

AGENDA
City of Brookings
Special Council Meeting

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

Monday, October 20, 2008, 7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call

IV. Public Hearings

In the matter of File No. APP-2-08, an appeal of the Planning Commission's approval of a Detailed Development Plan (DDP) for Southwestern Oregon Community College (SWOCC), on a 10 acre site and a subdivision creating this 10 acre parcel and platting a street from an 80 acre parent parcel; located on the easterly side of Highway 101 approximately 1 mile north of its intersection with Carpenterville Road; Assessor's Map 40-14-00 Tax Lot 2400; zoned Master Plan Development (MPD); Oregon Shores and Catherine Wiley, appellants; CRAG, representative. Criteria used to decide this application can be found in Section 156-appeal to City Council; Section 70-Master Plan Development District (MPD); Section 100-Hazardous Building Site Protection; Section 176.060-Major Partitions and Subdivisions; and Section 172-Public Facilities, of the Brookings Land Development Code (ord.89-0-446). Reviewing the DDP (Detailed Development Plan) using these code sections is required by Chapter 70.110-MPD.

V. Remarks from Mayor and Councilors

- A. Mayor
- B. Councilors

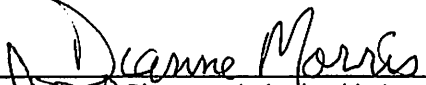
VI. Adjournment

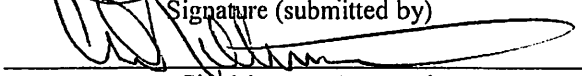
All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS**COUNCIL AGENDA REPORT**

Meeting Date: October 20, 2008

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: A request for approval of a Detailed Development Plan, DDP-1-08, to site Southwest Oregon Community College (SWOCC) campus in the approved Master Plan of Development (MPoD), known as Lone Ranch Master Plan was approved by the Planning Commission at their September 2, 2008 meeting. This decision has been appealed by CRAG Law Center and Catherine Willey in file #APP-2-08.

Recommended Motion: Uphold the Planning Commission decision to approve the DDP to site the college campus and direct staff to prepare a final order.

Financial Impact: None.

Background/Discussion: A Master Plan of Development (MPoD) is the conceptual design for a large project approved by the Planning Commission and City Council. Detailed Development Plans (DDP) are the specific details for a phase of the Master Plan. A DDP must receive approval from the Planning Commission before construction can begin on any phase of the MPoD. The college campus site is part of the approved Lone Ranch Master Plan (LRMP). The Planning Commission gave approval to SWOCC's DDP after reviewing the criteria, written comments, and public testimony.

17.70.110, Effective Date and Assurance, Brookings Municipal Code states, "Changes to zoning ordinances, policies and standards adopted after the date of approval of the plan shall not apply to the development during the duration of the plan." Since the approval of LRMP, the City had all their Ordinances codified into the Brookings Municipal Code which changed all the citations. A few revisions to the Code also affected the DDP and those were covered in the Final Order and Conditions of Approval in the Planning Commission action. For clarification Staff has redone the original Planning Commission staff report using the citations in effect at the time the Lone Ranch Master Plan was approved. That revised staff report follows this document.

All the materials that are part of the record on this matter are included in this packet (Exhibits A – H are materials from the Planning Commission hearings):

- Exhibit A - original Planning Commission staff report and Attachments – Pages 15-110
- Exhibit B – Materials turned in prior to the Aug. 5th hearing – Pages 111-164
- Exhibit C – Materials turned in at the Aug. 5th hearing – Pages 165-168
- Exhibit D – Materials turned in during the 7 day period following hearing – Pages 169-195
- Exhibit E – Materials rebutting items submitted in previous 7 days – Pages 196-198
- Exhibit F – Final rebuttal by Applicant – Pages 199-200

