Reservoir (R)	31224	46861	2/10/1966	167.4 Ac-ft
Ferry Creek Reservoir (R)	R4720	46860	2/10/1966	167.4 Ac-ft
Joe Hall Creek (S)	4674	4953	6/23/1920	2.5 cfs
Ransom Creek (S)	18123	20734	2/24/1948	0.83 cfs

Currently, the Chetco River supplies 100 per cent of the City's water needs through a Ranney type groundwater intake collector located along the North Bank Chetco River approximately 4 miles upstream from the Highway 101 bridge. The Ranney Collector is designed for a capacity of 5.7 cubic feet per second (cfs) with all three pumps running, although a portion of the 12-inch AC piping from the intake to the treatment plant is questionably undersized for this flow rate. The Ranney Collector is operated with only 1 pump running rated 1250 gpm or 2.7 cfs. The City installed 9,500 ft of new 16-inch raw water line from the point of diversion to the treatment plant in 2008. There is 4,900 feet of 12-inch AC line between the intake and treatment plant that should be upsized to 16-inch DI in order to operate more than one 1250 gpm (2.7 cfs) pump at the intake.

In 2012, Certificates 83682 and 87358 were obtained as part of a negotiated agreement with Oregon Water Resources Department (OWRD) and Waterwatch, and represent the only water rights currently used by the city for municipal water production.

## WATER TREATMENT

The water treatment plant, installed in 1976, is a Neptune Microfloc Aquarius Model AQ-300 that utilizes the conventional rapid sand filtration treatment process. The plant consists of two identical, side-by-side units with a combined capacity of approximately 2.6 mgd. DHS recently downgraded the requirement to operate the treatment plant and water is allowed to be delivered year round with only disinfection. The water treatment plant is also the location of the main distribution pumps which are operated at 2.1 MGD.

## WATER DISTRIBUTION

The main line distribution system consists of approximately 26.5 miles of pipe ranging in size from 2 to 16 inches. Pipe materials vary with the most common types being asbestos cement (AC) and polyvinyl chloride (PVC). The distribution system is over-extended in the higher elevation portions of the service area and is not capable of delivering fire flows in some areas. The master plan update has identified over \$6 million dollars in needed distribution pipe upgrades and replacements.

## WATER USAGE

Water projection demands in 2013 maximum day demand is 2.1 MGD and expected to increase to 2.3 MGD by 2018. Residential water use has significantly decreased from 96.9 gpcd in 2007 to 96.9 gpcd in 2012. The City began offering water conservation incentives to customers in 2007. Unaccounted for water use has also reduced from 17% loss in 2007 to 10.1% water loss in 2012. The City has contracted an annual leak detection survey to credit for the loss reduction.

## FIRE FLOWS

The water system must offer sufficient capacity to furnish water for firefighting while maintaining adequate flows for domestic, commercial and industrial demands. In addition, the required fire flow must be delivered at an accepted residual pressure, which is 20 psi. The City of Brookings has adopted the Oregon Fire Code. The Oregon Fire Code provides the minimum fire flow

standard applied to new development. A matrix used to determine fire flow requirements can be found in Oregon Fire Code, Appendix B, Table 105.1- Minimum required fire flow and flow duration for buildings. There is no community-wide standard, although a basic fire flow of 1,500 gpm for a two hour duration is a minimum in the Oregon Fire Code.

#### **WATER STORAGE**

With the completion of the 1.6 million gallon Seacrest reservoir in 2009, the current available storage is 3.6656 million gallons, or 1.78 times the peak day demand. The sizing of the Seacrest reservoir was reduced from a proposed 2.0 mg due to site constraints. The City received a grant to fund installation of a .5 mg water reservoir east of the Brookings Airport. Construction is slated to begin on this project in the fall of 2014. The site will accommodate an additional .5 mg reservoir in the future. In addition, the 2014 master plan update recommends an additional new water storage facility of at least 250,000 gallons in the Old County Road area.

#### **WATER SYSTEM MASTER PLAN**

The City adopted a Water System Master Plan Update prepared by PACE, An Engineering Services Company on July 28, 2014.

#### **Harbor Water People's Utility District**

#### **WATER SOURCE**

Currently the Chetco River supplies the Harbor Water Peoples Utility District (HWPUD) water needs. The river intake is a Ranney collector with a rated capacity of 6 million gallons per day. Four pumps serve the intake; each rated at 2.4 mgd capacity. The pumps alternate, with two operating together to handle peak demands.

The HWPUD currently holds two surface water rights from the Chetco River and has two ground water sources. These are summarized in the following table.

