

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
October 11, 2004 7:00 p.m.**

I. Call to Order

Council President Rick Dentino called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

Led by Councilor Anderson

III. Roll Call

Council Present: Council President Rick Dentino, Councilors Frances Johns Kern, Craig Mickelson, and Larry Anderson, a quorum present.

Council Absent: Mayor Bob Hagbom

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, Community Development Director Leo Lightle, City Planner John Bischoff, Assistant Planner Dianne Snow, Pool Supervisor Jeanne Nelson, and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Editor Scott Graves

Other:

Approximately 30 other citizens

IV. Ceremonies/Appointments/Announcements

A. *Ceremonies*

1. *Proclamation—Safe Schools Week*

Council President Dentino read a proclamation which he presented to School Superintendent Chris Nichols; Head Brookings-Harbor High School Custodian and Safety Committee member Pete Hernandez; Kalmiopsis School Principal Brian Hodge; and Azalea School Principal Mike Dillenburg, declaring the week of October 17 through 23 as America's Safe School Week.

B. *Announcements*

1. None

V. Scheduled Public Appearances

A. *Lorraine Kuhn—recap of Community Picnic*

Kuhn thanked the City for co-sponsoring the event held on a beautiful day in Azalea Park. Picnic volunteers served over 400 hot dogs, 600 ice cream cones, 500 cups of soda, and 20 watermelons. She invited the City to again co-sponsor the picnic next year.

*B. Jeanne Nelson—recap of 2004 swim season*

Nelson said the numbers for this year were similar to past years. She said the loss of the Gold Beach swim program resulted in fewer participants in the lessons program than in prior years. The resurfacing project is nearly finished and there is water in the pool again. A few items still to be completed. She thanked the Fire Dept for filling the pool.

**The agenda was changed at this point and the public hearing continuation was held after Item VII. Oral Requests and Communications from the Audience.**

**VII. Oral Request and Communications from the Audience**

*A. Committee and Liaison Reports*

Councilor Mickelson deferred his time to the other items on the agenda, stating a report will be given at the next meeting.

Councilor Anderson commented on the Litter Olympics held on October 2. He said it was a rude awakening to see the amount of litter around town. He thinks at some future time the Council needs to discuss this problem. City Manager Blodgett and Councilor Dentino remarked this was a fun way to collect some of the litter in the area.

*B. Unscheduled*

Barbara Nysted, 427 Buena Vista Loop, Brookings, spoke to the Council regarding System Development Charges (SDC) and the lack of a SDC Review Board. She felt the SDCs are currently too low for developers.

She also spoke in regards to outdoor burning quoting April Rosenthal's recent letter to the editor of the Curry Coastal Pilot thanking the City for quickly putting out a smoldering fire that was burning near the youth-occupied soccer fields at Azalea Park. Nysted said it is time to adopt an ordinance to eliminate all outdoor burning in the entire city.

She wanted to know if there were any plans to reinstate the SDC review board. City Manager Blodgett explained that the City received only two applications for a five member board even when it was advertised over an extended period.

**VI. Public Hearing**

*A. Continuation of Public Hearing on Planning Commission File MPD-1-04, a request for approval of a Master Plan of Development on a 553-acre*

*parcel; consisting of 1,000 dwelling units of various types, a 2.43 acre commercial site, and a 10-acre college campus, to be built in phases implemented in detailed development plans approved by the Planning Commission; located on the easterly side of Highway 101, approximately 4,500 feet (0.8 miles) north of Carpenterville Road and extending north to approximately the Cape Ferrelo overlook entrance; Assessor's Map 41-14 and Index, Tax Lots 2400, 2401, and a portion of 2402; U.S. Borax, applicant; Burton Weast, representative; and in the matter of Ordinance 04-O-565 amending the Comprehensive Plan to include the Lone Ranch Master Plan as a separate document of Goal 14*

The public hearing reconvened at 7:13 p.m. Council President Dentino read procedures for this continuation into the record.

Planning Director Bischoff stated this was a continuation of a September 13, 2004, hearing that had been closed for public testimony. Additional written testimony was received in accordance with the request by Pete Chasar and US Department of the Interior, Fish and Wildlife Service to leave the record open for seven additional days for written testimony. Written response was submitted by the applicant. The applicant requested three additional conditions of approval in response to the testimony submitted.

City Attorney Trew said all written testimony was received in a timely manner and included in the packet for the councilors to study. Trew reminded the Council that tonight's decision needs to be based on evidence in the record, either written or oral.