- Exhibit G – Staff responses to materials submitted and proposed Conditions of Approval - Pages 201-211
- Exhibit H – Planning Commission Final Order and Conditions of Approval Pages 212-240
- Exhibit I - Materials turned in by Appellant and Applicant in response to this appeal – Pages 241-244
- Exhibit J – This Council Agenda Report and the attached revised Staff Report – Pages 1-14
- Exhibit K - Staff's responses to the appeal issues – Pages 246-248
- Exhibit L – Proposed Conditions of Approval – Pages 249-256

As you read through this packet you will see the initial review of the application and the Applicant's submittals (Attachments A-O) in Exhibit A. Exhibits B through F contain written comments received during the hearing process and the Applicant's responses. Exhibit G is Staff's response to the Planning Commission addressing the concerns expressed in the previous Exhibits. Exhibit J is this Council Agenda Report and revised Staff Report. Exhibit J is out of order in the packet due to the need for explanation of the packet that follows. Exhibit K is Staff's responses to concerns submitted with this appeal, which are found in Exhibit I, as are the Applicant's responses to the concerns. Exhibit L is the proposed Conditions of Approval for APP-2-08, DDP-1-08.

Attachment: Revised Staff Report references Land Development Code citations in effect when LRMP was approved.

CITY OF BROOKINGS CITY COUNCIL
STAFF AGENDA REPORT

SUBJECT: Appeal of the Detail Development Plan for
Southwest Oregon Community College

FILE NO: APP-2-08/ DDP-1-08

REPORT DATE: October 8, 2008

HEARING DATE: October 20, 2008

GENERAL INFORMATION

PROPERTY OWNER: U.S. Borax, Inc.

APPLICANT: Southwest Oregon Community College (SWOCC)

REPRESENTATIVE: Dr. Sheldon Meyer, SWOCC; Mike Crow, Crow/ Clay and Associates, Inc.

APPELANTS: Oregon Shores, Courtney Johnson and Catherine Wiley

REQUEST: Appeal of the Planning Commissions approval of a Detailed Development Plan for a College campus within the Lone Ranch Master Plan area.

TOTAL LAND AREA: 10 acre College site and a 67.6 acre remainder parcel.

LOCATION: The subject property is located on the east side of Highway 101 approximately 0.8 miles north of Carpenterville Road. It is located in the southerly portion of the Lone Ranch Master Plan area.

ASSESSOR'S MAP NUMBER: Map 40-14 & Index; Tax lot 2400.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: Master Plan of Development (MPD)

PROPOSED: Same.

SURROUNDING: West of Highway 101 – County Public Facilities (PF); surrounding property on the north, east, and south is zoned MPD and is all part of the Lone Ranch Master Plan area.

COMP. PLAN: Master Plan of Development (MPD).

LAND USE INFORMATION

EXISTING: Vacant.

PROPOSED: College campus site.

SURROUNDING: West of Highway 101 – vacant parkland. The surrounding property on the north, east, and south is vacant. Property to the south is the watershed area for Rainbow Rock Condominiums with their water source located approximately 1,000 ft. beyond the College campus site.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property, other interested parties, and published in the local newspaper.

LAND USE CRITERIA: **Brookings Land Development Code (Ord.89-0-446)**
Section 156, Appeal to City Council;
Section 70, Master Plan Development District;
Section 100, Hazardous Building Site Protection;
Section 176.060, Major Partitions and Subdivisions;
Section 172, Public Facilities

ATTACHEMENTS TO STAFF REPORT:

NOTE: These Attachments were submitted by the Applicant and are located following the Planning Commission's original staff report (Exhibit A).