Harbor Rural Water District Water Rights			
Source	Priority Date	Amount	Amount
Chetco River	1966	3.500 cfs	2.26 mgd
Chetco River	1980	7.00 cfs	4.53 mgd
Well G3240	1966	3.50 cfs	2.26 mgd
Well G9438	1980	7.00 cfs	4.53 mgd
Total		21.00 cfs	13.58 mgd

#### **WATER TREATMENT**

The Ranney intake is considered equivalent to a ground water system. For this reason, water treatment is not practiced.

#### **WATER DISTRIBUTION**

The distribution system is an extensive loop system that extends from the Chetco River to the California border, and consists of approximately 50-55 miles of pipe ranging in size from 2 to 16 inches. Pipe materials vary with the most common types being asbestos cement (AC) and polyvinyl chloride (PVC), and ductile pipe.

## WATER USAGE

Current water production data shows that the average daily water demand is 700,000 gallons with the peak day demand being 1,700,000 gallons. Serving an estimated 2,500 persons, the current population, the average daily water usage per person is approximately 280 gallons, with a peak demand of 680 gallons.

## FIRE FLOWS

The water system must offer sufficient capacity to furnish water for fire fighting while maintaining adequate flows for domestic, commercial, and industrial demands. Also the required fire flow must be delivered at an accepted residual pressure which is 20 psi. The HWPUD has sufficient storage to meet a demand of 1500 gpm for two hours where necessary. The necessary storage to meet that requirement would be 180,000 gallons. HWPUD has the capacity to deliver fire flows.

## WATER STORAGE

There are eleven water storage reservoirs in the HWPUD, which give a total storage capacity of 2,060,000 gallons. The following table summarizes the current water storage for the district.

Harbor Water District Storage			
Reservoir	Bottom Elevation	Overflow Elevation	Storage Capacity
Crown Terrace 1	525.5'	537.5'	10,000 gal
Crown Terrace 2	525.5'	537.5'	10,000 gal
Crown Terrace 3	795'	807'	10,000 gal
Crown Terrace 4	795'	807'	10,000 gal
Crown Terrace 5	1,025'	1,037'	10,000 gal
Crown Terrace 6	1,025'	1,037'	10,000 gal
Hallway 1	201.36'	234.81'	750,000 gal
Hallway 2	203.62'	234.81'	500,000 gal
Coleman	355.18'	388.60'	300,000 gal
Benham	355.18'	386.60'	200,000 gal
Freeman	203.32'	234.74'	250,000 gal
TOTAL			2,060,000 gal

The required storage for the HWPUD is shown in the following table.

Harbor Water Storage Estimate		
Peak Day Demand	1,700,000 gallons	
Twice the Ave Day Demand	1,400,000 gallons	
Larger of the above two		1,700,000 gallons
Fire Storage	1500 gpm x 2hrs	180,000 gallons
Equalization Storage	20% peak	340,000 gallons
Required Storage		2,220,000 gallons

## HARBOR WATER PUD MASTER PLAN

Harbor Water PUD adopted a Master Plan in December, 2000 that is incorporated herein by this reference.

### **CITY OF BROOKINGS WASTEWATER SYSTEM**

The original Brookings sewer system was constructed about 1916 and service was initially limited to the downtown area. The City assumed operation of the sewer system soon after incorporation in 1951. The City operates the wastewater system as a City business enterprise. The wastewater enterprise consists of the following operating systems:

#### COLLECTION

The City accepts domestic sewage from property in the service area that is connected to the sanitary collection system, and transmits the sewage to the wastewater treatment plant. The collection function includes the operation of sewage lift stations installed at various locations within the collection system to assist the flow of sewage to the treatment plant.

Currently, the collection system consists of a network of 6, 8, 10 and 12-inch mains connected to 18 and 21-inch interceptors and lift stations. There are approximately 32.7 miles of 6-inch to 21-inch gravity mains and 2.75 miles of 4-inch to 14-inch diameter force mains in the collection system. The system provides service connections to individual properties within the service area. The interconnection with the HSD also functions as a part of the collection system.

#### LIFT STATIONS

The City currently operates 13 lift/pump stations located to serve areas which cannot be served with gravity-fed sewer mains.

#### TREATMENT

Treatment involves removal of solids from the sewage received at the wastewater treatment plant, and clarification of processed solids after biological treatment and disinfect using U.V. bulbs in the effluent stream, to meet federal and state standards prior to discharge into the ocean. Treatment includes the processing, reprocessing and disposal of solids removed from the sewage.

The wastewater treatment plant has been located at Chetco Point since the early 1950's. Major modifications to the plant were made in 1973, 1991, and 2000.

