

RESOLUTION NO. 95-R-599

A RESOLUTION ADOPTING FINDINGS FOR THE EXPANSION OF THE BROOKING URBAN GROWTH BOUNDARY AND THE JOINT MANAGEMENT AGREEMENT.

WHEREAS, the City Planning Commission recommended approval of the proposed Urban Growth Boundary expansion and the Joint Management Agreement at its March 26, 1995 hearing, and

WHEREAS, the City Council held public hearings on April 20 and June 20, 1995 and adopted the expanded Urban Growth Boundary and Joint Management Agreement and directed staff to prepare findings to support its decision; and

WHEREAS, staff has prepared the findings that are attached hereto and by this reference incorporated herein.

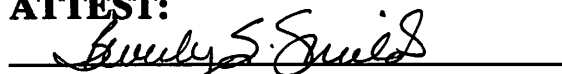
NOW, THEREFORE, BE IT RESOLVED that the Brookings City Council adopts the attached findings for the expansion of the Urban Growth Boundary and Joint Management Agreement.

PASSED by the Council of the City of Brookings and signed by the Mayor this 14th day of August 14, 1995.



Mayor Tom Davis

ATTEST:



**Beverly S. Shields
City Recorder**

RESOLUTION 95-R-599 ATTACHMENT

**FINDINGS RELATED TO GOAL 14 AND GOAL 2
BROOKINGS URBAN GROWTH BOUNDARY AMENDMENT**

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FINDINGS RELATED TO GOAL 14 AND GOAL 2 BROOKINGS URBAN GROWTH BOUNDARY AMENDMENT

GOAL 14: TO PROVIDE FOR AN ORDERLY AND EFFICIENT TRANSITION FROM RURAL TO URBAN LAND USE.

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:

The Seven Goal 14 Urbanization Factors

The Urbanization Goal establishes seven "factors," which must be "considered" by local governments in establishing and changing urban growth boundaries. Court interpretations over the years have transmuted the term "factor" to mean "standard," and the term "consider" to mean "consistent with." It is thus necessary to show that a change in an urban growth boundary is "consistent" with each of the following seven "standards":

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
2. Need for housing, employment opportunities, and livability;
3. Orderly and economic provision for public facilities and services;
4. Maximum efficiency of land uses within and on the fringe of the existing urban area;
5. Environmental, energy, economic and social consequences;
6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class IV the lowest priority; and
7. Compatibility of the proposed urban uses with nearby agricultural uses.

The Urbanization Goal (Goal 14) requires a governing body proposing a change in an existing urban growth boundary to "follow the procedures and requirements as set forth in the Land Use Planning Goal (Goal 2) for exceptions."

The exceptions procedures and criteria applicable to urban growth boundary have been explained by the Land Conservation and Development in an interpretive rule, OAR 660-04-010. The rule explains that

1. An exception is not required for the initial establishment of an urban growth boundary around including portions of an incorporated city, even when resource lands are included within the boundary. OAR 660-04-010(1)(c)(A).
2. An exception supporting an amendment to an acknowledged urban growth boundary must include findings and reasons demonstrating that
 - i. "Reasons justify why the state policy embodied in the applicable goals should not apply." The rule explains that "This factor can be satisfied by compliance with the seven factors of Goal 14. OAR 660-04-010(1)(c)(B)(i).
 - ii. "Areas which do not require a new exception cannot reasonably accommodate the use." OAR 660-04-010(1)(c)(B)(ii).
 - iii. "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - iv. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The Land Use Board of Appeals and the Oregon Court of Appeals have ruled that this rule "establishes a separate standard of compliance that obviates the need for a reasons exception" when amending an urban growth boundary. 1000 Friends of Oregon v. City of North Plains, 130 Or App 406, 412 (1994). According to the court, the rule makes the seven urbanization factors and the requirements of paragraphs ii, iii, and iv the sole requirements for showing compliance with the Urbanization Goal, including the requirement of taking a Goal Two exception.

Description of Areas Being Added to Boundary

The area north of the Chetco is composed of the City of Brookings and unincorporated lands north and east of the City. Areas included within the proposed urban growth boundary are characterized as flat to gently sloping, with a few areas of slope exceeding 25%. The City of Brookings is the only provider of public sewer and water services north of the Chetco at this time. Vacant, buildable land totaling 1,138 acres is being added to this portion of the urban area with the boundary amendment.

The area south of the Chetco River is composed of the unincorporated community of Harbor and other unincorporated lands south and east of Harbor. Areas included within the proposed urban growth boundary contain developed "exception" lands outside the current boundary, two agricultural parcels on the Harbor bench area, an area which extends further south to the California border, one agricultural parcel zoned agricultural along Jack Creek planned for a golf course, and a portion of the Harbor Hills located directly east and above the Harbor Bench. The Harbor Sanitary District and Harbor Water Public Utility District are major service providers in this subarea. Vacant, buildable land totaling 651 acres is being added to this portion of the urban growth area with the boundary amendment.

The extension of the boundary to the east on both sides of the Chetco River will allow the City and special service districts to plan and extend services to many of the exception lands which have developed along the river and in the vicinity. This will also allow the proposed city-owned golf course on Jack Creek, a tributary of the Chetco River, to be within the urban growth boundary, providing more flexibility in providing urban services to the golf course. Amounts of vacant, buildable land along the Chetco are included in the above figures depending on whether they are north or south.

FACTOR 1: DEMONSTRATED NEED TO ACCOMMODATE LONG-RANGE URBAN POPULATION GROWTH REQUIREMENTS CONSISTENT WITH LCDC GOALS;

FACTOR 2: NEED FOR HOUSING, EMPLOYMENT OPPORTUNITIES, AND LIVABILITY;

Factors 1 and 2 are called the "need" factors of Goal 14. The "need" factors of Goal 14 are satisfied if the proposed expansion is needed to provide housing and employment opportunities for the anticipated growth and to improve the livability of the community. Once an urban growth boundary has been initially established, amendments to the boundary may be shown to be needed under these factors in three ways:

"(1) increasing projected populations,

"(2) amending the . . . assumptions . . . applied to those population figures in originally justifying the UGB," or

"(3) doing both."

BenjFran Development v. Metro Service Dist., 17 Or LUBA 30, 37 (1988), affirmed 95 Or App 22 (1989).

Growth Rate

Local governing bodies are entitled to deference in their fact-finding and their choice of methodology as well as in their choice of growth policy. State land use authorities have accepted projected growth rates of as much as 5 percent per year based upon population trends for the previous nine years. See, for example, the City of Philomath's year-2000 projections reviewed in **Friends of Benton Cty. v. Benton Cty.**, 4 Or LUBA 112, 120-21 (1981). Likewise, in rejecting challenges to population projections underlying the Medford urban growth boundary, the Commission found that

" . . . the projections, under the circumstances, were reasonably derived and explained, although reasonable minds could differ about the choice and application of the methodology and data employed." **Howard v. Jackson Cty & Medford**, 2 LCDC 30, 35 (1979).

This amendment of the Brookings/Harbor UGB is based upon both increased population projections and amendments to the underlying assumptions. It is not based upon an arbitrary, unsustainable growth rate as some have suggested.¹ The increased population projections result in part from a more seasoned, sophisticated, and thorough examination of the issues. They also result in part from changed assumptions concerning the planning area. The most important of these amended assumptions are:

1. An updated 1995 base population replacing the 1981 base.
2. An updated 20-year planning period, covering the years from 1995 to 2015, replacing the existing plan's 1980-2000 base.
3. An updated inventory of remaining development potential within the existing urban growth boundary, current as of 1993 instead of 1980.
4. An updated understanding of social, economic, and market forces and trends affecting population growth in the Brookings/Harbor area.

5. An updated understanding of current and projected needs for housing, employment opportunities, and livability in the Brookings/Harbor area.

In 1993 the City commissioned David Evans and Associates (DEA) to conduct a study to determine the need for an expanded urban growth boundary and urban reserve area. This study area was larger than this proposed urban growth boundary. DEA estimated a range of 2% to 4% average annual population growth per year, but concluded that 3% per year until the year 2013 and 2% thereafter to the year 2043 were reasonable rates of growth for planning purposes. Based upon these growth rates, the study determined the additional residential, commercial and industrial land needed for housing, jobs and services for the two forecast periods.²

The information developed in the David Evans report was further refined by Cogan Owens Cogan (COC) in March 1995 to determine the base and forecast population to 2015 for the proposed urban growth boundary and to provide estimates of land area to accommodate housing, commercial and industrial development. The COC study relied upon the 3% and 2% average annual growth rates for 2013 and beyond established in the DEA study and incorporated land area needs identified in that study for commercial and industrial land. Forecasts were made by COC for areas north and south of the Chetco River to reflect the different geographic and political circumstances.³

In recent years there have been several other studies of population growth in the Brookings area, all of which have supported an average annual growth rate of at least 3%, and one as high as 4.5%. These are:

1. Brookings, Oregon Community Assessment, prepared by rural Development Initiatives, Inc., in cooperation with the City of Brookings by E.D. Hovee & Company, August, 1994.
2. Brookings/Harbor School District Enrollment Growth, Facilities and Bonding Capacity Management Study, prepared for the Oregon School Boards Association by Lausberg & Neubauer, June, 1992.
3. Forecast of the Long-Run Demand for Housing in the Brookings/Harbor Area, prepared by ECO Northwest, January, 1989.
4. Forecast of the Long-Run Demand for Housing in the Brookings/Harbor Area, prepared for Reservation Ranch and Harbor Construction by ECO Northwest, March, 1993.

5. Comments of Terry Moore, ECO Northwest, on Evans study, June 21, 1993.
6. May 16, 1995, Comments of Terry Moore, ECO Northwest, in response to, comments, objections, proposed findings and other population analyses submitted in these proceedings to date.
7. Brookings, Oregon, Water Master Plan, CH2M Hill, 1988.

The DEA and other studies mentioned in these findings, differ somewhat in their approaches and thus arrive at different growth rates and base populations. The various studies have been the subject of comments, corrections, and criticism during the course of the hearings on the proposed urban growth boundary. The discussion of these differences in methodology and approach were provided by ECO Northwest for Johnson and Kloos on behalf of Westbrook/Reservation Ranch/Harbor Construction.⁴

Some people have testified that the boundary should not be changed because this will induce undesirable growth. While neither permanent strong growth nor permanent stagnation is desirable, it is the considered judgment of the governing bodies of Brookings and Curry County that the current period of growth, coming after a period of fundamental economic dislocation and stagnation, is healthy for the local community and for our changing coastal economy. In examining the discussions and opinions received, we find that an average annual growth rate of 3% is a reasonable, conservative growth rate to use for planning purposes. Furthermore, the responsible course of action is to amend the urban growth boundary so that land use and public facility planning can occur and assure that growth will occur in an orderly and planned manner.

Base Population and Projections

Opinions also differ on the base population. The new urban growth boundary does not follow US Census Bureau enumeration boundaries, and while the City of Brookings receives annual estimates of population from the Portland State University Center for Population Research and Census, estimates are not made for the balance of the Brookings/Harbor area included within either the existing or proposed boundary. Therefore, other methods of developing estimates have to be relied upon. This is exacerbated by the fact that the area has a large transient population that resides within recreational vehicles for all or part of the year. Further, some mobile home parks have been converted to recreational vehicle parks. Therefore, determining the true permanent population from the tourist population may be part of the reason for differences in the base population.

