

**CITY OF BROOKINGS
SPECIAL COUNCIL MEETING MINUTES
City Hall Council Chamber
898 Elk Drive, Brookings, OR 97415
January 3, 2006 7:00 p.m.**

I. Call to Order

Mayor Pat Sherman called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

Led by Mayor Sherman

III. Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Jan Willms, Craig Mickelson, and Dave Gordon, a quorum present.

Council Absent: Ex Officio Susan Stadelman

Staff Present:

City Manager Dale Shaddox,
City Attorney John Trew,
Community Development Director Ed Wait,
City Planner John Bischoff,
Deputy City Planner Dianne Snow,
and Administrative Assistant Donna Colby-Hanks

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Approximately 65 other citizens

IV. Public Hearing

A. *In the matter of file No. ANX-3-05, a request to annex 607 acres of land consisting of 14 tax lots in seven different ownerships located on the side and top of the area known as Harbor Hills, including 3.4± miles of Highway 101 right-of-way extending from the Brookings city limit line on the Chetco River Bridge, south to the southerly property line of the subject property abutting the highway; identified as Assessor's Maps 41-13-10, Tax lot 300; 41-13-14, Tax lots 200, 201, 203, 300, 307, 308, 310, 312; 40-13-15A, Tax lot 100; 40-13-15B, Tax lots 5200, 5300, and 40-13-15DA, Tax lots 100, and 101; HW3, applicant. Criteria used to decide this application can be found in Section 148-Annexation, of the Brookings Land Development Code. The Planning Commission made a recommendation of approval of this application on December 6, 2005.*

Mayor Sherman opened the public hearing at 7:10 pm, reviewed the application description and asked for ex parte contact and personal bias. Councilor Willms stated she

had attended two Planning Commission meetings when ANX-3-05 was heard, Mayor Sherman stated she had read articles in the newspaper, Councilor Mickelson attended Planning Commission meetings when ANX-3-05 was heard, Councilor Gordon had read newspaper articles, and Councilor Anderson had no ex parte contact. No personal bias was disclosed and there were no challenges from the audience.

Staff Reports:

City Planner John Bischoff described the property, its location and the process the property went through to be included in the expanded Urban Growth Area (UGA). The UGA process identified this property with environmental concerns and would require a stormdrain plan to deal with run off without impacting the Harbor Bench Farmland. The plan would be approved by the City and Curry County and peer reviewed by Oregon Water Resources. Bischoff explained the requirements of the Masterplan zone and the Detailed Development Plan.

Deputy City Planner Dianne Snow reviewed the history of the Urban Growth Boundary (UGB) and entered **Exhibit MMMMM**, IGA between Brookings, Curry County, and Harbor Water District dated 01-22-01, into the record. Snow discussed water and sewer services to the property and reviewed obsolete language in the Joint Management Agreement (JMA).

Public Works Director Donald Wilcox reviewed wastewater capacity and estimated flows at built out of the two large developments, Lone Ranch and HW3. Wilcox compared the average and the maximum daily water uses and entered **Exhibit NNNNN**, his spreadsheet on water and wastewater, into the record.

Community Development Director Ed Wait explained the Water Conservation Plan that was a product of Periodic Review and reviewed the history of the JMA. Wait entered **Exhibit RRRRR**, IGA between Brookings, Curry County, and Harbor Sanitary District (HSD) dated 01-22-01, into the record and read a Memorandum of Understanding between the City and HSD dated 07-13-04.

Bischoff discussed transportation issues, access points and impact mitigations to be determined with Traffic Impact Studies.

The meeting recessed at 8:25 pm and reconvened at 8:38 pm. Mayor Sherman questioned the application's compliance with the Comp Plan. The Council discussed with staff the need for geologic studies, McVay Lane jurisdiction, the JMA to be revisited with the County, and HSD pro rata share language being outdated.

Applicant:

Leroy Blodgett, P.O. Box 618, Brookings, Project Manager for HW3, explained the 5.1 water number and ODFW's involvement in Periodic Review.

Jan Sirchuk, P.O. Box 2711, Harbor, Project Manager for HW3, reviewed the application with a powerpoint presentation, **Exhibit PPPPP**.

