

# City of Brookings

## SPECIAL MEETING Minutes

### JOINT CITY/COUNTY PUBLIC HEARING

Thursday, June 10, 2010

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

#### Call to Order

Mayor Anderson called the meeting to order at 7:02pm.

#### Roll Call

Council Present: Mayor Larry Anderson, Councilors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Commission Present: Commissioners Bill Waddle and Georgia Nowlin; a quorum present.  
Commissioner George Rhodes arrived at 7:08pm.

Staff Present: City Manager Gary Milliman, Administrative Services Director Janell Howard, Planning Director Dianne Morris, City Attorney Martha Rice, County Planning Director David Pratt, County Counsel Jerry Herbage and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 13 public.

#### City/County Urban Growth Area Joint Management Agreement

At 7:04pm, Mayor Anderson opened the joint City/County public hearing to consider adoption of revisions to the City of Brookings and Curry County Urban Growth Area Joint Management Agreement (JMA) and then reviewed the guidelines.

City Planning Director Morris and County Planning Director Pratt reviewed the joint staff report and attachments and in particular addressed concerns expressed in written comments already entered into the record. Morris entered into the record a letter dated June 9, 2010, from the Oregon Coast Alliance (ORCA) as Exhibit A and addressed the issues raised in the document.

Pratt proposed a correction to signature page of the JMA to appropriately reflect the current titles of Commissioner Nowlin and Commissioner Rhodes and proceeded to discuss the 2 options to the language in Attachment A, X.B & X.C, entered as Exhibit B.

Mayor Anderson asked if the County was comfortable moving forward with changes that had not been included in the review process. In response, Commissioner Waddle said that it seemed to him it was the City Council and County Commission's role to reach an agreement on the language to be adopted. Commissioner Nowlin concurred, adding that she felt that both Planning Commissions had slightly different opinions about the language, and the role of the Council and Board was to find an option that would be satisfactory to both jurisdictions.

#### Public Comments

Speaking as interested parties:

- Leroy Blodgett, PO Box 7618, Brookings, Eagle Two Development. Blodgett generally commented that the JMA had "...morphed over the years to become a planning document rather than a management agreement...", and reviewed comments he submitted in writing; entered into the record as Exhibit C.

- Gary Davis, 98126 W. Benham Lane #70, Brookings, commented that the ruling going forward should be that anyone who has property in Curry County has to comply and hook-up when services become available.
- Yvonne Maitland, PO Box 7012, Brookings, Harbor Action Committee. Maitland's comments were submitted in writing, and entered into the record as Exhibit D.
- Maggie Runyan, PO Box 6537, Brookings, continued Maitland's comments (Exhibit D).

Director Morris responded briefly to several issues raised under public comments and Commissioner Waddle generally stated that there was more work to do on the County Code and suggested it be moved up to the top of the County's agenda list.

The hearing was closed at 8:05pm.

### **Deliberation**

Generally, Commissioner Nowlin stated that, while she wanted some kind of flexibility in the interim development approval, she thought some kind of standard was needed, and felt that the 300 foot requirement between a building and available services would be a workable standard.

Commissioner Rhodes said that a reasonable time and distance for making connections needed to be provided.

Commissioner Waddle stated that there is a need to move forward with the document, but had reservations regarding the requirement for the County to provide inspection services for failing systems due to the County's limited resources.

Councilor Gordon stated that he agreed with the need to move forward with the JMA, and could live with the 300 foot requirement.

Councilor Hedenskog stated that systems should be serviced every 5 years, modern systems virtually never fail, and that he would like to see the 300 foot requirement and "if the system fails" language retained.

Mayor Anderson asked if the January 22, 2001 date significance and Director Pratt responded that the Planning Commission wanted a date, but did not specify one, and this was the date upon which the original JMA was signed.

Anderson also stated that if a system fails, the existing process kicks in, and the County Sanitarian is going to deny a permit and require the homeowner to hook up.

More discussion ensued and the Mayor asked for a motion.

Councilor Hedenskog moved to adopt the changes to the JMA, [Attachment A, X.B & X.C] to read, "As of the date of the adoption of the JMA, an interim development approval shall be conditioned to connect to a public system when service is within 300 ft. of the subject property and the existing septic system fails, or water system fails, in the judgment of the County Sanitarian; or is identified as public health hazard."

Mayor Anderson stated that there should be a separate vote for sewer and water separately.

Councilor Hedenskog withdrew his motion.

Councilor Hedenskog moved to approve the wording [to JMA, X.B] to be as follows: "As of the date of the adoption of the JMA, an interim development approval shall be conditioned to connect to a public

system when service is within 300 ft. of the subject property and the existing septic system fails, or water system fails, in the judgment of the County Sanitarian; or is identified as public health hazard."

Discussion again ensued; the motion was withdrawn.

**Councilor Hedenskog moved, Commissioner Rhodes seconded, and the Council and Board voted to approve the language [under Attachment A, X.B], to read "For the interim development, after the date of adoption [of this document], approval shall require a condition that a connection to a public system shall occur when service is within 300 ft. of any building requiring services, and the existing septic system fails, as determined by the appropriate authority."**

Commissioner Rhodes moved, and Councilor Gordon seconded, to approve the language, [under Attachment A, X.C] "For interim development after the date of adoption [of this document], approval shall require a condition that connection to a public water system shall occur when service is contiguous to the property line within 300 ft. of any building requiring services."

Following further discussion, the second and motion were withdrawn.

Commissioner Rhodes moved and Councilor Gordon seconded, to approve the language (under Attachment A, X.C) to read, "For interim development after date of adoption [of this document], approval shall require a condition that connection to a public water system shall occur when service is within 300 ft. of any building requiring services."

More discussion ensued; the second and motion were again withdrawn.

**Commissioner Nowlin moved, Commissioner Waddle seconded, and the Council and Board voted unanimously to approve the language (under Attachment A, X.C) to read, "After date of adoption [of this document], this interim development approval shall be conditioned to connect to a public water system when water service is contiguous to the subject property, and the existing water source fails, or is identified as a public health hazard, or no other approved alternate water source is available."**

**Commissioner Waddle moved, Councilor Hedenskog seconded, and the Council and Board voted unanimously to approve the proposed revisions to the City of Brookings and Curry County Urban Growth Area City and County Joint Management Agreement based on the facts and the findings as found in the staff report and further voted and amended this evening, and to direct staff to make the revisions and bring them back to the Board of Commissioners at 10:00am on Wednesday June 30<sup>th</sup>, 2010, and the City Council on June 28<sup>th</sup>, 2010, 7:00pm, in Council Chambers, for formal adoption and signing.**

#### **Adjournment**

Commissioner Nowlin moved, a second followed, and the Council and the Board of Commissioners voted unanimously by voice vote to adjourn at 9:27pm.

Respectfully submitted:

ATTESTED:  
this 29<sup>th</sup> day of June  
2010:

  
Larry Anderson, Chair

  
Joyce Heffington, City Recorder