Opinions range on the base 1993 population from a low of 8,749 in the COC study to a high of 10,500 by ECO Northwest. The different base populations projected over twenty years, then, result in different future (2015) population levels, with a low of 16,440 calculated by COC to a high of 20,119 based upon an average annual growth rate of 3%. If a growth rate of 3.5% is utilized, the population would range from 18,649 to 22,381.

While there is evidence in the record to suggest that the current population estimate made by COC may be on the low side, the governing bodies have accepted those figures as reasonable, conservative figures for planning purposes.

Land Area Needs

The amount of land needed in the future to accommodate future growth starts with a base population and projects forward on the assumed growth rate. Land area needs justifying the boundary expansion are based on the base population of 8,749 and a future population of 16,440.

As the existing acknowledged city and county plans, the COC technical report, and other materials in the record amply demonstrate, there is very little land left within the existing boundary to meet the added needs to the year 2000. According to the COC report, a total of 1,538 vacant buildable acres will be needed by 2000 for residential, commercial and industrial growth. As of 1993 when the City and County conducted vacant land inventories, the current UGB contained only 767 total acres, of which 639 were buildable. This supply has been further reduced by population growth in the past two years. In the long-term, this supply will not meet the growth needs of the area, and in the short-term, the small supply is causing housing prices to escalate.

The COC report determined that 1,150 acres of land for residential, commercial and industrial purposes needs to be added to the urban growth boundary to accommodate the total need to the year 2015. Some have testified that land area needs have been exaggerated.⁵ In light of the previous findings on population growth, we find that this figure is reasonable and probably conservative.

The COC study indicated that the proposed boundary contains about 252 acres that will not be needed by 2015. However, there are other needs that were not taken into account in this analysis. Land will be needed for major public facilities, such as reservoirs, and parks. The Borax property proposes a golf course. In addition, some of this 252 acres is actually unbuildable because only slopes over 30% were measured. The Goal 10 Housing Rule provides that slopes over 25% are unbuildable.⁶

The original slope analysis was taken from Oregon Department of Geology and Mineral Industry maps for Western Curry County that were graduated in 0-5%, 5-15%, 15-30%, 30-50%, and >50% slopes and thus the slopes of greater than 30% were measured rather than greater than 25%. The figures used in the COC report were from this earlier analysis. An additional, more detailed slope analysis of the area within the proposed boundary to measure slopes of 25% or greater. This analysis established that there were another 226 acres of land in the 25% to 30% range. This reduces the amount of excess land from 252 to 26 acres. All figures in this document representing buildable or unbuildable land reflect the figures from latest slope analysis. The proposed boundary contains a total of about 6,687 acres, of which 3,491 are added with this amendment. Approximately 1,564 of the total acres are unbuildable due to severe slopes (25% or more) and hazards. If more land in the proposed UGB turns out to be unbuildable or if housing types change significantly, as identified in the COC report, more land may be needed to meet needs to the year 2015. In addition, a major portion of the land being included within the expanded boundary is made up of three major properties, each under single ownership and control. The decision of any one property owner to hold his property off the market for a significant period of time, a delay in providing public services to one or more pieces, or other factors that would forestall development, could reduce the effective supply of land.

While 1,564 total acres, of which 1,437 are added acres, are considered unbuildable for planning purposes because they exceed 25% slope, these lands will serve a number of needs within the UGB. Some land will support construction of roads and utility lines benefiting buildable lands. Some of it may be utilized to provide water reservoir sites. Finally, unbuildable lands included within the boundary can also serve as permanent open space, wildlife habitat and recreation areas within the UGB and mitigate environmental impacts. At the same time, some "buildable" land in the range of 20-25% slope may be found to be unbuildable after detailed technical studies are completed while some of the "unbuildable" land may actually be suitable and can compensate.

The new boundary includes 1,189 acres of county "exception lands" in rural residential and rural commercial zoning districts. Of these acres, 422 acres are vacant and 767 acres are developed. These lands are proposed to be added because of their proximity to the current UGB, the availability of some infill parcels in exception areas, and because of the threat of possible septic tank failure which will mandate connection to a public sewer system. By including these lands now, the City and Harbor Sanitary District can plan for sewer treatment facilities and expansion of the collection system.

Statewide Planning Goal 9 provides direction to the City and County in this urban growth boundary amendment. Goal 9 provides:

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

In 1994 the E.D. Hovee Company was commissioned by the Rural Development Initiatives, Inc. to develop a Community Assessment of Brookings. The purpose of the assessment was to identify strengths, weaknesses, opportunities and threats of the community as a starting point in a strategic economic development planning process. The report identifies the lack of ready-to-build industrial and commercial land, especially in large parcels, as a weakness that will deter economic growth and diversification. The report points out that it will be necessary for the local economy to diversify because the traditional economic base of forestry and fishing have and will continue to decline. Tourism, which the area wants to promote, has been primarily tied to fishing. The area needs to develop new facilities and services to attract a different kind of tourist than the area has traditionally catered to in the past, according to the report.

The report further points out that unemployment in Curry County has consistently exceeded the state average for well over a decade. Unemployment peaked in 1982 at 16.2%, then dropped to about 5.8% in 1990. Since 1990, unemployment has increased again to 8.9% in 1993. This compares with the State of Oregon which had an unemployment rate of 7% in 1993. While data are not available for the Brookings/Harbor area, it has been generally acknowledged that the balance of Curry County has had significantly higher unemployment than the Brookings/Harbor area. In fact, if it were not for the growth in the local area, Curry County's rates could be even higher. With the reduction of fishing and related tourism in just the past two years, the area's unemployment could increase even more.

Brookings and the adjacent unincorporated area of Harbor to the south are the center of a market area which extends from north of Brookings south to the California border. The current UGB contains 174 vacant acres of commercial and industrial zoned land. The new UGB contains sufficient land for an increase of 467 acres of commercial and industrial land use to supply jobs and services to this market area. The Census Bureau indicated an additional 3,000 people living within the Brookings and Harbor Divisions, outside the proposed UGB, at the time of the 1990 Census. Land outside the UGB is primarily residential so land area within the UGB also supplies the commercial and industrial land needs for the population outside the UGB as well as inside.

Housing Needs

Statewide Planning Goal 10 also provides direction in this amendment:

To provide for housing needs of the citizens of the state.

Guideline No. 2 under this goal states:

Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

The proposed boundary contains enough land for 3,962 additional housing units. Housing characteristics in the Brookings/Harbor area are distinctly different inside and outside the City of Brookings. The Harbor area has a very large proportion of mobile homes and very little multiple family housing. Land need projections for the UGB assume a scenario composed of the following: 52% single family, 24% multiple family, and 24% mobile homes. This reflects a decrease in the percentage of mobile homes compared with 1990, as a result of more manufactured homes replacing the market for mobile homes; an increase in the percentage of multiple family; and a small increase in the percentage of single family. The City and County will allocate specific amounts and proportions for these housing needs during development of land use plans for the area.

In testimony submitted by 1000 Friends of Oregon, it was asked why the entire need for additional residential land cannot be accommodated on the exception lands being added to the boundary.⁷ The inventory of vacant land conducted by Curry County staff in 1993, and summarized in the COC study, indicated only 20 parcels of vacant exception land suitable (buildable) for development are left, 86.3 acres buildable out of 422 total acres. This 86.3 acres of buildable land area is accounted for within the supply of buildable land for the UGB expansion and will supply some of the need, but not all of it.

1000 Friends indicates that the total future housing need can be met on land currently within the UGB and in the exception areas.⁸ However, the calculation made in the written testimony fails to take into account that 174 acres of the current vacant land within the UGB is zoned for commercial and industrial land, and that due to population growth, an additional 467 acres is needed for these uses. Furthermore, their calculation does not account for the amount of unbuildable land within the current UGB and the exception areas.

In drawing the boundary, the City and County considered adding even more exception land to the UGB. However, to have done so would have required encircling the prime agricultural land on the Harbor Bench, taking in developed areas on severe slopes that would not have provided for much additional housing need, or elongated the urban area even more along the coast.

Some arguments have been made that increasing the boundary, especially into the Harbor Hills, will exacerbate housing costs.⁹ While costs of development may dictate a large proportion of higher cost housing, constraining the UGB could increase housing costs even more through limiting the supply of land. Brookings is limited in the number of options it has for expansion of the UGB. With the Pacific Ocean to the west and prime agricultural land to the south, expansion into the uplands is the only reasonable option. Many communities in Oregon face the issue of affordable housing. However, artificially constraining the UGBs with the ill-conceived purpose of maintaining affordable housing has not been a solution in any community. Other measures must be taken to address this issue, such as assuring that adequate land will be provided for different housing types and encouraging low to moderate cost housing development by the public and private sectors.

Fourteen years with one of the highest growth rates and smallest urban growth boundaries in the state has caused a demand that has outstripped the supply and has resulted in skyrocketing housing prices. The cost of housing in Brookings/Harbor is higher than in any other community in the state, despite below average personal incomes and ample supplies of inexpensive (but unavailable) land outside of the Urban Growth Boundary. The average residential sales price in the Fall of 1994 in Curry County was \$167,027. In the summer of 1994 it was \$186,000. Although more detailed segregations are not available, Brookings/Harbor has long had the highest prices in Curry County, so it can be reasonably assumed that the prices in Brookings/Harbor were even higher.¹⁰

For comparison, in the Portland Metro area the average cost was \$134,200 in the Fall. The second highest average price in the coastal counties was in more densely populated Lincoln County, where it was \$125,705. In none of the other counties that are sparsely populated like Curry County was the average price over \$80,000.¹¹

In 1990 52% of Brookings families and 60% of Harbor CDP families had incomes under \$25,000 and yet the area's median household valuation was \$114,000. Newly created housing was even more expensive. Now housing costs are even higher and as a result home ownership is difficult or impossible for many working families.¹²

The 1991 DLCD "Brookings Case Study" found that home values increased about 1% per month between mid-1986 and late 1989 and then jumped to a 2% increase per month. It found that in the Brookings area specifically, the average selling price of homes increased 20% between 1988 and 1989 but the increase in personal incomes averaged only about half this rate.¹³

In the April 1993, 1000 Friends of Oregon publication "Managing Growth on the Oregon Coast" it is concluded that

¹¹ Goal 14 Findings UGB Amendment

"Higher prices, combined with the decline in traditional resource-based industries and the "family wage" jobs that they provide, are driving younger working families and long time coastal residents off the coast.... The scarcity of affordable housing for purchase or rent is a problem virtually everywhere along Oregon's coast. In some areas, such as Curry County, people desperate for housing are using RV parks as de facto mobile home parks." ¹⁴

Because of a failure to maintain adequate supplies of housing, the middle and lower income residents of Brookings/Harbor have become victims of the state-wide land use planning system. There is a crisis-level need for housing in all price ranges -- lower and middle income, because there is little, and upper income because wealthy buyers compete for the housing that might serve lower income residents.

Mobile homes have provided the primary source of affordable housing in the Brookings/Harbor area. In 1990 Harbor had one of the highest ratios of mobile homes of any community in the state (66%). Mobile home growth may stabilize and manufactured housing, an affordable single family housing type, will likely increase. Multiple family housing will also play a role in providing affordable housing.

Several sites within the new boundary are suitable for affordable housing. Two parcels currently zoned for agricultural use (AFD) are included within the proposed boundary. One on the south side of Benham Lane is 23 acres and is being added to provide land for a mobile home park that can serve the additional demand for this type of housing need in the area.¹⁵ While zoned agriculture, it is not farmed and is not the same quality of farmland as others to the south outside the existing and proposed boundary.