Attachment A - Applicant's Subdivision Findings - Page 33

(Note: Upon appeal the Applicant has revised these and they are located in Exhibit I, pages 243-244)

Attachment B – DEQ Letter – Page 34

Attachment C – Geologic Report/ Engineered Plans – Pages 35-64

Attachment D – Public Works Utility Confirmation Form – Page 65

Attachment E – Coos Curry Electric Letter – Page 66

Attachment F – Landscape Plan/ Lighting – Pages 67-73

Attachment G – Applicant's DDP Narrative Findings – Pages 74-75

Attachment H – City Engineer Memo – Page 76

Attachment I – Applicant's Findings for LRMP Conditions of Approval – Pages 77-81

Attachment J – US Fish and Wildlife letter – Page 82

Attachment K – Or. Dept. of Fish and Wildlife letter – Page 83

Attachment L – Or. State Archaeologist letter – Page 84

Attachment M – Applicant's Traffic Impact Study – Pages 85-104

Attachment N – Or. Dept. of Transportation letter – Page 105

Attachment O – Applicant's Modifications to Findings - Page 106

Attachment P – Proposed Conditions of Approval – Pages 107-110

BACKGROUND INFORMATION

The Land Development Code provides for approval of a Master Plan of Development (MPoD). The Master Plan provides a general plan for the proposed uses, streets, utilities, densities etc. Each phase within the Master Plan area must submit a Detailed Development Plan (DDP) for approval prior to any development permits being issued to begin construction. The DDP must demonstrate compliance with the MPoD and provide details concerning the proposed development. Lone Ranch Master Plan was approved and included a 10 acre College campus site. This DDP is requesting approval of the College campus site and the southern entrance street to the development.

PROPOSED COLLEGE CAMPUS DEVELOPMENT

The Lone Ranch Master Plan included a 10 acre site to be given to Southwest Oregon Community College to develop a campus. The Lone Ranch Master Plan is incorporated in this staff report by this reference. Attachment A, Exhibit # 1, Page 27 following this report is a copy of the survey plat creating the entrance street, Lone Ranch Parkway, and the 10 acre College site. Attachment A, Exhibit # 2, Page 28 depicts the entrance way, parking, footprint of the structure and other development details as well as topography. There is only one two-story structure proposed. The Lone Ranch Master Plan states the footprint for the College structure will be no greater than 17,500 sq. ft. The Applicant states the footprint of the proposed structure is approximately 12,500 sq. ft. Attachment A, Exhibit # 3, Page 29 is the floor plan of the structure. Attachment A, Exhibit # 4, Page 30 is the Lone Ranch Master Plan showing the location of the College site in relationship to the rest of the area. The College site is an east-west trending knob or hill at an elevation of 278 feet. The top of the knob will be removed to create a level development site at approximately 250 feet elevation. The Lone Ranch Master Plan states only 5.03 of the 10 acre site will have development and the remainder will be open space. The Applicant states the proposed development plan covers only 2.25 acres. The Lone Ranch Master Plan Final Order states each DDP will use the existing zoning standards for the type of use proposed. The Public/ Open Space zone of the LDC allows public schools as an outright use. The proposed structure meets the setback and height requirements for that zone.

There are various criteria and Conditions of Approval the Applicant needed to address: Subdivision, DDP, Hazardous Building Site, Streets, and Utilities criteria, as well as compliance with the Lone Ranch Master Plan and Conditions of Approval from the Final Order. This report will address each criterion individually.

ANALYSIS

Section 176.060(C), Subdivisions, LDC states:

- 1. Conformance with the Comprehensive Plan, and applicable development standards of this code, and state and federal laws.**

RESPONSE: The subdivision plat is needed and anticipated in the Lone Ranch Master Plan (LRMP) to allow deeding of this property to SWOCC. Staff has reviewed the plat and, if approved, it will be recorded in compliance with Oregon surveying requirements.

2. **Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.**

RESPONSE: Presently the property is in U.S. Borax ownership and the creation of the entrance street allows for future extension of the street to provide access to the surrounding property.

3. **Adjoining property under separate ownership can either be developed or be provided access (connectivity) that will allow its development in accordance with this code.**

RESPONSE: As explained above the entire Lone Ranch Master Plan area is in one ownership and with the creation of the entrance street access to the remaining area can be provided.

4. **Conditions necessary to satisfy the intent of the Land Development Code and Comprehensive Plan can be satisfied prior to final approval.**

RESPONSE: Conditions of approval for the tentative plat are able to be met prior to final approval.