Dentino read three additional conditions of approval into the record.

The applicant waived his right to seven additional days to submit additional testimony and asked that a decision be made on the matter at this meeting.

Council discussion ensued with questions and comments from the Council regarding the process of deliberation. Dentino said since he was acting mayor he would not be making any motions. He had questions about a water shortfall of 125,000 gallons from the Borax test wells to meet the project's needs. He researched this and found the City and State are in agreement that the City has provided adequate water for the entire build out of the Urban Growth Boundary. Borax's wells will contribute to the City's supply and are a bonus to what water is already available.

Councilor Anderson said he had questions for the applicant. Trew advised that asking questions of the applicant invites a response from all participants. He explained the opportunity to ask questions of the applicant

was while the public hearing was open to testimony and asking questions of staff would be a better procedure. Anderson responded that he felt the Council did not have the opportunity to ask questions of the applicant at the public hearing. Blodgett suggested that Councilors pose their questions to staff who will do their best to answer them. Anderson said he will direct questions to staff.

Anderson questioned the cost of utility extensions including off-site, on-site and enlargement of existing infrastructure. Blodgett responded that the cost to extend all utilities will be borne totally by the developer. There are provisions in our ordinances to have developers oversize lines for projected development and provisions for reimbursements to the developers as connections are made to the lines. There may be need for additional work from Arnold Lane to Mill Beach Road to enlarge lines that are undersized now. These projects would be paid for with SDCs. Blodgett said no on-site costs would be borne by the City.

Anderson questioned the maintenance for right-of-ways that use a drainage swale. Blodgett said as it is written the City would be obligated to maintain those areas but an additional condition could be added to require the developer or homeowners association to maintain those sections.

Anderson asked whether any fire protection facilities would be on-site. Bischoff said fire protection facilities were in the destination-resort plan but are not in the current plan for the area. All homes and commercial buildings including the college will have individual sprinkler systems. The sprinklers give our fire department the time to respond. Bischoff added that our fire staff feels comfortable with this arrangement.

Councilor Mickelson stated that he has studied this plan intensively, as Council liaison to the Planning Commission and now at the Council level. He felt there could be confusion between outright approval for development plans and the master plan. He said the concepts and standards in a master plan are not precedent-setting as each plan must stand on its own merit. Much expertise was brought by Borax and Western Advocates to a plan that allows for flexibility for development. He had read the opponents' information and highlighted areas of his concern. He found testimony was not always factual or taken out of context. He concluded that the Borax Master Plan of Development meets the standards and he looks forward to the development plans. He thinks this is a program we can live with and must watch very closely.

Dentino added that this is a master plan of general standards, important and not to be toyed with. Development plans must be approved before any dirt is turned. There was further discussion on the number of dwelling

units that can be constructed on the site as the master plan calls for 1,000 homes and an additional 10% at build out. Blodgett clarified this was not 10% more homes but 10% more trips generated per day. Questions on water rights and a new budgeted water reservoir were answered by Blodgett.

Anderson said that the MPoD is a new zoning component to the Land Development Code. He basically felt very comfortable with the scope and intent of the MPoD but had questions about the details. He said not far from City Hall are areas without planning of this kind. There are many challenges with topography, natural and cultural resources, and community relations. As one Council person he trusts the technical and professional staff that put together this package. He discussed street widths, setbacks, and sidewalks and said there was a real challenge to design streets to engineering standards keeping in mind cuts and fills, grades and street design. He commented on the 5,000 sq. ft. lots and how to build and protect riparian areas. He said you could go with a smaller than 5,000 sq. ft. building pad (not lot size) and still deliver a salable product. He said it appears the biggest problem is the appearance of a blank check over the build out of the project.

Discussion ensued about verbiage in the staff report. Anderson said he was uncomfortable with the findings for Criteria E which he read into the record. He feels this one sentence could come back to haunt the City. There was continued discussion on topics ranging from enforcement of CCRs; maintenance of swales; and the process of bringing findings, ordinance and final conditions of approval to the Council.

Trew said there were two options for the Council, to approve or deny. Additional conditions could be added to a motion to approve. Staff would then prepare the Ordinance and Final ORDERS and Findings of Fact for Council consideration at the October 25, 2004, meeting.

The Council recessed from 7:26 p.m. to 7:37 p.m.