Another six acre parcel on the south extension of the new boundary is flat and would be suitable for affordable housing.

The Harbor Construction Company submitted evidence that a large portion of the Harbor Hills under its ownership are suitable for middle and lower income housing.¹⁶ About one-third of land owned by US Borax Corp. is less than 10% slope, suitable for affordable housing.

Boundary Expansion is Necessary to Permit Land Use and Public Facility Planning to Occur

Some participants in the proceedings of this UGB amendment have suggested that the boundary not be adopted until all of the answers are known concerning provision of public facilities and in the case of water, that all of the questions are answered concerning impact

to the Salmon in the Chetco River. However, under Oregon's system of land use planning and under Goal 14 specifically, this is not necessary. Local governments are only required to address Goal 14 and the Goal 2 exceptions criteria. The governing bodies of Curry County, Brookings and the special districts would be proceeding with great expense and risk to study areas for an urban level of development and services that have not been added to the UGB. The accepted practice has been to determine a level of need and feasibility for the size of the urban area and then to plan for the land uses and public facilities within that area. By amending the boundary now and then conducting the more detailed studies, the governing bodies and private property owners can proceed on an understanding that the investment in these studies is legally valid, legitimate and meaningful in addressing the specific issues within the area considered for urbanization. Furthermore, policies in the County and City comprehensive plans and Joint Management Agreement will assure that premature development does not take place before this planning has occurred.

CONCLUSION

The urban growth boundary amendment complies with Factors 1 and 2. Based upon the analyses contained in the David Evans, Cogan Owens Cogan, ECO Northwest, E.D. Hovee & Company and other reports, the governing body finds that an average annual growth rate of 3% is likely to occur over the next twenty years. Inadequate land area within the current boundary is available to provide the needed residential, commercial and industrial development. Expansion of the UGB is needed to support the forecast population and economic growth to at least the year 2015, in compliance with Factors 1 & 2 of Goal 14. The City Council and County Commissioners found that "Increasing the size of the UGB will provide additional land for development and will help keep land values lower."

Without the expansion, there will be insufficient land for new housing, jobs and services. Without new jobs and housing, the local economy is likely to stagnate.

FACTOR 3: ORDERLY AND ECONOMIC PROVISION FOR PUBLIC FACILITIES AND SERVICES

General Description of Current Service Provision

The current and proposed urban growth boundary is split by the Chetco River, which also represents a clear political division within the current and proposed UGB.

The City of Brookings and unincorporated land lie to the north of the Chetco. The unincorporated land is not within any sewer or water districts. Land within the current

boundary must annex to Brookings to receive public sewer and water. In some cases, the City of Brookings will extend services, particularly water, to areas outside the City with an agreement to annex in the future. Rural lands within the expanded UGB that are permitted to develop under current zoning regulations now develop on individual wells and septic tanks. The UGB expansion will permit these areas to be planned for public facilities and services.

The unincorporated community of Harbor is south of the Chetco and is served by the Harbor Water Peoples Utility District (PUD) and the Harbor Sanitary District. The current UGB south of the Chetco is essentially coterminous with the Sanitary District's boundaries. The Harbor Water PUD extends along the Harbor bench to the California border. The existence of these districts in the Harbor area has meant that urban development within the existing boundary could take place without annexing to the City of Brookings. The Harbor Water PUD has been able to provide water to the exception lands outside the existing boundary that are developed on septic tanks.¹⁷ Expansion of the boundary will permit the Harbor Sanitary District to annex developed and undeveloped land and plan for an expanded sewer system, and allow the Harbor Water PUD to expand into the Harbor Hills to provide water service.

The City and County have drafted cooperative service agreements with each of the special districts within the UGB. These agreements specify the role of each in providing services in the planning process, including public facility planning. The agreements also indicate the service area of each and annexation policies that will govern expansion.

Highway 101 crosses the Chetco River and is the primary and only major traffic artery traversing through the urban growth area. The highway serves both through traffic as well as local traffic.

Water Service

Both Brookings and the Harbor Water PUD take municipal water from the Chetco River through in-take wells roughly five river miles from the Pacific Ocean. The City's 1993 peak day demand was about 1.7 million gallons per day with an average of 1.25 million gallons per day. The PUD's peak demand is about 1.4 million gallons per day with an average of 701,000 gallons per day. Both entities have water rights on the Chetco in excess of current use. The City has a 1.5 million gallon a day water filtration (treatment) plant, and five reservoirs with combined storage of 1.82 million gallons. In addition, the City has secured another site northeast of the City for a future water reservoir.

The City's 1976 Water Master Plan was updated in 1988 by CH2M Hill Engineers with a study of water intake, treatment plant and distribution needs. The study assumed a three percent average annual growth rate until the year 2008. The study found that:

- Water demand would increase from the current use (1988) of 1.7 million gallons per day to 3.2 million gallons per day, based upon a 2008 population of 6,714.
- The City's water treatment plant could be increased to handle 2.6 million gallons per day, which will handle a population of about 6,500 in 2001.
- The City should move its intake site on the Chetco River upstream to decrease sea water intrusion (this has been accomplished).
- An additional 1 million gallons of storage should be added, to bring the total storage to 3.2 million gallons. Another small reservoir was recommended in the zone where the airport is located. The 1 million gallon reservoir was recommended to be located in the northwest area of the City near Harris Heights Road. (Land has been acquired for this use in this area.)
- A number of distribution system improvements were needed to handle current system demands and future growth in the City and with annexation.

The growth rates and population assumptions used in the 1988 CH2M Hill study are reasonably consistent with the population and needs analysis conducted by COC.

The Harbor District pumps from a well on the Chetco at a site adjacent to the northeastern end of the Harbor Hills and the water is treated by a Ranney Collector chlorine treatment process. The well water is conveyed to the district through a single pipe that takes a lengthy route along the banks of the Chetco. Service to the entire district has been interrupted as result of earth movement along this route. Pressure is mechanically supplied.

The Harbor Water PUD developed a twenty year master plan in 1978. In 1993 the district asked its engineer, Arrera Engineering of Eugene, to review the proposed addition of land to the urban growth boundary in the Harbor Hills and provided a preliminary assessment of how the area would be provided with water by the District. The concept is for a line that would start at the District's water in-take on the Chetco, combined with the existing lower level systems progressing up the hills providing water from the traditional "stair stepping" of reservoirs and pump stations into a gravity fed ridge line.¹⁵ The report states:

"The new 'backbone' to the water system along the easterly ridge would offer advantages to the district by providing an alternate route to lower level reservoirs located to the west and in the southern reaches of the existing system. The reliability and flexibility of the

existing system can be substantially enhanced with alternate supply routes and loop feed to the southern terminus of the system. As an example, in the existing system, a failure in the transmission line along the Chetco River or at the Hallway reservoir/pump station could interrupt service to the entire District.

"Dead end booster systems or hydropneumatic tank systems with no reservoirs should not be considered. These systems can not provide adequate fire protection or reliable service."¹⁹

The proposed boundary excludes some of the first part of the pipeline's route in order to avoid encircling an actively managed timber parcel that is not suitable for urbanization. This facility will traverse but not serve the rural area.

Detailed engineering will have to be done to determine the number of pump stations and reservoirs required to serve this system. The District will require detailed hydrological and geological studies and master planning prior to committing to supply the area with municipal water. Maintenance of water lines, reservoirs and pump stations may also be an issue due to the high expected cost of these facilities.

Brookings has water rights of 20 cubic feet per second (cfs) on the Chetco River (about 12.9 million gallons per day) and 6.26 cfs (about 4.04 million gallons per day) on small streams in the area. The water district has 10.5 cfs of primary water rights, or about 6.8 million gallons per day, on the Chetco. Water rights are sufficient to meet all of the needs for municipal water within the UGB for well beyond the twenty year planning period. Water rights owned by the City of Brookings and the Harbor Water PUD on the Chetco alone would provide enough water for a population of nearly 117,000 people, based upon an average daily per capita demand of about 169 gal per capita per day, determined by CH2M Hill in the City's water master plan. This means water providers would only utilize about 14% of the water rights, or about 4.3 cfs, assuming that all municipal water came from the Chetco River.

Since 1990 the Oregon Department of Fish and Wildlife (ODF&W) has filed in-stream water rights for fish.²⁰ Certified in-stream water rights for the lower Chetco (between 0 and 5.4 river miles), in the stretch that includes the City's and PUD's intake wells, is 80 cfs. The City and District's water rights predate these filings and therefore are not likely to have a negative impact on the future development of water rights for municipal water; water rights of the ODF&W do not have priority over consumption by humans or livestock. However, in-stream rights might require the City's and PUD's permits to be

restricted because of minimum stream flows for fish. (See further discussion of water rights and impacts to Salmon under Factor 5).

Information submitted for the record by Harbor Construction Ltd. also confirms that future peak demand for municipal water will be far less than the available water right. In addition reservoir sites offered by the Borax Corp. and Harbor Construction provide the potential to offset impacts to the Chetco River during critical low flow periods.²¹ Major property owners have agreed to donate sites for water reservoirs upon reclassification of their lands from rural to urbanizable. They submitted draft agreements for water supply, treatment and distribution facilities.²²

Another option the City could consider for storage is reactivating the Ferry Creek Reservoir. This source could be used to augment municipal water supply during low flow times on the Chetco, or to directly augment the Chetco. Service from this reservoir was discontinued in the early 1970's. To put it back into service would require removal of large amounts of silt that built up over the years it was used. It could provide about 40 million gallons of storage.

The City could also consider developing water rights it has on other streams. Streams serving the Borax property might be utilized for municipal water and negate the need to serve this property with any water from the Chetco.

Yet another option for decreasing water demand is instituting a water conservation plan during the summer months of low summertime flows on the Chetco River. It is likely that the City and District will be required to develop a water conservation plan in return for any further development of water rights on the Chetco River.

Adjustment to the UGB should provide sufficient land area for future reservoirs and transmission mains as required to serve both existing and new service areas. Major property owners have agreed to donate sites for water reservoirs upon reclassification of their land from rural to urbanizable. These sites will provide the existing system with alternative surface water supply and storage needed to dampen demand spikes and ease late summer daytime temperature peaks on the Chetco.

CONCLUSION.

The City and Harbor Water PUD have adequate water rights on the Chetco River and other streams to serve the projected population. A number of alternatives exist to augment Chetco River water for municipal use and reduce the impact on fish. The governing bodies of Curry County and Brookings have considered the alternatives available and are satisfied

that both municipal water use and protection of the Chetco for fish can be accomplished through public facilities planning that will occur after this boundary adoption.

Sanitary Sewer

The City of Brookings operates a regional sewage treatment facility for both the City and the Harbor Sanitary District. The City's wastewater treatment plant was established on Chetco Point with an outfall directly to the Pacific Ocean in the early 1950's and began receiving sewage from the Harbor Sanitary District in 1976. The District contracts for treatment through an intergovernmental agreement. Approximately 30% of the plant's capacity is used by the District and 70% by the City.

The treatment plant is nearing capacity. The capacity problem is caused by infiltration and inflow (I/I) problems in Brookings, sludge buildup and storage problems as well as growth. This I/I problem is caused by groundwater infiltrating old sewer lines during rainy periods.