Treated water, or effluent, produced by the wastewater treatment plant is discharged to the Pacific Ocean. The Oregon Department of Environmental Quality establishes discharge limitations for discharge to ocean waters. The residual of the solids removal process, or sludge, is currently taken from the bio-solids storage tank and transported to a processing facility in Grants Pass during the summer months. Approximately 1,598,040 gallons of sludge was transported for disposal in 2009. A new Class B sludge dewatering facility is planned for construction during 2010-11 which will eliminate the need for sludge trucking to Grants Pass.

## RELATIONSHIP TO HARBOR SANITARY DISTRICT

In 1976, the Harbor Sanitary District was formed to serve an area just south of the City. The City and HSD have entered into a series of intergovernmental agreements whereby the City accepts sewage from HSD for treatment. See below for a description of the HSD system.

## BROOKINGS WASTEWATER MASTER PLAN

The City adopted a Wastewater Facilities Master Plan in March, 2008. That Master Plan is incorporated herein by reference. A detailed discussion of the treatment system and plant capacity can be found in the Plan. Until sewer service can be extended to properties, interim urban-level treatment systems may be allowed only if specifically provided for in master plans which set forth appropriate standards and conditions and which have been adopted as post-acknowledgement plan amendments or periodic review work task elements.

## HARBOR SANITARY DISTRICT WASTE WATER SYSTEM

The community of Harbor is an unincorporated residential, commercial, and industrial area south of the Chetco River and the City of Brookings. The Harbor Sanitary District (HSD) has served this area since June 1976. The HSD operates only a collection system. Wastewater is piped to the Brookings wastewater treatment plant for treatment. The area's land use is predominantly residential, but a regional shopping center and an extensive commercial and industrial complex surround the Brookings-Harbor Boat Basin. The Harbor Bench area south of Harbor, an area experiencing steady growth, currently is out of the sewer service area; however, it is an area that potentially may become part of the service area. In 1979 the Oregon Health Division directed the HSD to annex an adjoining area, the Oceanview Mobile Home Estates, due to wastewater treatment concerns.

## POPULATION

The following population data was taken from the "City of Brookings Comprehensive Utilities Plan" dated September 1981. Population projections were based on the 1970s, a growth period.

Harbor Sanitary District Population Growth				
Year	1980	1990	2000	2010
Population	1,968	2,645	3,555	2,770

## COLLECTION SYSTEM

In 1976, the HSD was formed. The collection system consists of four pump stations and a network of gravity lines. Wastewater is pumped across the Chetco River to the south portion of the City of Brookings service area. There a 20-inch gravity main conveys the wastewater to the Brookings treatment plant. The daily flow rate is approximately 0.28 mgd.

The collection system consists of 16.5 miles of 8-inch and 12-inch transite pipe.

## **PUMP STATIONS**

Flows from the entire Harbor collection system enter HSD pump station No. 14. Discharge from this station is to the Brookings WWTP by means of an 8-inch force main over the Chetco River or a 12-inch force main under the Chetco River. Space for additional force mains is available. Pump station No. 14 is rated at 2,000 gpm and 125 feet. The other three pump stations are small and serve limited areas.

## **HARBOR SANITARY DISTRICT MASTER PLAN**

HSD plans to complete a Master Plan during the winter of 2010.

Until sewer service can be extended to properties, interim urban-level treatment systems may be allowed only if specifically provided for in master plans which set forth appropriate standards and conditions and which have been adopted as post-acknowledgement plan amendments or periodic review work task elements.

## **CITY OF BROOKINGS STORM DRAINAGE**

The City of Brookings operates a storm drainage system within the city boundaries. 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**

Curry County services all public storm drainage in the study areas north and south of the Chetco outside City limits. The service level is mainly rural road maintenance that 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 to upstream growth and diversion of flows due to culvert placement.

## **CITY/ COUNTY STORM DRAINAGE MASTER PLAN**

On January 12, 2009, the City and the County adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." 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 in City limits and the Urban Growth Area, hydrologic/ hydraulic analysis, and the discussion of the effects on specific areas in the Plan. The Plan is hereby incorporated by this reference.

The Storm and Surface Water facilities Plan for Brookings 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.
- 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. To avoid adverse impacts created by development, the Plan contains five strategies to be generally utilized:

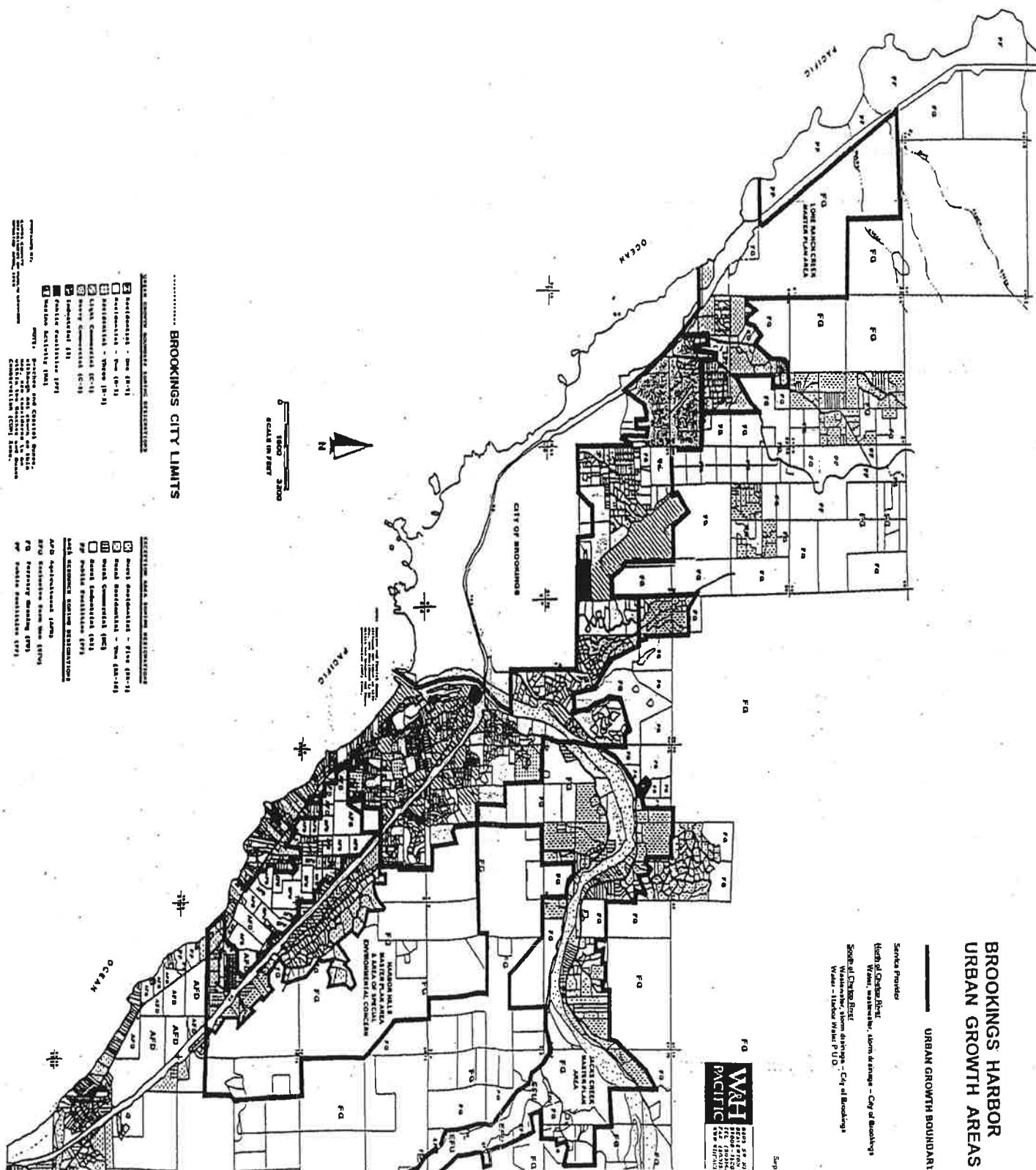
1. There should be no post-development net increase in storm drainage discharge downstream.
2. Low impact development practices as described in the 2007 “Storm and Surface Water Facilities Plan” shall be implemented.
3. The capacity of the downstream drainage infrastructure is improved to convey the 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.

The Harbor Hills Master Plan Area within the UGA is required to prepare a comprehensive surface water management plan prior to any land use approvals. The details required and the review and approval process are described in the “City of Brookings and Curry County Joint Management Agreement”, dated June 30, 2010.

# **BROOKINGS HARBOR URBAN GROWTH AREAS**

## **URBAN GROWTH BOUNDARY**

Service Provider  
North of Chicago River  
Water, wastewater, storm drainage - City of Brookings  
South of Chicago River  
Wastewater, storm drainage - City of Brookings  
Water - Tulelake Water P.U.D.