When the meeting reconvened there was additional discussion on whether language in the findings would be an alteration to the ordinance itself. Bischoff read Land Development Code Section 70.070.E Review Criteria for MPoD and said the Planning Commission has the authority to require a different standard than that proposed pursuant to Section 70.130.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to accept the Planning Commission's recommendation and approve the application for a Master Plan by the applicant (Borax, Inc.) with the additional three conditions requested by the applicant and condition #29, to set conditions for the developer or**

**homeowners association to maintain the drainage swales in the road right-of-ways.**

The Final Order and Findings of Fact which will include all conditions of approval and the enabling ordinance to change the comprehensive plan will be considered at the October 25, 2004, meeting.

**VII. Oral Requests and Communications from the Audience**  
**This item was held before the scheduled public hearing continuation.**

**VIII. Staff Reports**

*A. Community Development Department*

1. *Award of Highway 101 Wastewater and Water Projects contract*  
Community Development Director Lightle said he was asking for authorization to award a contract on wastewater and water line replacement on portions of Highway 101. Project areas would be Chetco Lane to Fifth Street; Crissey Circle to north of Parkview Drive; and Arnold Lane to Rubio's Restaurant. These bids are in response to a second request for bids as no bids were received on the first advertisement. Lightle stated there is money in the current fiscal year's budget for these projects and recommended approval to award the contract to Crader Enterprises, Inc. in the amount of \$1,104,715.

Councilor Anderson asked about a time frame for the construction. Lightle said the project will be completed by May, 2005. Anderson also asked how close the bids came to the engineer's estimate. Lightle said the estimate was \$1,300,000 so the bid amount was under the engineer's estimate. Lightle explained local firms were concerned about the depth of the project so did not bid. In response to a question of why the contractors who bid this advertisement didn't bid on the first request for bids, Lightle said this could have been because of work already scheduled. He said HGE, Inc. has work with Crader before and find they are a responsible bidder.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to accept the staff recommendation and award the contract for Highway 101 water and sewer line replacement and installation on sections from Chetco Lane to Fifth Street; Crissey Circle to north of Parkview Drive; and Arnold Lane to Rubio's Restaurant to Crader Enterprises, Inc. in the amount of \$1,104,715 and to authorize the Mayor or City Manager to sign the contract.**

B. *City Manager*

1. *League of Oregon Cities designation of voting delegate at annual business meeting*

City Manager Blodgett said the Council needed to select a member to vote on resolutions recommended by the League of Oregon Cities Resolutions Committee at the annual LOC business meeting in November. In the past the voting member has been the mayor and the alternate the Council President. He recommended appointing Mayor Hagbom as voting delegate and Council President Dentino as alternate voting member.

**Councilor Johns Kern moved, a second followed, and the Council unanimously voted to appoint Mayor Hagbom as the voting delegate and Council President Dentino as the alternate voting delegate for the 2004 LOC Annual Business Meeting to be held in Portland November 6, 2004.**

2. *Other*  
None

IX. Consent Calendar

A. *Approval of Council Meeting Minutes*

1. *Minutes of September 27, 2004, regular Council meeting*

B. *Acceptance of Planning Commission Minutes*

1. *Minutes of September 7, 2004, regular Commission meeting*

C. *Approval of Vouchers for month of September, 2004 (\$509,363.15)*  
*End Consent Calendar*

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to approve the Consent Calendar as published.**

X. Remarks from Mayor and Councilors

A. *Council*

City Attorney Trew reminded the Council that final approval for the Borax MPoD has not yet been given. Final conditions of approval, the Final Order and Finding of Facts and the Ordinance will be presented at the next Council meeting.

Councilor Anderson said the Little Olympics was a real eye opening event. Council President Dentino, City Manager Blodgett and he participated and he has a different understanding of the litter problem now. Anderson said the trash cans downtown have helped but he feels the Ordinances in place may not be what they need to be. Dentino said we as residents must take responsibility for litter for it to decline. Blodgett compliment Jan Willms who organized this event and mentioned the youth

group from the Church of the Nazarene who would also like to do a similar project. He said Pat Sherman had given him suggestions for anti-litter signs and he will distribute these to the Councilors.

B. Mayor  
None

XI. Adjournment

With no business before it the Council adjourned the meeting at 8:59 p.m.

Respectfully submitted:



Rick Dentino  
Council President

ATTEST by City Recorder this 26 day of October, 2004.



Paul Hughes  
Finance Director/City Recorder