The City commissioned Brown and Caldwell engineers to complete a new wastewater facilities plan in 1988 as a result of receiving a Stipulation and Final Order (SFO) issued by the Oregon Department of Environmental Quality (DEQ). The SFO required completion of treatment plant improvements by December 31, 1991. This study and plan resulted in a number of recommendations for improvements to treatment, sludge handling and the collection system. In 1989 Brookings residents voted to finance Stage I improvements to the regional treatment system and in 1991 a major upgrade of sewage treatment, sludge management and other improvements was completed. These improvements were identified as. In April 1992, the City was issued another SFO to make further upgrades to its treatment plant and for managing sludge. All requirements were to be met by March 1, 1995 and depended on the passage of two bond measures by city voters to meet the requirements of the SFO and schedule. Subsequently, Brown and Caldwell made revisions to the plan in June 1992. The first bond measure presented to the voters in 1992 failed as did a second bond measure in 1993. Again, Brown and Caldwell was commissioned in 1993 to review the facilities plan and recommend another course of action. The City is in the process of looking at alternatives for managing sludge that are cost-effective and that will meet DEQ's approval.

In 1991 the District conducted a feasibility study of options it could pursue to meet its future treatment needs. The study looked at four alternatives, three of which involved the District constructing its own treatment plant and one, to work with the City to upgrade its plant. A proposal to construct its own treatment plant was denied by the DEQ in 1992.

The City and District established a joint committee in the Fall 1994 to cooperatively study their options. They obtained a grant from the Oregon Department of Economic Development for this purpose and the District, on behalf of the joint committee, hired the engineering firm of Stirrat and Associates from Salem to conduct the technical work. The options under consideration are:

1. Upgrade and expand the current treatment plant to serve both entities. The greatest benefit of this option is that the currently approved outfall to the Pacific Ocean does not require the same level of treatment that might be required if it were relocated, or a new one added. However, the current plant is old and will need upgrading for current and future needs of both entities. In addition, many feel that the current location of the treatment plant is not good to service future development because it utilizes a site on the Pacific Ocean which might have a higher and better use.
2. Upgrade the current treatment plant for the City of Brooking's needs only, and have the District build its own new plant. If the District builds its own plant, the City will gain, by that action alone, about one-third additional capacity for its own use, buying some time on expanding the capacity of the plant. The district would construct a treatment plant elsewhere. Sewage would have to be treated to a higher level than now required at the Brookings plant. Part of the negotiation on this option between the District and City will be compensation to the District for its past contributions towards costs for the outfall and upgrades of the treatment plant.
3. Jointly construct a new plant at another location. This could address current and future needs of both jurisdictions.

As of the date of these findings, the District is pursuing a preferred course to build its own treatment plant. A final decision on which course of action to take is expected to occur in July 1995. DEQ and federal Environmental Protection Agency (EPA) approval will be required and could take up to one year from the time the permit application is submitted. A decision to build a new treatment plant, jointly or individually, will require detailed analyses to determine location of the facility, the type and location of an outfall, level of treatment, disposition of the sludge and effluent from the plant, as well as other environmental issues.

The 1988 Sewer Master Plan made assumptions that some additional land outside the current UGB might be served by the City in the future because, due to potential septic tank failure, development might be required to connect to the sewer system. Thus major trunklines were planned and sized assuming these increases, and one pump station that has been built since to serve the Dawson tract was sized with the idea that it might serve more

area. The treatment plant is designed for modular expansion to meet increased future demand.

In 1991, the Harbor Sanitary District hired TJ Bossard and Associates Engineers to conduct a feasibility study of extending its system and providing treatment south to the Winchuk River. The study examined two alternative sewer trunkline routes along the bench. Current planning also takes into account the possibility that developments outside the new UGB may be required to connect to a public sewer system at some time in the future.

There are always uncertainties in the financing, coordinating, and providing for public facilities over the course of a 20-year planning period. Fortunately, the LCDC has not been unrealistic in its expectations. As it said in reviewing Multnomah County's comprehensive plan, "this Commission and Goal 11 have never required, nor would reasoned planning practice dictate, the development of a 20-year CIP [Capital Improvement Program]." January 31, 1980 Continuance Order for Multnomah County, report at p. 83.²³

Ownership of the bulk of the area to be urbanized creates an unusual opportunity for the urban growth area to maximize private participation in the necessary engineering, planning, and financing of expanded sewer system capacity. This contrasts with most jurisdictions, where "The predominance of small-scale development in Oregon contributes to inadequate provision of urban facilities and services." 1991 DLCD Urban Growth Management Study Summary Report, p. 15. Several related DLCD-sponsored studies have recognized that such participation is essential in the new era of limits on revenue sources at all levels of government. See DLCD Urban Growth Management Study Report, July, 1992; DLCD study of Local Government Infrastructure Funding in Oregon after Measure 5, December, 1990; and DLCD Annexation and Growth Management Study, February, 1991.

As the 1991 growth management study notes, "The Oregon land use planning program touches on financial issues, but does not control local budget decision-making," and there is "growing recognition that Oregon's tax policy is not in concert with its land use policy." p. 33.

The 1991 study on funding infrastructure also found that:

"Funding sources, including both local and state sources, have been identified for only about half of the currently projected infrastructure development needs for local government." p. iii

"At current levels, state aid finances only about one-fifth of identified needs for roads, sewer, and drinking water projects." p. iii.

"'Front end' costs, such as engineering and planning documents, can pose a substantial barrier to greater use of borrowing by local governments." p. 14

"[M]ost costs of on-site infrastructure development in growing communities are covered by systems development charges. p. 14²⁵

The UGB expansion will improve the efficiency and economy of the provision of services to the citizens of Brookings/Harbor in another very important way. The history of the relations between the City of Brookings and the Harbor District has been one more of conflict than cooperation, more of competition than coordination. The result has been costly in dollars, good will, and governmental efficiency. One important goal that helped guide the shaping of this boundary was the equitable treatment of lands on both sides of the river.

Since it became evident that the boundary treats the communities on both sides of the river fairly, there has been remarkable improvement in intergovernmental and intercommunity relations. Brookings and the Harbor Sanitary District have formed a joint committee to study solutions to the regional sewage capacity problems. Landowners on both sides of the river have come forward with ideas and offers to contribute to the development and implementation of urban service plans. Offers have been made of distribution corridors and reservoir sites to benefit the regional water system. The city and the water district will jointly manage and benefit from the donated properties. This coming together will be to the great benefit of the citizens of Brookings and Harbor. Its continuation and fruition depends on the acknowledgment of a boundary that is viewed as reasonable in size and shape on both sides of the Chetco.

CONCLUSION

The City and Harbor Sanitary District are working cooperatively to develop a plan for providing sanitary sewage collection and treatment for the current and expanded UGB. The City is working with DEQ to find acceptable solutions to solving sludge management problems in the existing treatment plant. Public facilities planning will further investigate means of providing the area with sanitary sewage facilities.

Storm Drainage

The City developed and adopted a Storm Drainage Plan in 1985, prepared by HGE Engineers. The plan contains standards for collection of storm water, conveyance and mitigation measure, such as detention, where run-off exceeds the capacity of receiving streams.

The County does not have a storm drainage plan for the unincorporated area. The Joint Management Agreement requires that a plan be adopted for the Area of Environmental Concern affecting the Harbor Hills. Affects of development in the Harbor Hills on storm drainage is discussed under Factor 5.

CONCLUSION

The City has a storm drainage plan which will be reviewed and revised with public facilities planning for the expanded UGB. The comprehensive plan and Joint Management Agreement require a storm drainage plan be prepared prior to development in the Area of Special Environmental Concern.

Transportation System

U.S. Highway 101 traverses the existing and proposed urban growth boundary from north to south and is the only roadway which connects the two portions of the urban area on both sides of the Chetco River. Four other roads are designated as arterial streets within the proposed urban growth boundary.

The history and economy of the Brookings area have been intimately connected with U.S. Highway 101. Over the years, the local street system has become interconnected to the highway. It presently serves as the main street for Brookings and the unincorporated community of Harbor to the south. The local economy is tied directly to the highway for movement of people, goods and services along the Southern Oregon Coast and to other regions in Oregon and Northern California. Residents of the area use Highway 101 for almost all north/south travel. The only major east/west routes are the roads on the two banks of the Chetco. This results in congestion at some points and long travel routes.

Population growth and increasing travel along Highway 101 will increase traffic congestion in the area. The expansion of the UGB includes tracts of vacant land that will need new streets and eventual access to the highway. The transportation system for new development will need to be well planned to allow the state highway to continue to operate effectively and efficiently in the future. Major properties added to the urban growth boundary will be required to develop master plans, including public facilities plans for streets, bikeways and pedestrian ways. Access to the highway can be planned to address needs to limit access and maximize through traffic needs.

Two potential road networks have been identified that could help reduce these problems. At the extreme north end of the UGB, Carpenterville Road (old 101) runs east of the present location of 101 and provides a north-south route and existing east-west roads connect it to 101. This will permit development that is somewhat less dependent on 101.

Carpenterville Road does merge with 101 north of the commercial district so residents will have to enter 101 for at least part of a typical trip.

To the south, there is a network of unpaved roads in the Harbor Hills that has, for the most part, existed since pioneer times. The landscape guided the location of these roads, development has closed other points of access to the bench and the river, and so there are now few alternatives. The network consists of access points to the bench at Benham Lane, McVay Creek, and possibly Hoffelt Lane; a connection to the south bank road; a connection to the Jacks Creek Valley via Campbell Road; and the ridge top corridor that connects them all.

Because the lower slopes of the hills are cut by ravines, north-south connections are not practical below the ridge tops. Plans that exclude the ridge top corridor result in a series of dead-end developments on the face of the hills from which residents must enter 101 to go virtually anywhere. On the other hand, if the road network is kept intact, residents can travel from near the California border to the South Bank road without entering 101, and if headed east can go there directly instead of first driving west to 101. With such travel possible, small commercial development along this route is enabled that will further reduce the need for travel on 101.

In 1993 Kittelson and Associates, Traffic Engineers, completed a study of transportation impacts of development in the Harbor Hills in the near term and upon full urbanization. The assumptions were slightly different than those in the COC report. It was assumed that about a third more land would be included in the hills than is included but it was also judged that the likely development density would be less than estimated by COC. As a result, projected impacts are similar.²⁶

The results of Kittelson's analysis were, for the near term, development and installation of a traffic signal at the intersection of Benham lane and 101. The installation of that signal is already scheduled for next year. For cumulative conditions after full urbanization and background growth, a six lane cross-section on Highway 101 with turning lanes at intersections was recommended.

The City, County and Oregon Department of Transportation are working cooperatively on a comprehensive transportation plan for the Brookings/Harbor area, a requirement of the State. The year-long South Coast Transportation Study will examine ways to improve the operation of Highway 101 and the local street network; provide the City, County and State with new approaches to control access and land use along the corridor; and identify needed transportation-related improvement projects and appropriate funding strategies. The

study area boundaries extend from the Oregon-California border on the south to Cape Ferrelo on the north. The plan is expected to be completed in November 1995.