5. **The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.**

RESPONSE: The proposed street provides direct access to Highway 101 to the entrance for the College campus in the area approved in the Lone Ranch Master Plan in which the traffic circulation was considered.

6. **The proposed name of the subdivision shall be approved by the Commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town," "city," "place," "court," "addition," or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.**

RESPONSE: The proposed subdivision name, College at Lone Ranch, is not in conflict with existing subdivision names.

7. **The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to, or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.**

RESPONSE: The proposed street name, Lone Ranch Parkway, is not in conflict with existing street names within the 97415 zip code area.

8. **Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.**

RESPONSE: Lone Ranch Parkway will be constructed as approved in the LRMP and dedicated to the City as a public street.

Section 176, Public Facilities, Streets, LDC

This Section has general development standards and standard right-of-way and road widths. The Lone Ranch Master Plan was approved with alternate street standards. Lone Ranch Parkway is designed as an "Urban Residential Collector" with a 70 ft. right-of-way, 28 ft. paved road surface, a 10 ft. multi-use path on the south side, and a bioswale on the north side (**Exhibit 5, Page 31**). As explained by the Applicant the street will have a curb on the south side and bioswale to collect drainage, rather than a piped drainage, to better protect the wetlands in the area. A Condition of Approval will require construction plans be submitted and approved by the City. When the street is constructed and approved it will be a public road dedicated to the City. The Applicant has requested a Deferred Improvement Agreement (DIA) for the 10 ft. multi-path, located adjacent to the western boundary, to allow postponement of construction until the adjacent, connecting multi-path is approved and constructed. The City supports this request. The City is also applying for a grant from the US Forest Service to study pedestrian/ bicycle paths throughout the City. The exact location of the connecting paths in the Master Plan area may be effected by the outcome of this study. Requiring a DIA for the path will be a condition of approval.

Section 172, Public Facilities, Utilities, LDC

This Section has general development standards relating to both on-site and off-site utilities.

- Water – The campus site will be served by City water. The Applicant will be responsible to construct the water main in the right-of-way to the subject property as well as to the private lines serving the site. Submission of construction plans, installation of the water main/ lines, and approval will be a Condition of Approval.
- Sewer – The City sewer main has not been extended to the subject property. The LRMP had the option of a temporary on-site septic system serving the College campus. The Applicant has chosen that option and submitted a letter from the Department of Environmental Quality (DEQ) citing the Oregon Administrative Rule authorizing the temporary holding tank type system (**Exhibit A, Attachment B, Page 34**). Obtaining and submitting a copy of the DEQ permit for this system, as well as installation and documentation of approval will be a Condition of Approval.
- Storm Drainage – The Applicant has provided a stormwater management plan done by an engineer to describe the conditions both before and after construction and how stormwater will be dealt with (**Exhibit A, Attachment C, Pages 35-64**). (The engineered plans have additional technical materials such as "runoff calculations" that you may review at the Planning Department if you wish to see them.) The plans discuss the use of detention ponds, filtration, treatment facilities, filter strips, and vegetated swales to release storm water at pre-construction rates. Additional geologic reports may be needed for final detention pond design, if required by the City Engineer. Submission of construction plans, installation of the stormdrainage facilities, and approval by the City will be required. The plat must state the storm drainage facilities will be owned and maintained by SWOCC. These items will all be Conditions of Approval. This topic is

dealt with in relation to other criteria elsewhere in this staff report.

The Public Works Department has reviewed the application and provided a Utility Confirmation Form (**Exhibit A, Attachment D, Page 65**).

The Applicant has provided a utility confirmation form from Coos-Curry Electric Cooperative (**Exhibit A, Attachment E, Page 66**).

FINDINGS

The following are findings related to the above referenced criteria.