## **BROOKINGS CITY LIMITS**

**LAND USE DESIGNATION KEY**

- Residential - One (R-1)
- Residential - Two (R-2)
- Residential - Three (R-3)
- Light Commercial (LC-1)
- Heavy Commercial (HC-1)
- Industrial (I)
- Public Facilities (PF)
- Public Facilities (PF)
- Public Facilities (PF)

**LEGEND AND NOTES**

1. The City of Brookings is located within the Tulelake Water P.U.D. service area.

2. The City of Brookings is located within the Tulelake Water P.U.D. service area.

3. The City of Brookings is located within the Tulelake Water P.U.D. service area.

4. The City of Brookings is located within the Tulelake Water P.U.D. service area.

5. The City of Brookings is located within the Tulelake Water P.U.D. service area.

6. The City of Brookings is located within the Tulelake Water P.U.D. service area.

7. The City of Brookings is located within the Tulelake Water P.U.D. service area.

8. The City of Brookings is located within the Tulelake Water P.U.D. service area.

9. The City of Brookings is located within the Tulelake Water P.U.D. service area.

10. The City of Brookings is located within the Tulelake Water P.U.D. service area.

# CITY OF BROOKINGS

## Council Agenda Report

Meeting Date: July 28, 2014

Originating Dept: PW/DS

  
Building Official  
  
City Manager Approval

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Subject: Ordinance 14-O-733, revising Title 15, Building and Construction.

Recommended Motion:

Adopt Ordinance 14-O-733, amending Brookings Municipal Code Chapter 15.05, adding Section 15.05.045, Appeals, and deleting Chapter 15.10, Building Code Enforcement.

Background/Discussion:

Ordinance 14-O-733 incorporates revisions to the Brookings Municipal Code as approved by Council at the June 23, 2014 City Council meeting.

Revisions include numerous changes to BMC Chapter 15.05, Buildings Codes and deletion of Chapter 15.10, as described in the attached June 23, 2014 Council Agenda Report.

Attachment(s):

- a. Ordinance 14-O-733
- b. June 23, 2014, Council Agenda Report

**IN AND FOR THE CITY OF BROOKINGS**  
**STATE OF OREGON**  
**ORDINANCE 14-O-733**

**IN THE MATTER OF ORDINANCE 14-O-733, AN ORDINANCE AMENDING VARIOUS SECTIONS OF BROOKINGS MUNICIPAL CODE CHAPTER 15.05, BUILDING CODES, AND ADDING SECTION 15.05.045, APPEALS, AND DELETING CHAPTER 15.10, BUILDING CODE ENFORCEMENT, IN ITS ENTIRETY.**

Sections:

Section 1. Ordinance Identified.

Section 2. Amends Various Sections of Chapter 15.05 and adds Section 15.05.045

Section 3. Deletes Chapter 15.10, in its entirety

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends various sections of Brookings Municipal Code Chapter 15.05, Building Codes, adds Section 15.05.45, Appeals, and deletes Chapter 15.10, Building Code Enforcement, in its entirety.

Section 2. Amends Various Sections of Chapter 15.05 and adds Section 15.05.045. The following Sections of Chapter 15.05 are amended and Section 15.05.045 is added to read as follows:

**15.05.010 Adoption of codes.**

From the effective date of the ordinance codified in this chapter, the construction, alteration, repair, demolition, moving, use or occupancy of a structure within the jurisdiction of the city of Brookings shall comply with the standards and requirements of the following codes, as now exist or as hereafter amended, each of which are hereby adopted by this reference into the ordinances of the city of Brookings. Also by this reference the city adopts those provisions of the Oregon Administrative Rules which implement these codes. The building official shall enforce the regulations and provisions set forth in the codes and the Oregon Administrative Rules as if the same were set forth herein.

A. The currently adopted Oregon Structural Specialty Code, including the appendices adopted by the state of Oregon and specifically adopting Appendix JB. The currently adopted Oregon Mechanical Specialty Code;

C. The currently adopted Oregon Plumbing Specialty Code;

D. The currently adopted Oregon Residential Specialty Code provided, however, that ORS 455.320 shall not be applicable.

E. The currently adopted Oregon Fire Code and referenced NFPA standards;

F. The Uniform Code for the Abatement of Dangerous Buildings; 1997 Edition, published and copyrighted by the International Conference of Building Officials is hereby adopted in its

entirety, except as hereinafter specifically modified, to by hereinafter referred to as the Dangerous Building Code.

(1) Section 203 is modified to read as follows: Citations for violations shall be issued in conformance with Brookings Municipal Code Section 8.15.090; General abatement procedure, 8.15.100; Summary abatement and 1.05; Penalties.

(2) Section 701.1 is modified by deleting the last sentence of the paragraph.

(3) Section 901 is modified by substituting the term “building official” for the term “public services director and “finance and human services director” for the term “clerk”

(4) Section 902 is modified by substituting the term “finance and human Services director” for the term “clerk”

(5) Section 903 is modified by substituting the term “finance and human services director” for the term “clerk”

(6) Section 905 is modified to read as follows:

“905. Assessment. After the proceedings described in Section 904 of this code, the Municipal Court Judge may order that the said charge be imposed as a special assessment against the real property involved and cause the same to be entered in the docket of City liens and thereafter the said assessment shall constitute a lien against said property.

