

minutes

**CITY OF BROOKINGS
SPECIAL COUNCIL MEETING
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
May 31, 1994
7:00 p.m.**

I. CALL TO ORDER

Mayor Davis called the meeting to order at 7:02 p. m.

II. ROLL CALL

Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Bob Hagbom, Councilor Larry Curry

Council Absent: Councilor Dave Scott

Staff Present: City Manager Dennis Cluff

III. PUBLIC HEARINGS

1. Urban Growth Boundary - Adoption of Revised Proposed UGB Map

Mayor Davis opened the public hearing.

Staff presented a briefing regarding the Urban Growth Boundary Revised Proposed Map.

Proponents of the proposed map speaking were:

1. Dale Coleman
2. Dave Itzen
3. Jerry Law
4. L. C. Ashcraft
5. Burton Weast Exhibit #2

Opponents of the proposed map speaking were:

1. Charles Simpson Exhibit #1
2. Rod Rush
3. Susan Freeman

Interested Parties:

1. Lucy Giampoli League of Women Voters
2. Jim Cole

There being no further testimony, Mayor Davis closed the public hearing.

Councilor Brendlinger moved to approve the Urban Growth Boundary as presented, with the addition of Lot 200 on North Bank Road as discussed, and the additional 150 acres of Borax property, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Hagbom, Curry, Brendlinger, Mayor Davis

Nays: None

Motion carried; approval of the Urban Growth Boundary as presented, with the addition of Lot 200 on North Bank Road as discussed, and the additional 150 acres of Borax property.

2. **Technical Assistance Grant - Approval of application for Proposed Harbor Sewer Treatment Plant**

Mayor Davis opened the public hearing.

Mayor Davis presented a briefing regarding the Technical Assistance Grant application approval.

Proponents speaking were:

1. Lucy Giampoli League of Women Voters

There being no further testimony, Mayor Davis closed the public hearing.

Councilor Curry moved to approve and authorize Mayor Davis to sign the application for a Technical Assistance Grant, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilor Brendlinger, Curry, Hagbom, Mayor Davis

Nays: None

Motion carried; The Technical Assistance Grant application and authorization for Mayor Davis to sign the same, approved.

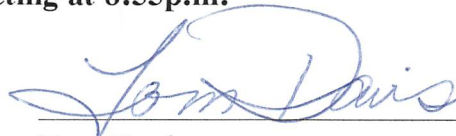
IV. OTHER BUSINESS

1. Jim Cole, Chair of Brookings Golf Board, read aloud a letter from the Water Watch people which essentially withdraws their objections to the water storage and irrigation from storage permit applications.
2. Nancy Brendlinger suggested that the Council write thank you letters to those persons who allowed their cars to be used by the Mayor and Council during the Azalea Parade.

V. ADJOURNMENT

Councilor Curry moved to adjourn, which motion was seconded by Councilor Brendlinger; motion carried unanimously.

Mayor Davis adjourned the meeting at 8:55p.m.



Tom Davis
Mayor

ATTEST:



Beverly S. Shields
City Recorder

Exhibit #1

includes Charles
Testimony

HUTCHINSON, ANDERSON, COX & COONS, P.C.
ATTORNEYS AND COUNSELORS AT LAW
200 FORUM BUILDING
777 HIGH STREET
EUGENE, OREGON 97401-2702
(503) 686 9160

FAX (503) 343-8693

BRICE H. ANDERSON
JAMES K. COONS
JIM G. COX
DOUGLAS M. DUPRIEST
STEPHEN A. HUTCHINSON
DAPHNE E. MANTIS
D. MICHAEL WELLS

June 1, 1994

City Council
Brookings City Hall
898 Elk Drive
Brookings, OR

Hand Delivery

RE: Urban Growth Boundary Expansion
Request to Include Tax Lot 305 (Map 41-13-22B),
West of Oceanview Drive
Our Client: Karin L. Rylander Family Trust

Dear City Council Members:

The location of the UGB the City Council approved last fall included all properties west of Oceanview Drive. The proposal now before you excludes many of those properties. We urge you to include the properties in the Lower Oceanview Exception Area #66 and the Rylander property (Tax Lot 305, that lies between two parts of that exception area).

1. Include Existing Exception Areas.

LCDC's urban reserve area rule lists exception areas as the top priority when expanding an urban area. The boundary you are now considering includes a significant amount of resource land (forestland), but excludes the high priority, existing rural exception areas.

2. Include Areas That Are Economical To Provide Urban Services.

Rural Exception Area #66 is already served by a public water line. The Harbor Sanitary District proposes to extend sanitary sewer service to this area, by running a sewer trunk line down Oceanview Drive. It would be much more economical to extend one or a few urban services to an area that includes a large number existing residences, than to provide the full range of urban services to hilly, forested areas, that are capable of being developed to only low densities.