1. The applicant is requesting approval of a subdivision plat creating the entrance street, Lone Ranch Parkway, a 10 acre College site, and a remainder parcel.
2. The applicant has submitted all the materials required by Section 176.060, Subdivisions, 172, Public Facilities, LDC for preliminary approval of the subdivision plat.
4. The applicant has submitted findings addressing the criteria found in Section 176.060 (C), Subdivisions, (**Exhibit A, Attachment A, Page 33**) and Staff has provided responses to the above criteria, as well.

Section 70.140, Detailed Development Plan (DDP)

(B) Graphic Requirements – This requires the Applicant to submit materials showing topography, proposed structures, landscape plan, utility and circulation plan, open spaces, and lighting. Most of these are depicted in Exhibits 1- 4. The other materials are found in **Exhibit A, Attachment F, Pages 67-73**.

(C) Narrative Requirements – The Applicant has provided findings addressing this requirement in **Exhibit A, Attachment G, Pages 74-75**.

Section 70.170, Review Criteria for Determining Compliance with Master Plan of Development (MPoD) states:

1. **Increase in development density and/or intensity that results in a peak hour trip generation of greater than 10 percent of the total approved in the MPoD.**

RESPONSE: The proposed College campus is only a small percentage of the trip generation approved in LRMP. There is no increase proposed with this application.

2. **Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified.**

RESPONSE: The LRMP proposed a 17,500 sq. ft. footprint for the structure on the College campus. This application has a structure with a footprint of 12,500 sq. ft. There is no increase proposed with this application.

3. **Reduction of more than 10 percent of the area reserved for common open space and / or usable open space**

from what was previously specified.

RESPONSE: The LRMP specified no more than 5.03 ac of the 10 ac. College site would be developed. The Applicant indicates only 2.25 acres will be used by the proposed development (**Exhibit 6, Page 32**). There is no reduction in the open space requirement.

4. Increase in the total ground area proposed to be covered by structures by more than five percent from what we previously specified.

RESPONSE: See # 2 above.

5. Reduction of specific setback requirements by more than 25 percent where previously specified.

RESPONSE: The Public/ Open Space (P/OS) zone allows public schools as an outright use and is the appropriate zone standards for setbacks and height requirements. The proposed structure meets the setback and height requirements for the P/OS zone. No reduction in setbacks has been requested.

6. Reduction of project amenities provided such as recreational facilities, screening, and/ or landscaping provisions by more than 10 percent from what was previously specified.

RESPONSE: None of the above amenities were proposed in the LRMP for the College site. No reduction is requested.

7. If subdivision or partition, the application does not meet the applicable requirements of Chapter 17.172, BMC.

RESPONSE: This application does include a subdivision and the needed materials to address Chapter 17.172 have been provided as shown earlier in this staff report.

FINDINGS

The following are findings related to the above referenced criteria.

1. The Applicant is requesting approval of a Detailed Development Plan (DDP) for a College campus on a 10 acre site located within the LRMP area.
2. The Applicant has provided findings in **Exhibit A, Attachment F and G, Pages 67-75** and Staff has provide responses to the above criteria to demonstrate the application meets the DDP requirements and criteria.

Section 100, Hazardous Building Site Protection, LDC – As the subject property has slopes greater than 15%, the requirements of Section 100 must be addressed. A geologic hazard report and engineered plans dealing with erosion control, stormwater management, grading, and vegetation removal, as required, have been submitted (**Exhibit A, Attachment C, Pages 35-64**). The report states removal of the rock will increase slope stability by not disturbing the exterior slopes with development and retaining vegetation on the slopes. The City's Engineer has peer reviewed the materials and made comments (**Exhibit A, Attachment H, Page 76**).

FINDINGS

The following are findings related to the above referenced criteria.

1. The Applicant has provided the required materials (**Exhibit A, Attachment C, Pages 35-64**) to address Section 100, LDC for the subject property.
2. The City's Engineer has peer reviewed the materials (**Exhibit A, Attachment H, Page 76**) and determined they adequately address the requirements.
3. A Condition of Approval will be the submission of engineered construction plans based on the materials submitted to address Section 100, LDC. These must be reviewed and approved by the City and then constructed and approved upon completion.