Blodgett discussed the levels of taxes and the benefits of annexation for both the City and the applicant.

Steve Pfeiffer, 1120 NW Couch 10th floor, Portland, OR 97209 spoke regarding the reasonableness tests, Brookings Charter language, and warranty or bonding for infrastructure.

Shane Hughes, EGR & Associates, 2535 B Prairie Road, Eugene, OR 97402, discussed possibilities for receiving water from Harbor Water District or Brookings and mitigation measures if Brookings is the provider. Hughes explained past records indicate peak usage has been in June and the Chetco low water has been in August, September, and October. Also the effect of the Ranney Collector on the Chetco is unknown. Hughes stated ODOT has advised the Chetco River Bridge was designed for additional sewer lines.

Blodgett explained the pro rata agreement was reached when the sewer plant was nearing capacity prior to expansion. Sirchuk advised there were four access points with one additional possible. Following a discussion Sirchuk said he would research the jurisdiction of the access roads.

Ralph Christensen, EGR & Associates, 2535 B Prairie Road, Eugene, OR 97402, explained the process an application would need to follow and the peer review which would be done by Oregon Water Resources with all expenses to be borne by HW3. Christensen spoke about monitoring of water flows and erosion that would continue and special requirements due to the agricultural Harbor Bench.

Rick Thrall, PBS Engineering & Environmental, 1310 Main Street, Vancouver, WA 98660, explained the development of the Department of Oregon Geology and Mineral Industries (DOGAMI) hazard maps. Thrall described the multi-test pits and borings conducted on the property. These show 75% of the area was stable, 10% near creeks would be avoided, and 15% with earth flow/slump topography would require further detailed evaluations.

Blodgett reviewed the annexation criteria and explained how each one had been met.

Exhibits Received between Planning Commission meeting of 12-13-05 and City Council meeting of 01-03-06.

UUUU	Mary Lu Milstone	2 page letter to Nishioka and Bischoff
VVVV	Leroy Blodgett	1 page letter requesting postponement
WWWW	Leroy Blodgett	1 page letter agreeing to hearing dates
XXXX	Jim Hansen	1 page letter
YYYY	Harvey Thiesen	1 page letter, 4 page news article
ZZZZ	Rocky McVay	1 page letter and 2 signature pages
AAAAA	Diana Lemos	1 page letter

BBBBB	Yvonne Maitland	8 page and map
CCCCC	Ralph Martin	2 page letter and document
DDDDD	Dan Nachel	1 page letter
EEEEE	Frank Goodnough	1 page letter
FFFFF	Mary Henson	2 page letter
GGGGG	Steve Bismarck	3 page document
HHHHH	Carol Crockett	2 page document

Exhibits received at the City Council meeting of 01-03-06

IIIII	Rose Starer	5 pages of comments
JJJJJ	Mark & Emelinda St. James	1 page comments
KKKKK	Catherine Wiley	22 pages Jim Just, Goal One Coalition
LLLLL	Curry County Board of Commissioners	3 pages comments
MMMMM	Dianne Snow	10 pages, IGA between Brookings, Curry County, Harbor Water District, 01-22-01
NNNNN	Donald Wilcox, Public	1page Spreadsheet on water and wastewater
OOOOO	Donald Wilcox, Public	HW3 document submitted on 12-29-05
PPPPP	Leroy Blodgett	67 page Powerpoint presentation
QQQQQ	John Bischoff	2 pages notes from presentation
RRRRR	Ed Wait	IGA between Brookings, Curry County, Harbor Sanitary District dated 01-22-01
SSSSS	Dianne Snow	5 pages notes on presentation
TTTTT	Pat Sherman	1 page email interpretation of Section 148.03A

V. Adjournment


Mayor Sherman announced the hearing was recessed at 10:40 p.m. and would reconvene on Wednesday, January 4, 2006, 7:00 pm in the Council Chamber.

Respectfully submitted:



Pat Sherman
Mayor

ATTEST by City Recorder this 24 day of January, 2006.



Paul Hughes
Finance Director/City Recorder