The Draft Existing Conditions Report issued by Parametrix, Inc. in February 1995 for the South Coast Transportation Study identifies the current conditions along Highway 101 and other major streets in the study area. One measure of capacity of the area's street system is measured by the level of service (LOS) of intersections and the volume to capacity ratios of roadways during the a.m. and p.m. peak hours when traffic is normally at its greatest levels. The study found that, of nine intersections measured, only two had one of four approaches with a level of service of 'D' during the p.m. peak hour. The rest are operating at levels of 'C' or better; most are operating at 'A'. Roadway LOS's indicated no sections with a rating below 'C', with a majority operating at levels 'A' and 'B'. The Chetco River Bridge, the only crossing of the Chetco River in the urban area, operates at LOS 'C' based on daily volumes of traffic.²⁷

The Transportation Study will identify needed improvements to the system, taking into account the projected population of the expanded UGB. The City, County, State and land developers will cooperatively determine methods of funding these needed improvements.

CONCLUSION

Alternatives exist and are under study for accommodating transportation needs within the Brookings Harbor area. The study underway will serve as the basis for the public facilities planning that will be required prior to development in the expanded UGB.

OVERALL CONCLUSION FOR FACTOR 3

The proposed boundary complies with Factor 3. Public facilities can be reasonably provided to the expanded UGB over the twenty year planning period. Water resources (water rights) of the City and Harbor Water PUD are sufficient to supply municipal water needs far into the future and alternatives exist to decrease the use on the Chetco and provide protection to fish. The City and Harbor Sanitary District are working cooperatively to find solutions to short-term and long-term sanitary sewage collection and treatment for the existing and proposed urban growth boundary. A transportation study is underway concerning Highway 101 and alternatives for local traffic. Storm drainage can be managed to minimize adverse impacts through requirements for a storm drainage master plan and establishing protective comprehensive plan policies and ordinance provisions.

FACTOR 4: MAXIMUM EFFICIENCY OF LAND USES WITHIN AND ON THE FRINGE OF THE EXISTING URBAN AREA;

Within the existing UGB, only 639 acres of *net buildable land* remained in 1993, taking into account severe slopes of over 25%; of this amount, very few large parcels of land were left. Most of the vacant land is in small parcels of less than one acre. (See previous comments under discussion of need).

The amount of land being added to the UGB is based on a housing mix and density that would provide for an overall density of 5.9 dwelling units per net buildable acre.²⁸ This density will be achieved through the infill of 356 vacant lots scattered throughout the City and existing boundary, the infill of residential exception lands and new vacant land being added to the boundary.

Topography in the Brookings area puts unusual constraints on the use of land. Developable areas to the north, south, and east of the existing urban area are cut and separated by ravines and other complex landscape features that make impracticable the kind of concentric, tree-ring development possible on flat valley bottoms around cities like Harrisburg and Medford. Severe slopes and hazard areas will continue to put limits on the amount of development, including the intensity, that the land can support. Therefore, it is not realistic to plan for residential development possible in other parts of Oregon.

Approximately 1,437 acres of unbuildable land is added to the boundary for locational reasons. This unbuildable land includes ravines, slopes and hazard areas leading up to the flatter portions of buildable parcels. This unbuildable land is included to provide orderly and economic provision for public facilities and services, in compliance with Factor 3, and to promote livability under Factor 2. These unbuildable lands, while they will not be able to accommodate structures, will be necessary for the logical and orderly extension of roads and utilities to the ridge tops and flatter areas where building will occur. Inclusion will also maintain the visual aesthetics by retaining a significant open space buffer between developed areas especially along the slopes of the Harbor Hills; this will also serve to preserve wildlife habitat. To exclude this land would make the boundary very confusing and illogical and land use planning would be very difficult and inefficient. Leaving it out could also raise issues concerning urban facilities outside the urban growth boundary.²⁹

Land that is relatively efficient to develop is located in the Harbor Hills and to the north of Brookings on the Borax property. In some instances, to serve these areas, roads and utilities will have to be extended through land that can only be left open or developed at low densities. By enabling the concentration of new urban development in locations of lower environmental impact and high livability, the inclusion of these areas contributes to

the maximum efficiency of land uses within and on the fringe of the area. Furthermore, because of the constraints on steep slopes, even the relatively low average densities maximize the efficiency of land uses in these areas.

New residential land will be provided primarily by three very large parcels, one north of the City, and two south of the Chetco in the Harbor Hills area. These three large parcels will be required, through a Joint Management Agreement between the City and County, to be master planned to take into account public facilities, environmental sensitivity and land use needs within these areas. It is likely, because of the topography, that housing will be clustered on buildable portions of these properties. This will also increase the efficiency of providing public facilities.

Restrictions will be placed on the division of large, vacant parcels until master planning occurs. Master plans will provide for placement of land uses and the major infrastructure. This will provide further assurance that the land will be developed efficiently.

Some have suggested that the City and County should exert stronger policies to encourage the redevelopment of land within the current UGB to prevent having to expand it. The Housing Goal relating to the definition of buildable land does not include redevelopment potential. Furthermore, testimony in the record by ECO Northwest points out the difficulty:

“.....But I would not expect redevelopment to accommodate a significant proportion of the forecasted housing demand. As anecdotal evidence note that in the last several years, despite what are generally acknowledged to be high and rising land prices and development costs in Brookings (and about the highest average housing prices in the state), little redevelopment has occurred.”³⁰

Policies for development within the expanded urban growth boundary will likely have the effect of encouraging development on vacant land within the existing urban area first before the conversion of urbanizable land. Because of the requirement for master planning and public facilities planning in the new areas, and because facilities and services within the existing UGB are generally already available, or are more inexpensive to provide, existing vacant land will develop first. Development of new areas will be delayed until the market is strong enough to absorb the very high costs associated with providing infrastructure.

CONCLUSION

The UGB expansion complies with Factor 4. A reasonable density of 5.9 dwelling units per acre can be accommodated on buildable lands within the existing and new boundary areas. Geography and topography of the Brookings/Harbor area precludes ideal concentric development built to medium to high densities throughout. The UGB expansion includes vacant, unbuildable land to provide areas for utilities, access and open space. A majority of the land being added is in large parcels that will be master planned to address public facility, environmental and land use needs, as well as assure that land is being utilized efficiently.

FACTOR 5: ENVIRONMENTAL, ENERGY, ECONOMIC AND SOCIAL CONSEQUENCES

1. Environmental consequences

Stormwater Run-off

The proposed UGB expansion includes 1,437 acres of vacant land classified with severe slopes exceeding 25% or geologic hazards by the USGS. This land is not needed to accommodate future development but is included within the boundary for locational reasons, to provide access to buildable portions, public facilities and open space. Proposed policies would establish the Harbor Hills and Bench as areas of special environmental concern. Detailed geologic and hydrologic studies will be required during the master planning process to address hazards, erosion, surface run-off and impacts to the bench aquifer recharge area.

Farmers on the Harbor bench and the Oregon Department of Water Resources have expressed concern about the effects of surface water run-off from future development in the Harbor Hills on ground water resources of the bench used for irrigating lily fields.³¹ Groundwater conditions of the Harbor Bench were documented in 1977 by the Water Resources Department in a report written by Frederick G. Lissner. The report explains that the aquifer is charged by surface water drainage from the foothills percolating through the surface at the base of the hills, entering the ground water table. The bench area is irrigated from wells in a very shallow aquifer within sedimentary deposits that underlie the topsoil. Surface water run-off has already down-cut natural drainage channels, increasing the subsurface drainage to these creeks. Drought conditions in recent years have exacerbated the water table problem for farmers.

Future development in the Harbor Hills area, and along the bench below, will have to be sensitive to the aquifer. About one-third of the land included within the new boundary in the Harbor Hills drains toward the bench; the balance drains toward the Jacks Creek/Chetco River drainage and will not impact the Harbor Bench.³² The Harbor Hills is designated a Sensitive Environmental Area as part of this boundary expansion. A policy adopted as part of the Joint Management Agreement and incorporated into the County's comprehensive plan directs the County to commission or require a study to determine an overall approach to managing surface water run-off from the Harbor Hills and Bench prior to allowing continued development along Highway 101 and in the hills. This approach is supported by the Oregon Department of Water Resources.³³ It may be that some areas at the base of the hills, on the bench, should be left in an open condition, or with detention ponds, to allow this recharge to continue.

Stormwater run-off from parking lots, roadways, rooftops and other impervious surfaces will result in an increase in the volume of runoff and nutrient and contaminate concentrations to streams and drainageways. Runoff can be managed with detention facilities to minimize impacts from flooding and erosion. Storm water detention can possibly augment the water supply for lily farmers on the bench.³⁴ Water quality can be addressed through requirements for providing water quality control facilities as part of new development.

At some point in time, the City and County may be required by the Coastal Nonpoint Pollution Control Program to develop a non-point source management plan to address issues of water quality. By expanding the boundary at this time, more land area would come under the purview of such planning since it only applies to urban growth boundaries.

CONCLUSION

Stormwater run-off is a significant issue. The governing bodies are satisfied that the approach to require a storm water management plan for the Harbor Hills and Bench prior to development in the Harbor Hills will address concerns related to impact of run-off and aquifer recharge that have been raised. In addition, other measures can be taken to mitigate for impacts from run-off in the urban areas, such as requiring storm water detention.

Water resources

Continued population and economic growth will put further demand on water resources. All current municipal water supply comes from the Chetco River. Both the City of Brookings and the Harbor Water PUD have water rights sufficient to serve the proposed UGB expansion.

Brookings has water rights of 20 cubic feet per second (cfs) on the Chetco River (about 12.9 million gallons per day) and 6.26 cfs (about 4.04 million gallons per day) on small streams in the area. The water district has 10.5 cfs of primary water rights, or about 6.8 million gallons per day, on the Chetco.³⁵

The US Department of the Interior, Geological Survey, Water Resources Division has calculated flows on the Chetco River since 1969 from a single gauging station. The gauging station is 10.7 river miles from the mouth of the river and about 5 miles upstream from the City's and district's intake wells. This is also above the confluence of two tributaries with the Chetco. Data indicate that the lowest flow during the 1969-1991 period on the river occurred in October 1988 when the river discharged 40.3 cfs. In 1987, the second lowest flows occurred with 54.9 cfs and 69.1 cfs for September and August, respectively. The recommended minimum streamflow for anadromous fish in the Chetco is 100 cfs from July through September and 450 cfs for October; the mean flow of the Chetco for those months is 148 cfs, 93.7 cfs, 66.6 cfs and 359 respectively, at the gauging station, indicating that for half of the years measured the Chetco does not have enough water to sustain anadromous fish for three months (August, September and October) out of the year in that portion of the river.

In 1993 the Chetco Watershed Council was formed to "coordinate an assessment of the watershed's condition, to encourage and implement proven watershed management practices, and monitor or test watershed practices that are designed to improve environmental integrity and economic stability within the Chetco River basin" (mission and goal statement of the Council). Since the Council's formation, several new gauging stations have been added to the lower reaches of the Chetco River to determine the differences in flow as compared with the up-river gauging station. Activities of the Council over the coming years may shed additional light on issues related to uses of the river for the variety of demands being placed upon it, including the environmental consequences of further extraction of river water for municipal and other uses, such as gravel extraction. At this time, however, accurate records of stream flows at or below the City's and PUD's intake wells do not exist.

While the City of Brookings and Curry County share concern with the County's residents about the issue of minimum stream flows for salmon in the Chetco River, preliminary examination would indicate there is not a serious conflict in most years. Low summertime flows are typically 80-100 cfs at the gauging station. In the record low years, municipal water use of the Chetco would have made an insignificant difference in the flow of the river for fish. Over the next twenty years, the two water providers will likely not utilize more than 5.2 cfs from the Chetco. Conservation measures and the development of alternatives,

such as developing reservoirs and utilizing other streams in the area, could reduce demands on the Chetco, especially during low summertime flows.