(7) Sections 906, 908, 909, 910, 911 and 912 to be omitted.

G. The currently adopted Oregon Manufactured Dwelling Standards;

H. The currently adopted State of Oregon Parks and Camps Rules. [Ord. 10-O-656 § 2; Ord. 07-O-588 § 2; Ord. 06-O-575; Ord. 96-O-349.D § 3; Ord. 93-O-349.C §§ 2 – 5; Ord. 90-O-349.B § 1; Ord. 90-O-349.A §§ 2, 3, 4; Ord. 86-O-408 § 2; Ord. 81-O-349 § 1.]

#### **15.05.040 Appeals procedures - Administrative**

A. A person, firm, corporation or other entity however organized aggrieved by an administrative action of the building official taken pursuant to any section of this code that authorizes an appeal under this section may, within 15 days after the date of notice of the action, appeal in writing to the city manager. The written appeal shall be accompanied by a \$150.00 appeal fee and shall include:

1. The name and address of the appellant;
2. The nature of the determination being appealed;
3. The reason the determination is incorrect; and
4. What the correct determination of the appeal should be.

If a person, firm, corporation or other entity however organized appeals a civil penalty to the city manager, the penalty shall become final upon issuance of the city manager's decision affirming the imposition of the administrative civil penalty.

B. If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this subsection, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

C. Unless the appellant and the city agree to a longer period, an appeal shall be heard by the city manager within 30 days of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the city shall mail notice of the time and location thereof to the appellant.

D. The city manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the city manager deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the building official. The rules of evidence as used by courts of law do not apply.

E. The city manager shall issue a written decision within 10 days of the hearing date. The written decision of the city manager is final.

F. Other than as provided in this subsection, the appeal fee is not refundable. The city manager may make a determination on the motion of the appellant that the appeal fee shall be refunded to the appellant upon a finding by the city manager that the appeal was not frivolous.

G. Failure to pay a penalty imposed hereunder within 10 days after the penalty becomes final as provided in subsection (A) of this section shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by BMC [15.05.050](#), other provisions of this code, or state statutes. [Ord. 10-O-656 § 2; Ord. 81-0-349 § 5.]

#### **15.05.045 Appeals – Code interpretation and application**

A. Board of Appeals. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of ~~this~~ the building codes, there shall be and is hereby created a board of appeals consisting of all members of the common council of the city of Brookings. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

B. Appeal Procedure. Any decision by the building official relating to the suitability of alternate materials and methods of construction may be appealed to the board of appeals in conformance with procedures provided herein. [Ord. 97-O-523 § 9.]

**15.05.050 Unpaid penalties.**

A. Failure to pay an administrative penalty imposed pursuant to this code within 10 days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (B) of this section, other provisions of this code, or state statutes.

B. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty becomes final, the finance and human services director shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the docket of city liens. At the time such an assessment is made, the finance and human services director shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the docket of city liens. The lien shall be enforced in the same manner as all city liens. Interest shall commence from the date of entry of the lien in the lien docket.

C. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy. [Ord. 10-O-656 § 2.]

Section 3. Deletes Chapter 15.10 in its entirety. Chapter 15.10, Building Code Enforcement, is hereby deleted in its entirety.

First Reading: \_\_\_\_\_ Passage: \_\_\_\_\_  
Second Reading: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_, 2014

ATTEST:

\_\_\_\_\_  
Mayor Ron Hedenskog

\_\_\_\_\_  
City Recorder Joyce Heffington

# CITY OF BROOKINGS

## Council Agenda Report

Meeting Date: June 23, 2014

Originating Dept: PW/DS

  
\_\_\_\_\_  
Building Official  
  
\_\_\_\_\_  
City Manager Approval

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Subject: Proposed changes to Title 15, Buildings and Construction

Recommendation: Consider changes to Title 15;

- Modify reference to the Dangerous Building Code in Section 15.05.10 to mirror our current enforcement process.
- Clarify the individual appeals process (administrative vs. code interpretation)
- Remove unnecessary language that is contained in the adopted building codes.
- Various minor language and title changes

Financial Impact: None

Background/Discussion:

- The Dangerous Building Code contains enforcement provisions that differ from that of the City of Brookings, to avoid confusion the process should mirror our own.
- A recent attempt to appeal fines levied as a result of work covered without inspection and work without permits, resulted in the appellants claim that the appeals process is confusing. Currently we have two separate processes, each located in a different code section and applicable to different situations. The first is an appeal of an administrative decision related to a violation of 15.05.020; the deciding body is the City Manager. The second is an appeal of a code interpretation or application, the deciding body is the City Council.
- Removing section 15.10.090, Appeals, from Chapter 15.10 and locating it immediately after the Administrative appeals section helps clarify that there are two different processes. Upon removal of section 15.10.090, the entirety of the remainder of Chapter 15.10 is verbatim language from the State model codes and unnecessary to repeat in the municipal code.