3. Include Areas That Are Likely To Be Provided With Sanitary Sewers.

We understand that the city is working with the Harbor Sanitary District on a study of locating a new sewer plant near the Winchuck River and of running a sanitary sewer line along Oceanview Drive. It would be inconsistent to exclude the developed properties in Lower Oceanview and Lower Winchuck from the UGB, while simultaneously planning on how to provide sanitary sewers to this same area.

It could create a strange situation if the new sewer plant were to be built, but the developed areas near the plant and trunk line were outside the UGB. Normally, public policy requires structures within a specified distance (often 300 feet) to connect to a new sewer line and to abandon old septic systems. If this policy were followed, this area could receive urban levels of service, including sanitary sewers, but remain in rural plan and zone designations.

It is premature to exclude the Lower Oceanview and Lower Winchuck areas from the proposed UGB while the sewer study is in progress.

4. Include Some Developable Land.

The Rylander Property is bordered on the north and south by portions of Exception Area #66. It would provide additional developable land, within the existing pattern of development. Also, including exception areas would allow them to be rezoned for more intense development. Currently, the Curry County comprehensive plan restricts the minimum size of rural residential parcels (pages 311 and 313, policy 8.). The minimum size could be reduced to allow for additional development on existing parcels, if the parcels were to become urbanizable.

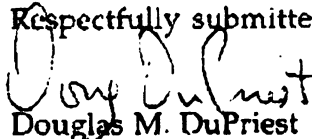
5. There are Already Houses North and South of the Rylander Property.

More than a dozen homes lie south of Tax Lot 305. There are also houses north of Tax Lot 305. The location of some of those homes can be seen on the map enclosed. All of these homes are west of Oceanview Drive. Including Tax Lot 305 would not significantly change the pattern of development in the area, but would provide additional developable land.

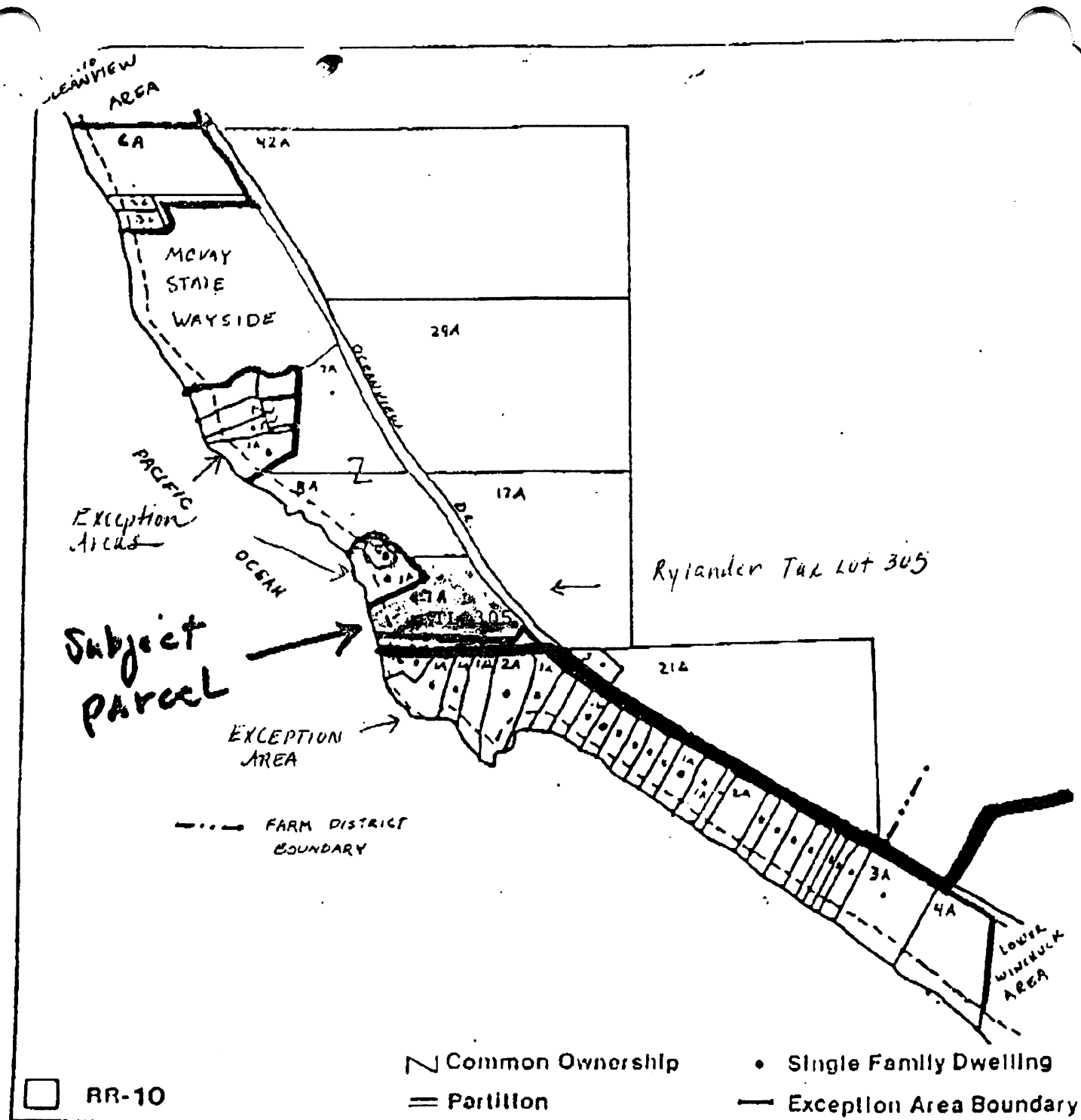
6. Including Exception Area #66 Would Not Encircle Agricultural Lands.