Conditions of Approval for the Lone Ranch Master Plan Development

Following are the Conditions of Approval from MPD-1-04, LRMP and Staff responses.

LONE RANCH MASTER PLAN

MPD-1-04/Remand

(As Amended by the City Council August 22, 2005)

General Conditions

1. Approval of this Master Plan will expire in 15 years or in four (4) years from approval, unless a Detailed Development Plan (DDP) pursuant to Section 70, Master Plan Development District, of the Land Development Code, is submitted and approved by the Planning Commission and construction of the DDP shall start within three years of approval. Each subsequent DDP must be filed within four (4) years of the completion of the previously approved DDP, or the Master plan will expire. If the conditions at the time warrant, the Planning Commission may extend the 15 year Master Plan permit or the four (4) year DDP permit period for an additional two-year period at the request of the applicant.

RESPONSE: The Master Plan has not expired. The submission of the DDP application has been made in a timely manner.

2. The conditions stated herein are mandatory and must be completed. Failure to comply with any condition will result in the review and possible revocation of your permit pursuant to Section 70, of the Land Development Code.

RESPONSE: The findings of the Applicant and Staff in this staff report demonstrate compliance with these conditions.

3. All subsequent applications for a DDP shall be in substantial conformance with the appropriate area of the approved Master Plan. Any deviation from the approved Master Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the approved Master Plan.

RESPONSE: This DDP application reflects what was approved for this site in the Master Plan.

4. Prior to any construction or grading on the site, the applicant shall submit 4 copies of the construction plans to the city staff to be reviewed and approved by the City Engineer. With the exception of the removal of the rock and reclamation in the area of the existing quarry, (ODOT Quarry and College site) the applicant shall submit a DDP for review and approval of the Planning Commission prior to construction or grading for that phase of the construction.

RESPONSE: This Condition of Approval requiring construction plans submitted and approved by the City will be incorporated in the Final Order for the DDP.

5. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor, a telephone number and address where the contractor can be reached.

RESPONSE: This Condition of Approval requiring posting of a contractor information sign will be incorporated in the Final Order for the DDP

6. The applicant shall consult with all applicable state and federal agencies to develop measures to protect the existing wetlands and the associated western lily.

RESPONSE: The Applicant has provided the Engineer's storm drainage and erosion control report to the US Fish and Wildlife Service (USFW). A letter dated June 10, 2008 from USFW states there are no western lilies located on the proposed campus site and they have no objection to the project (Exhibit A, Attachment J, Page 82). The Applicant has also provided the Engineer's storm drainage and erosion control report and a wetland delineation to the Department of State Lands (DSL) and Army Corps of Engineers. With these materials the Applicant has also submitted an application to fill a portion of the wetland located at the southern entrance to the LRMP area. This was proposed in the LRMP. A Condition of Approval will be obtaining written concurrence from DSL and the Corp for the wetland delineation and requested fill permit. The Applicant has also submitted a letter dated June 9, 2008 from Oregon Department of Fish and Wildlife indicating the development meets or exceeds riparian vegetation setback requirements (Exhibit A, Attachment K, Page 83).

Conditions Prior To Development of Any College, Commercial or Residential Phase.

To ensure that all infrastructure facilities are in place to support the first phase of development, the following conditions shall be met prior to or simultaneously with the approval of the first phase of construction for either commercial, College or residential development on the site.

7. Prior to any construction within the project area, the applicant shall submit four (4) copies of street construction plans providing access into the site, for review and approval of the City Engineer and an application for a DDP for the street construction for review and approval by the Planning Commission.

RESPONSE: This Condition of Approval requiring submission and approval of street construction plans will be incorporated in the Final Order for the DDP

8. All streets shall be constructed in the manner and standards set forth in the approved Master Plan for that street segment. Any deviation from that of the approved Master Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the Master Plan document.