Another option the City could consider is reactivating the Ferry Creek Reservoir for storage. This source could be used to augment municipal water supply during low flow times on the Chetco, or to directly augment the Chetco.

Yet another option to address concerns with fish is to consider whether channelization in some areas to remove gravel impediments to fish movement would be feasible. This practice was conducted historically by property owners along the river for many years until stopped by the State.

Expansion of the UGB should provide sufficient land area for future reservoirs and transmission mains as required to serve both existing and new service areas. Major property owners have agreed to donate sites for water reservoirs upon reclassification of their land from rural to urbanizable. They submitted draft agreements for water supply, treatment and distribution facilities.³⁶ These sites will provide the existing system with alternative surface water supply and storage needed to dampen demand spikes and ease late summer daytime temperature peaks on the Chetco. All of the above options, as well as others, will be examined thoroughly in developing the public facility plan for water for the expanded UGB.

CONCLUSION

The governing bodies are satisfied that there is enough water in the Chetco River for both fish and municipal use in most years. Alternatives exist to decrease water use in the Chetco during times of low flow; these will be studied as part of public facilities planning. Work of the Chetco Watershed Council will provide additional information on flows in the river and other information to help state and local agencies address the many demands on the Chetco River.

Forest Resources

The Brookings urban area is three to five miles from the Siskiyou National Forest and about twenty miles of the Kalmiopsis Wilderness area. Some of the private land being included in the boundary has been commercially harvested in the past.

In 1990, a study of forestry potential was conducted for the North Harbor Hills. The study found that approximately 70% of the study area was forested but that, due to soil conditions, it is impractical for commercial forest use.³⁷

No evidence has been found or submitted to indicate that there is any adverse impact to forest resources from adoption of this urban growth boundary.

CONCLUSION

There are no impacts to forest resources from this urban growth boundary expansion.

Air quality

Population and economic growth will cause an increase in traffic congestion and will probably cause an increase in automobile exhaust emissions. The Brookings area does not have an air quality problem and is not within a designated non-attainment area for emissions related to automobile exhaust. Continual coastal breezes prevent build-up and concentration of automobile emissions. Industrial development that may have air emissions will be required to meet Oregon DEQ emission standards.

CONCLUSION

There are no impacts to air quality from this urban growth boundary expansion.

Traffic congestion

All comments and findings included under Factor 3 for transportation are incorporated under Factor 5.

An increase in automobile traffic will put further demands on Highway 101 to serve local as well as through trips. The City, County and ODOT are in the process of conducting the South Coast Transportation Study, a study of Highway 101 and other major traffic arteries within the UGB. This study, required by the Department of Land Conservation and Development as part of the Transportation Planning Rule, will determine the capacity of Highway 101 to handle projected growth and determine ways to mitigate the impact through such measures as access management and alternative streets.

Preliminary findings from the Draft Existing Conditions Report issued by Parametrix, Inc. In February 1995 identifies current conditions along Highway 101 and other major streets in the study area. The study found that, of nine intersections measured, only two had one of four approaches with a level of service of 'D' during the a.m. peak hour. The rest are operating at levels of 'C' or better; most are operating at 'A'. Roadway LOS's indicated no sections with a rating below 'C', with a majority operating at levels of 'A' and 'B'.

The 1993 Kittelson study found that, in the near term, signalization would be needed at the intersection of Highway 101 and Benham Lane to accommodate development proposed in the Harbor Hills. In the long term, the study found that the highway would need to be widened to six lanes plus turning lanes at intersections to accommodate the expected level of demand. Another three intersections -- South Bank, N. Museum, and McVay -- would need to be signalized to accommodate the cumulative projected volume from Harbor Hill Development and expected background levels.³⁸

From a land use standpoint, impacts can be reduced through requiring a mix of residential and commercial uses on the large properties proposed in the new UGB to reduce the need for long auto trips to obtain convenience services and to promote walking and bicycling as alternatives to driving.

CONCLUSION

Traffic congestion due to continued growth and tourist visitation will increase. The South Coast Transportation Study will identify improvements to the transportation system needed to serve this growth. The City, County, State and private developers will determine methods of providing and paying for these improvements.

Fish and Wildlife

The Brookings urban area is within three to five miles of the Siskiyou National Forest and within twenty miles of the Kalmiopsis Wilderness area. These areas are designated on the Curry County Comprehensive Plan as significant big game habitat, primarily for elk. The western boundary of the elk range is roughly coterminous with the Siskiyou National Forest. The existing and proposed urban growth boundary is outside the area identified as significant big game habitat area and well within the area already identified as impacted by human activity.

The Chetco River and tributary of Jack Creek are designated on the Plan as anadromous fish streams. Chetco Cove, where the Chetco enters the Pacific Ocean, is noted as an area inhabited by Brown Pelicans. Expansion of the urban growth boundary will not affect the Brown Pelican habitat. The pelicans co-exist now with urban development and activities of the Port of Brookings Harbor.

The Chetco River is designated as an anadromous fish habitat. Potential impacts to anadromous fish are discussed under water resources.

There are no other wildlife habitat areas designated on the comprehensive plan within the expanded urban growth boundary.

CONCLUSION

Potential impacts to fish in the Chetco River can be addressed through alternative means of providing municipal water and other measures. No other wildlife species are affected by this urban growth boundary amendment.

Mineral Resources

The Chetco River is a significant source of sand and gravel with a number of pits designated on the comprehensive plan. There are also a number of stone quarries within the existing and proposed urban growth boundary. The extraction of these minerals is regulated by the County's Plan, Oregon Department Geology And Mineral Industries, Oregon Division of State Lands, and Oregon Department of Environmental Quality. If and when annexation occurs to the City of Brookings, aggregate uses are permitted within industrial zones and stone quarries are permitted within other zones by conditional use permit.

CONCLUSION

There are no impacts to mineral resources with this urban growth boundary amendment.

Cultural and Historic Resources

The Curry County Comprehensive Plan identifies one area of archeological significance within the current urban growth boundary in Chetco Cove, where the present Port of Brookings is located. This was the site of an Indian village which has been destroyed by port development. Another site (a midden, or area of artifact deposits) is located in the Cape Ferrelo area. Harris Beach State Park, within the current UGB, is designated as an area of Botanical Interest because of the sphagnum bog, shrub wetland and rare plants. Samuel Boardman State Park, in the Cape Ferrelo area, has two designated historic sites. One other historic site is within the City of Brookings. None of these cultural or historic sites will be impacted by the urban growth boundary expansion. When development occurs on or near one of these sites, policies within the Curry County comprehensive plan will require notification of the State Historic Preservation Office. The Confederated Tribes of the Coos-Lower Umpqua and Suislaw will also be notified.

CONCLUSION

There are no impact to cultural and historic resources with this urban growth boundary amendment.

OVERALL CONCLUSION RELATED TO ENVIRONMENTAL CONSEQUENCES

The urban growth boundary complies with Factor 5, part 1. Two environmental issues are associated with this urban growth boundary expansion. One is stormwater run-off caused by increased urban development and impervious surfaces in the Harbor Hills and Bench area. A proposed policy to require development of a stormwater management plan prior to development in the Harbor Hills addresses this impact.

The other issue concerns the impact of future withdrawals of water from the Chetco on the Salmon. Options exist for reducing demand for municipal water on the Chetco. These options and other mitigation measures will be addressed in public facility planning for the area.

2. ENERGY CONSEQUENCES

The proposed UGB expansion will likely increase the overall energy use in the Brookings area. Some of the increased energy use will be due to the increased number of automobiles that will pass through and be within the UGB. Automobile usage can be reduced by requiring the developers of large parcels within the proposed UGB to incorporate convenience commercial uses within neighborhoods, thereby reducing vehicle miles traveled.

Temperatures on the southern Oregon coast are mild compared to the rest of the state. Average January temperature is 47 degrees and 59 degrees in July. Therefore, heating and air conditioning demand is relatively lower here than elsewhere. Residential development along the ridge areas will provide opportunities for solar and wind generated energy.

CONCLUSION

While energy demand may be lower here than elsewhere in Oregon, due to the relatively mild temperatures, energy use will likely increase with expansion of the UGB. Incorporating such features as solar access, and perhaps wind, in land use planning can assist in reducing the energy demand.

3. ECONOMIC CONSEQUENCES

The "needs" analysis contained in the discussion of Factors 1 & 2 has previously addressed the economic benefits that would result from the proposed UGB expansion.

There will not be any adverse economic impact to these lands by being brought into the UGB and converted to urban uses. Most of the land proposed to be added to the UGB is designated in the plan and zoned as Rural Residential, Rural Commercial or Forestry Grazing. Some of the Forestry Grazing lands once had large active ranches on them but have not had much grazing activity in recent years. Some logging has occurred within the past few years.

Growth and development will require expansion of the City's and water district's water treatment and distribution systems, the City's and Sanitary District's sewage treatment and collection system, the street system, and the school system. Development within the UGB will add to the assessed value of Brookings, Curry County, the Harbor Sanitary District, the Harbor Water PUD, the Harbor Rural Fire District, Library District, Brookings/Harbor Port District, the Brookings/Harbor School District and others to provide these additional or expanded facilities. At the time annexation occurs, the City and special districts will also add value to their tax bases. In addition, both the City and the water and sewer districts collect systems development charges for sewer and water from new development. Population growth in the City will increase the City's gas tax revenue. The consequences of not expanding the UGB will likely be more severe on the area than will the consequence of expanding it. Curry County has experienced population and economic decline in the past decade, and has been sustained only by the economic growth of the Brookings area. If the boundary is not expanded the local economy will be less able to diversify and move away from its resource based character. This will be an adverse impact to the County as a whole as well as the local area. Even to attract greater tourism, as the E.D. Hovee report indicates, considerable upgrading of tourist facilities is needed to attract a new type of tourist that previously was "fish based." While some of this upgrading can occur through remodeling and redevelopment of existing developed areas, new development will be required as well to take advantage of the community's natural resources such as ocean views.

One of the new tourist-attracting facilities that is planned for the area is a golf course on city-owned land on Jack Creek, a tributary of the Chetco River. The area currently lacks a golf course or very many other outdoor recreation facilities for tourists other than fishing, which is declining, and beach-combing.

CONCLUSION

While service providers in the UGB will be required to expand and provide more facilities for growth, additional revenues will accrue to help pay for these facilities as a result of this growth. Non-expansion of the UGB would likely have severe economic consequences to

both Curry County and the local area because of the inability to diversify the economy through taking advantage of new economic development opportunities.

4. SOCIAL CONSEQUENCES

The Curry County Comprehensive Plan identifies one area of archeological significance within the current urban growth boundary in Chetco Cove, where the present Port of Brookings is located. This was the site of an Indian village. Another site is located in the Cape Ferrello area. Harris Beach State Park is designated as an area of Botanical Interest because of the sphagnum bog, shrub wetland and rare plants. Samuel Boardman State Park, in the Cape Ferrello area, has two designated historic sites. One other historic site is within the City of Brookings. None of these cultural or historic sites will be impacted by the urban growth boundary expansion.

The Brooking-Harbor School District is likely to experience growth in new students as a result of population growth. However, compared to other communities with similar population levels, school impact has been less due to the large retirement population in the Brookings/Harbor area. The degree of future school need will depend to some extent on whether this retirement age growth will continue.