The city could include Exception #66, but not include certain lands to north, that are less developed and more open. That would prevent the UGB from completely encircling the farmlands east of Oceanview Drive.

Thank you for your time and consideration.

Respectfully submitted,

Douglas M. DuPriest

Encl
cc client



Exception Areas

Subject parcel

Rylander Tax Lot 305

EXCEPTION AREA

--- FARM DISTRICT BOUNDARY

RR-10

Common Ownership
 = Partition

• Single Family Dwelling
 — Exception Area Boundary



Lower Oceanview Area

Rural Land Exception No.: 66

Zoning



Curry County Comprehensive Plan
 Zoning Maps

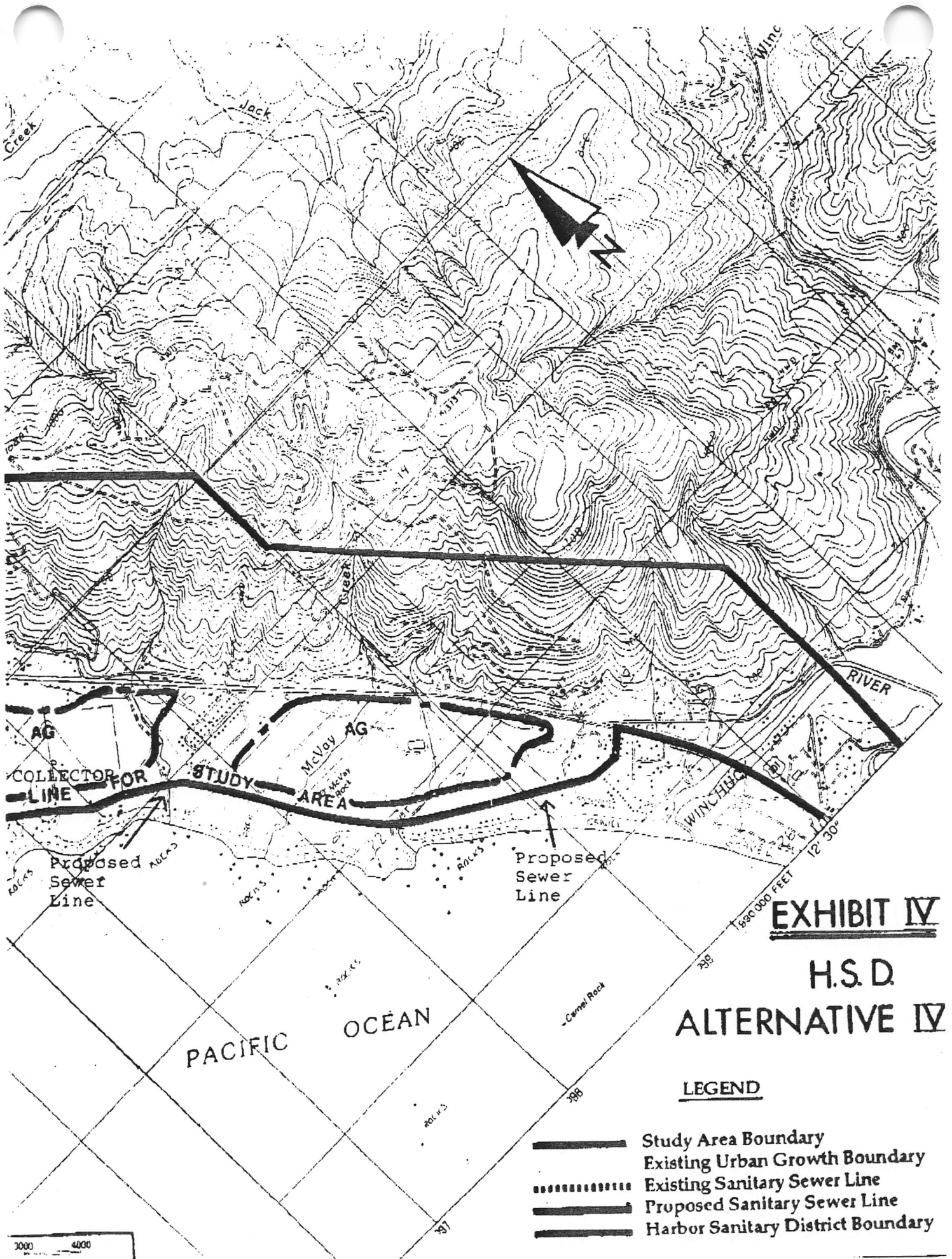



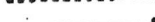



EXHIBIT IV

**H.S.D.
ALTERNATIVE IV**

LEGEND

-  Study Area Boundary
-  Existing Urban Growth Boundary
-  Existing Sanitary Sewer Line
-  Proposed Sanitary Sewer Line
-  Harbor Sanitary District Boundary

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0005

H. A. C. R. C.

503 343 8693

14-34 05/31/94

CRAIG A. STONE AND ASSOCIATES

PLANNING, LAND USE & FACILITY STUDIES • COMPREHENSIVE PROJECT MANAGEMENT • SITE DESIGN
708 CARDLEY AVENUE, MEDFORD, OREGON 97504 - 903 • 778-0588

*Exhibit #1
(read into rec by mayor)*

RECEIVED
MAY 31 1994

May 27, 1994

CITY OF BROOKINGS

MAYOR AND COUNCIL
c/o Mr. John Bischoff, Planning Director
City of Brookings
898 Elk Drive
Brookings OR 97415

RE: URBAN GROWTH BOUNDARY - Request for Property Inclusion
Tax Lots 601, 606, 607, 616 (41-13-15C)
Paul Haviland et al: Owners

Honorable Mayor and Council:

We recently learned that the Brookings urban growth boundary (UGB) proposal was revised to exclude some of the lands located on the west side of Ocean View Drive. It is our hope that you will give favorable consideration to reincluding some of these lands, including the above captioned properties owned by my client and his associates.