Policy Considerations: Approval of the above would be consistent with the Council goals of making our process more understandable to the public.

Attachment(s):



- a. Chapter 15 with proposed changes
- b. Excerpts from the 1997 Dangerous Building Code

# CITY OF BROOKINGS

## Council Agenda Report

Council Meeting Date: 7/28/2014

Originating Dept: PWDS

  
\_\_\_\_\_  
Signature (submitted by)  
  
\_\_\_\_\_  
City Manager Approval

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Subject: Delete language regarding livestock from Section 8.15

Recommendation: Make a motion to adopt Ordinance No. 14-O-736 deleting the reference to livestock in Section 8.15, Nuisances, of the Brookings Municipal Code.

Financial Impact: None to City

Background/Discussion: BMC Title 17, Land Development Code prohibits all livestock in the city limits, excepting miniatures, which are defined as pets. Language in the nuisance code regulating livestock has caused conflicting information to be given to citizens regarding keeping livestock within the City.

Adopting Ordinance No. 14-O-736 to delete all reference to livestock in the nuisance ordinance will insure that correct information is given when citizens call with concerns regarding this issue.

Policy Considerations: In keeping with the City Councils desire to make rules clear and understandable to the public.

Attachment(s):

- a. Excerpts from BMC Section 8.15, Nuisances, with suggested language deleted.
- b. Ordinance No. 14-O-736

## Chapter 8.15 NUISANCES

### Sections:

- [8.15.010](#) Definitions.
- [8.15.020](#) Control of domestic animals.
- [8.15.030](#) Public health.
- [8.15.040](#) Hazards.
- [8.15.050](#) Noxious vegetation.
- [8.15.060](#) Scattering rubbish.
- [8.15.065](#) Trees and fences.
- [8.15.067](#) Surface waters and drainage.
- [8.15.070](#) Earth from abutting property falling into street.
- [8.15.080](#) Noise prevention.
- [8.15.085](#) *Recodified.*
- [8.15.087](#) Temporary use of a recreational vehicle or travel trailer.
- [8.15.090](#) General abatement procedure.
- [8.15.100](#) Summary abatement.
- [8.15.110](#) Penalties.

#### **8.15.010 Definitions.**

~~E. "Livestock" refers to horses, mules, asses, cattle, llamas, emus, sheep, swine, goats and poultry, including turkeys, of any age or sex.~~

#### **8.15.020 Control of domestic animals.**

~~A. No person shall permit any cow, horse, goat, sheep, or other domestic animal kept in any enclosed or unenclosed lot or tract of land within the corporate limits of the city of Brookings to leave said place where said animal is so kept and wander at large within the corporate limits of the city.~~

~~J. Livestock and Pets. The keeping of livestock and pets or buildings for the purpose of housing such livestock or pets in such a manner as to be a breeding place or likely breeding place for rodents or pests.~~

**IN AND FOR THE CITY OF BROOKINGS**  
**STATE OF OREGON**  
**ORDINANCE 14-O-736**

**IN THE MATTER OF ORDINANCE 14-O-736, AN ORDINANCE DELETING VARIOUS SUBSECTIONS OF BROOKINGS MUNICIPAL CODE CHAPTER 8.15, NUISANCES.**

Sections:

Section 1. Ordinance Identified.

Section 2. Deletes Subsections 8.15.010(E), 8.15.020(A) and 8.15.020(J)

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. Ordinance deleting various subsections of Brookings Municipal Code Chapter 8.15, Nuisances.

Section 2. Deletes Sections 8.15.010(E), 8.15.020(A) and 8.15.020(J): Subsections 8.15.010(E), 8.15.020(A) and 8.15.020(J) are hereby deleted.

First Reading: \_\_\_\_\_ Passage: \_\_\_\_\_  
Second Reading: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_, 2014

ATTEST:

\_\_\_\_\_  
Mayor Ron Hedenskog

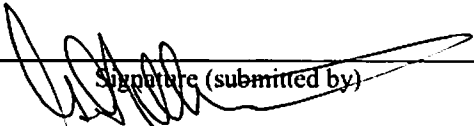
\_\_\_\_\_  
City Recorder Joyce Heffington

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: July 28, 2014

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: Ordinance 14-O-735, Regulating Use of City Litter Receptacles

Recommended Action:

Motion to adopt Ordinance 14-O-735, adding Chapter 8.20, Unlawful Disposal of Solid Waste and Littering, and Deleting Section 8.15.060, Scattering Rubbish from Chapter 8.15, Nuisances, in the Brookings Municipal Code.