In 1992 the Oregon School Boards Association prepared a management study for the Brookings/Harbor School District addressing the need for new school facilities. That study concluded that approximately sixteen new classrooms will be needed within the ten year period of 1992-2002. It was recommended that the District prepare for a bond election for a new elementary school in about three years. The District submitted a bond issue to the voters for a new elementary school and other remodeling in the Fall 1994, which was defeated. The District is now considering using portable classrooms and may look at other options before pursuing another bond issue in the near future.

Other adverse impacts associated with new development, such as visual or noise impacts, are best left to mitigation measures related to the particular development and through long-range land use and public facility planning that will be required of the City and County in adding these new areas to the UGB.

The consequences of not expanding the UGB are likely to be more adverse than expanding the UGB. The adverse social consequences are directly related to the economic conditions and the need to diversify the local economy. Without diversification, unemployment will likely increase and remain high for longer periods of time. The people will be less likely to be able to pay for public facilities and services. More people are apt to need welfare and

other forms of public assistance. In these circumstances, crime and other undesirable behavior will likely increase, putting a further strain on public services.

One individual commented that an increase in population will increase crime, both in the amount and nature of crime; however, no particular evidence was submitted on that assertion.³⁹ The findings do not indicate there will be no increase in crime with an increase in population; all things remaining equal in respect to cause of crime, an increase in number of crimes is likely. However, it is the opinion of Curry County and the City of Brookings that increased unemployment could have a major influence on the incidence of crime over what it might be with a lower rate of unemployment for the reasons stated above.

CONCLUSION

Population growth, whether the boundary expands or not, will put further demand on public facilities like schools. It could also increase the number of crimes. These are circumstances that all urban areas face with growth. However, there is nothing particularly unusual or severe in Brookings/Harbor in the way of social impacts that will occur as a result of this boundary amendment. To the contrary, living conditions could deteriorate for those who must make a living in this area unless the boundary is expanded to include additional land to provide for increased employment opportunity. The City Council and County Commissioners found that the growth that the city and vicinity is experiencing can best be accommodated by increasing the Urban Growth Boundary rather than retaining the current boundary. The increased boundary will provide additional land for affordable housing by helping keep land values lower and will provide for lower overall densities. An enlarged boundary would provide the opportunity for industrial and commercial growth and the corresponding growth in employment which will help to reduce the potential with crime that comes with high unemployment, congestion and higher densities.

FACTOR 6. RETENTION OF AGRICULTURAL LAND AS DEFINED, WITH CLASS I BEING THE HIGHEST PRIORITY FOR RETENTION AND CLASS VI THE LOWEST PRIORITY;

The proposed UGB has been drawn to specifically exclude valuable agricultural land on the Harbor Bench in preference to including less valuable grazing lands within the Forestry Grazing District to the north of Brookings and in the Harbor Hills. Lands on the Harbor Bench are SCS Class I and II and those in the Harbor Hills are predominately Class V and VI. With the exception of one 23 acre parcel on Benham Lane and another 6 acre parcel

further south, the proposed boundary on the Harbor Bench includes only county exception lands, i.e., parcels which are irrevocably committed to non-farm uses.

City-owned land along Jack Creek, a tributary of the Chetco River, is proposed to be added. This land was donated to the City for a golf course by the South Coast Lumber Company and is zoned exclusive farm use (EFU). Golf courses are permitted within EFU zones but the City and special districts are restricted in extending urban services to the golf course because it is outside the urban growth boundary. Including it within the boundary will eliminate this problem.

Information provided for the 23 acre parcel (Itzen property, 41309C, tax lot 100) by the Oregon State University Extension Service indicates that this parcel is "largely unsuitable or very marginal for crop production due to: some cutting and filling that has gone on in the past; low laying areas of poor drainage; small areas making agricultural equipment movement difficult; a history of poor lily yields due to marginal soil conditions and drainage; and the close proximity of a mobile home court on one side which could conflict with agricultural pest control chemical applications." Both the Harbor Sanitary District and Harbor Water PUD indicate they can provide services to this property.⁴⁰

Evidence was submitted that indicated the six acre parcel at the south extension of the boundary is impractical to be farmed.⁴¹

CONCLUSION

The boundary complies with Factor 6. It retains the highest value agricultural land and includes only land area with low agricultural suitability.

FACTOR 7. COMPATIBILITY OF THE PROPOSED URBAN USES WITH NEARBY AGRICULTURAL ACTIVITIES.

The UGB expansion area extends south from the current boundary along Ocean Avenue and Highway 101, leaving out the valuable lily growing area in between these two corridors. These two corridors are already developed as rural residential and rural commercial with very little vacant land remaining. Bringing them into the boundary will permit some infill development and planning for a more efficient level of urban development in the future with adequate public facilities and services, especially sewers. The area is already provided with municipal water by the Harbor Water PUD

The boundary has been drawn to minimize new conflicts with productive resource uses. To the north, the Borax land is next to land used for low-intensity grazing and additional

Borax land, which is unmanaged and being held for future development. The boundary was not expanded into the actively managed timber company lands to the east of Brookings. In the Harbor Hills gaps were left between the boundary and productive lands, with the exception of the timber parcel in the northwestern hills. The parcels west and north of it were included for reasons of efficiency-they are adjacent to existing services. It is physically separated from the parcel to the south by a sharp ridge that the boundary follows.

The decisions to include and exclude various parcels on the bench resulted from the weighing of conflicting considerations. The included areas, with the exception of the 23 acre Itzen parcel and another 6 acre parcel, are already developed to urban intensities and served with public water. The questions weighed included whether there would be increases in any conflicts with farm uses resulting from possible intensification in the use of the included land resulting from the availability of public sewer and how these considerations should be balanced against the efficiencies and economies that would result from the provision of near-by sewer service to the already urbanized parcels.

Among the reasons supporting inclusion of the Itzen parcel were that it is one of the only flat parcels available for near-term low income development. In addition, adjacent land is profitably farmed by the Itzen family, and they will be able to control development of their included parcel to mitigate conflict. The included parcel has had substantial soil removal and modification. As documentation in the record shows, it has a history of failed attempts to plant and harvest lily bulb crops because of poor soils and drainage. The May 1989 Curry County Farm Land Survey correctly reports that the included area is low-end or very poor soil for farming. The County Extension agent and assessor wrote in Nov. 9, 1989 letters that the included area is largely unsuitable or very marginal for crop production because of land alteration by past cutting and filling, low areas of poor drainage, small size, high water tables, sizable untillable areas, a poor operational history, and similar factors.

Development in the Harbor bench area from the Chetco River south to the California border has put pressure on lily farming for many years. The effects of increased surface water run-off affecting the aquifer used for irrigating the lily fields has been discussed under Factor 5. A policy in the Joint Management Agreement for developing a surface water management plan for the bench area prior to development along Highway 101 and in the Harbor Hills will assure that the aquifer is not further degraded.

The resource land on the Harbor Bench is farmed except for the two parcels included in the UGB, both of which are developed as manufactured home parks.

The tracts east of Jacks Creek and east of Brookings are almost exclusively owned by timber companies and are well stocked with timber of various ages, as is a 216 acre tract that comprises the northwestern-most slopes of the Harbor Hills.

One might assume that expansion of the boundary to nearly surround agricultural land would bring further pressure for urbanization of these lands. While this could happen, it is more likely that development pressure will be relieved with the boundary expansion. The shrinkage in supply of urban land within the current boundary has caused pressure on non-urban land throughout the area. This will diminish once the boundary is amended.

The County Plan and Zoning Ordinance designates the Harbor Bench as the Harbor Bench Farm District. The Curry County Comprehensive Plan contains eight specific policies for this district designed to protect the area from urban encroachment and incompatible uses. For example, one policy is a "right-to-farm" policy that prevents non-farm uses from bringing complaints against farmers for employing acceptable and normal farming practices such as creating dust, using fertilizers, spraying pesticides, etc.

One policy in the Harbor Bench Farm District will be amended with the amendment of the urban growth boundary. Policy 8 restricts the southern boundary of the urban growth boundary to that of the Harbor Sanitary District. With this boundary amendment, it would be expected that the District would eventually expand its boundaries to be coterminous with the UGB. However, the UGB is not proposed to include the Harbor Bench Farm District with the two exceptions noted previously.

Further evidence submitted indicated the following concerning this factor:⁴²

"A few small tracts adjacent to the current UGB in Harbor were recently logged, have not yet been replanted and are unstocked.

The parcels between the proposed UGB and Jacks Creek have rural addresses and buildings, are poorly stocked and appear to be rural-suburban in function. This area was zoned Rural Residential before 1000 Friends v. Curry County. While the zoning was changed to Forest Grazing as result of the settlement, resource utilization has not resumed.

The Harbor Hills are grasslands and brush with areas of tan oak, live oak, myrtle, and young alders. There are deformed firs in the draws and in the northern part, 1 to 2 young firs per acre with occasional small clusters with more firs. Sheep and cattle were periodically run over the southern hills until 25 years ago. The fencing is gone or in disrepair and no water rights remain.

The northern hills contained a homestead on which 200 pigs a year were raised for local consumption. Feed was hauled in. By 1934 this was no longer viable and the homestead was abandoned. Sheep and cattle were intermittently run on the land until 1962. The land has not been farmed since. No agricultural water rights remain and the fencing is gone. The remnants of the homestead orchard and various decorative plantings remain.

The Borax land, along with other parcels north of Brookings, has a mixture of well stocked stands of fir and areas of grassland. A part of the site has been cleared in preparation for a previously planned golf course.

On September 14, 1992 the Curry County Board of Commissioners determined that the land shown in Map 6 was of such poor quality for agricultural and forest purposes that it was not subject to the statewide Agricultural Lands Goal (Goal 3) and Forest Lands Goal (Goal 4) and so was "non-resource" land. The Department of Land Conservation and Development's testimony in the public hearings before the county was that the Department was satisfied that Goals 3 and 4 did not apply to 875 acres of the 1105 acres included in the application.

CONCLUSION

The UGB expansion is in compliance with Factor 7. Issues were considered related to compatibility. In the judgment of the governing bodies of Curry County and the City of Brookings, urban development activities can be made compatible with farming through adoption of policies related to storm water management. Existing County Comprehensive Plan policies related to the Harbor Farm District are designed to protect the area from incompatible uses. Expansion of the boundary is expected to relieve development pressure on these lands by providing other areas for urban development. There are no other agricultural issues on the remaining areas of the boundary.

GOAL 2, PART II, EXCEPTIONS (OAR 660-040-010)

Criteria (i) Reasons why state policy embodied in the applicable goals should not apply.

The criteria has been previously satisfied by demonstrating compliance with the seven factors of Goal 14.

CRITERIA (II)..AREAS WHICH DO NOT REQUIRE A NEW EXCEPTION CANNOT REASONABLY ACCOMMODATE THE USE;

The test here is to assure that the needs for additional land cannot be accommodated within the existing UGB.

The DLCD's exception rules explain that this criterion does not require a detailed evaluation of specific alternative sites unless such sites are specifically described by another party to the proceedings together with facts to support the assertion that the other sites are more reasonable. OAR 660-14-040(3)(a)(C). The following comments are therefore somewhat general.

Several alternatives were considered but rejected in this boundary expansion. They include: a) redevelopment of the existing urban area; b) inclusion of agricultural land on the Harbor Bench; c) inclusion of more exception areas on the Harbor Bench and elsewhere; and 4) expansion to the northeast.