As background, five couples acquired the above captioned properties in early 1973. At that time the property was in a single parcel. All close friends, there objective was for each construct a home on individual parcels which would be created as each couple was prepared to build. As they proceeded with their plans, the impact of Oregon's land use laws allowed only the first three homes to be constructed. The two couples who have not been able to build their homes have waited many years for this UGB amendment process as the only solution which enable them to build alongside their close friends as originally planned over twenty years ago.

While we recognize the desire and necessity to preserve the large blocks of productive farm land situated between Highway 101 and Ocean View Drive, the above captioned properties and others on the west side of Ocean View Drive should be reincluded because, first, they are predominantly zoned for and developed with residential uses supported by public water service. In the future, there will be a need to extend public sewer service along Ocean View Drive to serve other land in the UGB which is located further south, and to abate existing health hazards. The extension of public sanitary sewer facilities through land not within the UGB will require a goal exception, a lengthy and problematic process which can be avoided by including land along the facility corridor. Inclusion of this land will also include an existing public park which can be more fully developed to support the planned surrounding urban uses if it too is included in the UGB.

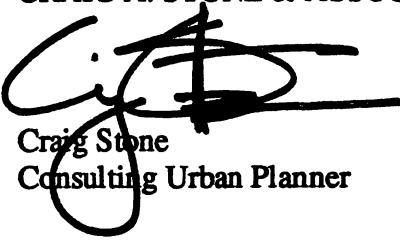
There is well established precedent in Oregon for UGBs which completely surround land that is not included, and has been left out due to resource value. In this instance, the large blocks of farm land can be excluded while including the other lands on the west side of Ocean View Drive, and these lands can be included in full compliance with the relevant substantive criteria for amending UGBs as set forth in Statewide Planning Goals 14 and 2, and in OAR 660-04. We urge your favorable consideration, and will appreciate including this letter in the record of the UGB amendment proceedings.

The attached maps depict the location of the property in relation the present corporate limits of the city and existing urban growth boundary proposal.