Background/Discussion:

This matter was discussed at the City Council workshop of July 9, 2014.

The City maintains and services a number of litter receptacles in the downtown area, parks and other public places. City staff reports having discovered household and business trash that has been placed in these receptacles, resulting in overburdening the receptacles and requiring more frequent servicing. The City also receives, from time to time, complaints from solid waste bin owners that unauthorized persons are disposing of waste in their containers.

This Ordinance would prohibit the use of publicly-owned litter containers or trash bins for the disposal of household or business waste, and would prohibit the deposit of waste in a trash bin owned or contracted for by a private person without the owner/renters permission.

This Ordinance would also move an existing provision prohibiting the scattering of rubbish on public or private property from the Nuisance Chapter of the BMC to this new Chapter. Through this change, the City would no longer follow the nuisance abatement procedure in Chapter 8.15...which requires written notice to the violator and a multi-step procedure for abatement...but would authorize immediate action to require the violator to abate the condition or be cited into court where the City could seek an order to immediately undertake the cleanup and, possibly, levy a fine.

Attachment(s):

- a. Ordinance 14-O-735

**IN AND FOR THE CITY OF BROOKINGS**  
**STATE OF OREGON**  
**ORDINANCE 14-O-735**

**IN THE MATTER OF ORDINANCE 14-O-735 AN ORDINANCE ADDING CHAPTER 8.20, UNLAWFUL DISPOSAL OF SOLID WASTE AND LITTERING TO TITLE 8, HEALTH AND SAFETY, AND DELETING SECTION 8.15.060 SCATTERING RUBBISH, FROM CHAPTER 8.15, NUISANCES IN THE BROOKINGS MUNICIPAL CODE.**

Sections:

- Section 1. Ordinance identified.
- Section 2. Adds Chapter 8.20
- Section 3. Deletes Section 8.15.060

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 8.20, Unlawful Disposal Of Solid Waste and Littering to Title 8, Health and Safety, and deletes Section 8.15.060 Scattering rubbish, from Chapter 8.15, Nuisances in the Brookings Municipal Code.

Section 2. Adds Chapter 8.20 : Chapter 8.20 is added to read as follows:

**Chapter 8.20**  
**UNLAWFUL DISPOSAL OF SOLID WASTE AND LITTERING**

Sections:

- 8.20.010 Definitions.
- 8.20.020 Unlawful disposal of solid waste.
- 8.20.030 Scattering rubbish.
- 8.20.040 Penalty.

**8.20.010 Definitions.**

- A. “Person” means any natural person, association, partnership or corporation or any other legal entity or entity in fact.
- B. “Right-of-way” as used in this chapter, means any highway, road, street, alley, lane, trail, sidewalk, access, other public way, or any beach, park, recreational facility or other similar facility owned and operated by the state of Oregon, Curry County, or the City of Brookings, and located within the corporate limits of the City of Brookings.
- C. “Solid waste” means all solid or semisolid waste material, including, but not limited to: garbage; rubbish; refuse; trash; ashes or swill; newsprint or waste paper; corrugated board or cardboard; grass clippings; compost; residential, commercial, industrial, governmental or institutional wastes; discarded home or industrial appliances, equipment or furniture; vehicle parts or tires; animal parts or wastes.

**8.20.020 Unlawful disposal of solid waste.**

- A. Except as provided by subsection (B) of this section, no person shall deposit solid waste produced by the person or any business owned by the person or with which the person is associated as an employee or agent in or about any solid waste receptacle owned or rented by another person, without first obtaining the permission of that person.
- B. No person shall deposit solid waste produced by the person or any business owned by the person or with which the person is associated as an employee or agent on any publicly owned property.
- C. No person shall use, or attempt to use, any publicly owned solid waste receptacle as a means to dispose of residential, commercial, or industrial solid waste regularly generated by the person or any business owned by the person or with which the person is associated as an employee or agent.

**8.20.030 Scattering rubbish.**

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal or vehicle upon a public right-of-way. [Ord. 11-O-686 § 2; Ord. 11-O-686 § 2; Ord. 07-O-591 § 2; Ord. 86-O-406 § 6.]

**8.20.040 Penalty.**

Any violation of the provisions of this chapter shall, upon conviction thereof, be punished pursuant to Chapter [1.05](#), General Penalty, BMC, except that the fine shall not be less than \$100.00 for the first offense.

Section 3. Deletes Section 8.15.060. Section 8.15.060, Scattering rubbish, is hereby deleted.

First Reading:	_____	Passage:	_____
Second Reading:	_____	Effective Date:	_____

Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_, 2014

ATTEST:

\_\_\_\_\_  
Mayor Ron Hedenskog

\_\_\_\_\_  
City Recorder Joyce Heffington