Some redevelopment of existing commercial and industrial areas could occur but redevelopment will not effectively reduce the demand for more land (see previous discussion under Factor 4). The nature of redevelopment will likely come from the need to remodel and update current businesses rather than to intensify land use, which could theoretically reduce the demand for new land. Furthermore, redevelopment on a major scale would likely require some form of public assistance such as urban renewal. The City had an urban renewal tax increment financing proposal in 1991 but it was defeated through the initiative process. Had it passed, funding would have been available for street, water and sewer improvements, building rejuvenation and theme development. Passage of Measure 5 has prevented a re-examination of this approach.

Expansion of the UGB onto the Harbor bench agricultural areas is not an acceptable alternative. While these lands would be easier and less expensive to develop than what is proposed for inclusion, this action would reduce or eliminate one of the major export economies of the area and would be in non-compliance with a number of goals and policies of the state and local area. Furthermore, it would be necessary to extend the urban area considerably further south, perhaps all the way to the California border, to provide adequate land for urban uses. This would certainly eliminate the agricultural enterprise in this region of the state, which currently grows 90% of the world's Easter lily bulbs.

The proposed boundary includes one parcel zoned exclusive farm use (EFU) and two zoned agricultural (AFD). The EFU zoned parcel is the City's proposed golf course. This use of EFU land is already permitted within the EFU zone. However, the City is restricted in the

methods by which water and sewer service can be provided because it is outside the urban growth boundary. By bringing it inside, urban services can be extended by the City or special service districts.

One 23 acre parcel zoned AFD on the south side of Benham Lane is being added to provide for an additional mobile home park in the Harbor area where flat land is scarce and more mobile home space is needed.

Information provided for the 23 acre parcel (Itzen property, Assessor's Map 41-30-9C, Tax Lot 100) by the Oregon State University Extension Service⁴³ indicates that this parcel is "largely unsuitable or very marginal for crop production due to: some cutting and filling that has gone on in the past; low laying areas of poor drainage; small areas making agricultural equipment movement difficult; a history of poor lily yields due to marginal soil conditions and drainage; and the close proximity of a mobile home court on one side which could conflict with agricultural pest control chemical applications." Other opinion from the Curry County Assessor is that the highest and best use of this property is for commercial and residential purposes due to its marginal farmland use.⁴⁴ Both the Harbor Sanitary District and Harbor Water PUD indicate they can provide services to this property.⁴⁵ Other testimony submitted stated that the only crop on this property was a failure.⁴⁶

A six acre AFD piece is also being added because it is too small to be farmed, because of the run-off that comes across the property and washes a lot of the crop out, and the ground is too wet and does not produce a good bulb crop.⁴⁷

An effort has been made to include all existing exception areas within the new boundary. However, a few exception areas were excluded because they cannot reasonably accommodate the proposed urban growth in a manner consistent with the urbanization goal factors. All of the excluded exception areas are effectively fully built-out and, as result of topography, covenants and other reasons significant increases in density, are impracticable for further development. Upgrading of utilities and roads to urban standards would be very expensive and inefficient due to their configurations and is opposed by the residents.

The excluded exception areas on the Harbor Bench were removed at the suggestion of DLCD to avoid encircling the bench farm lands with the UGB. These areas already have public water available and are developed to urban densities. Significant increases in density would be extremely unlikely.

The excluded lands to the northeast and on the north bank of the Chetco are extremely steep. Many of the remaining parcels are unbuildable. The roads are very steep, substandard, and end in dead-ends. There is not adequate access for emergency vehicles at current development densities. Residents are concerned that if urban services were available there would nonetheless be development pressure which would result in a further reduction to their safety. The city does not want responsibility for this area.

Extending the boundary north to Cape Ferrelo and other areas would require the inclusion of an intervening area with class III and IV soils, to have an efficient and logical boundary. The resulting development pattern would be an undesirable strip along 101 and require long utility extensions through difficult terrain in which there would be few potential hook-ups.

The inventory of vacant land for the current UGB does not contain sufficient buildable land to meet all of the needs for a twenty year planning period. As the David Evans and COC reports indicate, based upon inventories conducted by the City and County, there are very few large, buildable, vacant parcels of industrial and commercial land left within the UGB. This will seriously hamper economic development opportunities which are focused on diversifying the economy away from forest products and fishing toward other business and industrial activity.

This need is further reinforced in the E.D. Hovee report, which states:

"The supply of industrial land may be even more limited. Most of those interviewed could not identify land holdings that might be available and suitable for industrial development other than parcels currently owned by South Coast Lumber. The City has, however, combined some light industrial and commercial property so that 19 vacant acres are now designated for industrial park use south of Railroad Street on Memory Lane." Information from the City indicates, however, that only ten parcels are vacant.

As of 1993, 174 acres of industrial and commercial land remained within the UGB; this has been diminished during the intervening two years since the inventory was completed. The demand is for a total of 640 acres by 2015.

The needs analysis conducted for the UGB has taken into account vacant, buildable parcels already existing within the current UGB, as well as vacant land within exception areas being added to the UGB. In 1993, when the City's vacant land inventory was conducted, 356 residential lots were scattered throughout the city; only five of these exceeded ten acres. Thirty-five vacant residential parcels are within the exception areas being added to the

UGB. It is expected that these parcels will be absorbed more quickly than the new, unserviced lands being added to the boundary because of the relative ease of development requirements compared to other properties being added to the boundary.

The Hovee report also points out that for the tourist economy to improve, lodging facilities and restaurants will need to be constructed with more amenities, such as ocean views and beach access, to compete with other coastal communities in Oregon and northern California. Very few existing facilities of this nature have these amenities which seemed to matter little to the tourists who came to the area for fishing. Furthermore, land is not available within the current UGB for these facilities.

Residential land will not be sufficient for the planning period either. Land remaining within the UGB is primarily composed of small scattered lots or parcels for "infill" to accommodate approximately 550 dwelling units, at the most. The total land need is for 3,962 dwelling units. Only a few, relatively small parcels are left for subdivision development within the existing UGB.

CONCLUSION

The amendment complies with Criteria II. The current UGB does not contain adequate buildable land to meet future residential, commercial and industrial needs. There are no reasonable alternatives to expand the boundary other than in the manner proposed.

(iii) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site;

The primary purpose of this standard is to insure that where alternatives exist for the UGB expansion that this proposal will result in the fewest long-term environmental, economic, social and energy consequences.

As discussed previously, there are no reasonable alternatives to expanding the boundary other than in the manner proposed. As discussed in the previous criteria, impacts of expanding the boundary in a different manner would cause greater impacts than the proposal.

There are some possible adverse impacts from the UGB expansion as proposed. These were discussed under Goal 14, including mitigation measures designed to reduce possible impacts.

CONCLUSION

The UGB expansion complies with Criteria III. There are no reasonable alternatives to the expansion of the UGB other than in the manner proposed. Alternatives are discussed under Criteria II. While there are some possible adverse impacts from the UGB expansion as proposed, mitigation measures can be designed to minimize these impacts. These impacts are not as adverse as would occur without such mitigation measures, or if other areas such as agricultural land were included within the UGB.

(iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

As discussed under Goal 14 Factor 7, some possible impacts to the Harbor bench agricultural uses will occur from development in the Harbor Hills.

Several bench farmers have raised concerns about development on the western slopes of the southern part of the Harbor Hills. This area drains through their lands.

Concerns include possible impacts on groundwater sources and erosion due to increased run-off. Some farmers have opposed inclusion of this area, others have supported inclusion but ask for input in the development of master planning criteria that will regulate its development. Professional testimony has been received that well-designed development of this area could reduce current erosion and increase groundwater supplies.⁴⁶

However, with the safeguards identified in letters submitted as part of the proceedings, the Harbor Bench farmers do not oppose development on the ridge tops and on the eastern and northern parts of the Harbor Hills. These safeguards include:

1. Establishing as an "Area of Environmental Concern" for those portions of Section 9, 10, 14, and 15, Township 41 South, Range 13 west, Willamette Meridian, Curry County, Oregon, which are
 - (a) within the Harbor Hill Master Plan Area; and
 - (b) drain through the agricultural lands on the Harbor Bench.

2. Compliance with the recommendations of the Oregon Department of Water Resources letter of April 19, 1995 calling for modification of the proposed Urban Growth Area Joint Management agreement, which have been incorporated.⁴⁹

CONCLUSION

The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

ENDNOTES

- ¹ Exhibits H, MM, EE1.
- ² Brookings Urban Growth Boundary Expansion and Urban Reserve Boundary Establishment Study, David Evans and Associates, Inc. Updated December 29, 1994.
- ³ Brookings Urban Growth Boundary Needs Analysis, Cogan Owens Cogan, March 6, 1995.
- ⁴ Exhibit YY1-C
- ⁵ Exhibits H, CC
- ⁶ Typically, slopes of 25% or more are considered unbuildable for planning purposes. Information available from the United States Geological Survey is in ten-foot contours, thus the inventory identified slopes of 30% or greater.
- ⁷ Exhibit MM.
- ⁸ Exhibit MM.
- ⁹ Exhibits H, CC.
- ¹⁰ Oregon Realtor Activity Report Vol. 4 No. 1, Exhibit YY1-E.
- ¹¹ Ibid.
- ¹² Ibid.
- ¹³ Exhibit YY1-C.
- ¹⁴ Exhibit MM
- ¹⁵ Response to question on p.4, Exhibit MM.
- ¹⁶ Exhibit YY1-C, page 13 and Map 100.
- ¹⁷ One exception to septic tank development is the Camellia Park subdivision which is within the Camellia Park Sanitary District, a small district formed solely for the purpose of serving this area.

- 18 Letter from Artera Engineering to the district dated October 31, 1993.
- 19 Ibid.
- 20 Exhibit O, application to Oregon Water Resources Department.
- 21 Exhibit FF, letter from EGR & Associates, Inc. to William R. Buchanan, April 15, 1995.
- 22 Exhibit YY1-C
- 23 Exhibit YY1-C
- 24 Ibid.
- 25 Ibid.
- 26 Ibid.
- 27 Level of service is measured from A to F, with F reflecting a failed condition, or a unacceptable level of delay, and A reflecting virtually no delay.
- 28 Calculated by reducing 898 acres of residential land by 25% for streets and dividing by 3,962 units.
- 29 Exhibit GG.
- 30 Exhibit YY1-C.
- 31 Exhibits H, K, L
- 32 Exhibit G, Harbor Construction LTD.
- 33 Exhibit HH, Water Resources Department
- 34 Exhibit FF
- 35 Conversion of cfs to MGD is based upon a formula of dividing cfs by a factor 1.548.

- ³⁶ Exhibit YY1-C
- ³⁷ Exhibit YY1-B
- ³⁸ Exhibit YY1-A, Kittelson & Associates, Inc., Traffic Impact for the Harbor Hills, October 1993.
- ³⁹ Exhibit OO1, Laren and McCotter.
- ⁴⁰ Exhibits T,U.
- ⁴¹ Exhibit FF-1, Ashcraft
- ⁴² Exhibit YY1-C.
- ⁴³ Exhibit R, Oregon State University.
- ⁴⁴ Exhibit S, Curry County Assessor.
- ⁴⁵ Exhibits T and U, Harbor Sanitary and Harbor Water districts.
- ⁴⁶ Exhibit BB-1.
- ⁴⁷ Exhibit FF1, Ashcraft.
- ⁴⁸ Exhibit FF.
- ⁴⁹ Exhibit HH.