We appreciate your consideration.

Sincerely yours,

CRAIG A. STONE & ASSOCIATES, LTD.



Craig Stone
Consulting Urban Planner

CAS/m

Enclosures

cc. Glen Hale
Dick Stark
L.C. Ashcraft
File

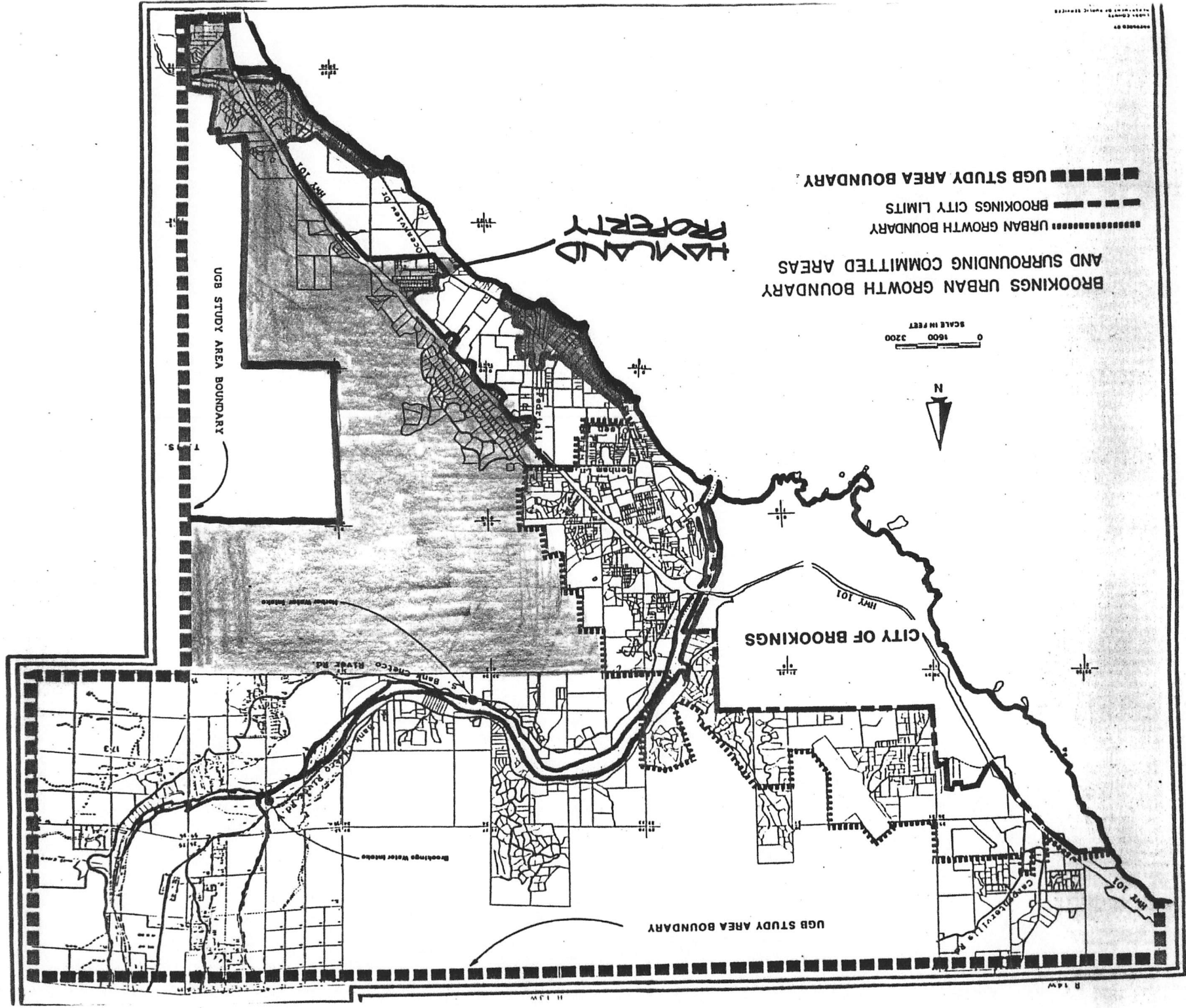
BROOKINGS URBAN GROWTH BOUNDARY AND SURROUNDING COMMITTED AREAS

URBAN GROWTH BOUNDARY
BROOKINGS CITY LIMITS
UGB STUDY AREA BOUNDARY

SCALE IN FEET
0 1600 3200



HAWLAND PROPERTY



UGB STUDY AREA BOUNDARY

UGB STUDY AREA BOUNDARY

1.405