RESPONSE: A Condition of Approval will require the street to be constructed as proposed in this application which is in compliance with the LRMP. The street will be platted to the northeast corner of the College parcel as shown on the plat. The Applicant has requested that the construction of the street end approximately 175 feet from the northeast corner to avoid impacting a wetland located in that area at this time. Staff supports this request with the inclusion of a Condition of Approval stating SWOCC will sign and record a Deferred Improvement Agreement agreeing to pay a proportionate amount of the cost for construction of the street and utilities to the northeast corner of the subject property at such time as the street needs to be extended for a future phase of the development.

9. Prior to any construction within the project area, the applicant shall submit four (4) copies of water system construction plans providing service to the construction site, for review and approval of the City Engineer and an application for a DDP for the water system construction for review and approval by the Planning Commission.

RESPONSE: This Condition of Approval requiring submission and approval of water system construction plans will be incorporated in the Final Order for the DDP

10. All water lines shall be installed pursuant to the provisions set forth in the OAR Chapter 33, Sections 42-200 through 42-243, by the Oregon State Health Division and the City of Brookings Standard Specifications Document.

RESPONSE: This will be a Condition of Approval incorporated in the Final Order for the DDP

11. Prior to any construction within the project area, the applicant shall submit four (4) copies of sanitary sewer construction plans providing service to the construction site, for review and approval of the City Engineer and an application for a DDP for the sanitary sewer system construction for review and approval by the Planning Commission.

RESPONSE: This Condition of Approval requiring submission and approval of sanitary sewer system construction plans will be incorporated in the Final Order for the DDP

12. Sanitary sewer installation shall comply with the standards of the State of Oregon Department of Environmental Quality and the provisions of Brookings City Ordinance No. 430, and Standard Specifications Document, dated August 1988.

RESPONSE: This will be a Condition of Approval incorporated in the Final Order for the DDP

13. All development shall comply with the state regulations regarding cultural resources, specifically, ORS 358.905 to 358.955, ORS 390.235 to 390.240 and ORS 97.740 to 97.760, to the extent applicable.

RESPONSE: The Applicant has contacted Parks and Recreation Department, State Historic Preservation Office and submitted a letter from that Department dated June 12, 2008 which recommends sub-surface probes be conducted by an archaeological consultant in the project area slated for development (Exhibit A, Attachment L, Page 84) . This recommendation, as well as complying with the state regulations regarding cultural resources identified above, will be a Condition of Approval incorporated in the Final Order for the DDP.

14. All street, water, sewer storm drainage and other utility construction to be carried out simultaneously may be included in one DDP for review and approval by the City Engineer and Planning Commission.

RESPONSE: The Applicant has submitted preliminary plans for the above items in their DDP.

15. The project water system shall be developed to connect to the existing city system and allow reverse flows.

RESPONSE: The Applicant states in his findings that the water system will be designed to accommodate reverse flows.

16. The applicant shall be prepared to provide a geological report related to the installation and construction of streets and utilities if required by the City Engineer.

RESPONSE: The Applicant states in his findings that a geologic report will be provided if required by the City Engineer.

Conditions for the Development of Commercial, College or Residential Phases.

17. Prior to the construction of any phase or partial phase of the project the applicant shall submit a DDP pursuant to Section 70 of the Land Development Code, for review and approval by the Planning Commission.

RESPONSE: The Applicant has submitted this application to meet this Condition of Approval.

18. Each DDP shall be in significant conformance for that phase or partial phase of the area shown in the approved Master Plan. Any deviation beyond that allowed by Section 70 shall require an amendment to the Master Plan document.

RESPONSE: As stated previously, the proposed DDP does conform to the LRMP.

19. Each phase of development shall be complete within itself for access, water service, sewer service, storm drainage, and all utilities, and all streets, services and utilities shall be extended to the furthest limit of the phase to ensure connection to the next phase.

RESPONSE: The proposed development is complete in the areas of access and utilities. See response to Condition of Approval # 8 for the proposal concerning the street.

20. Each DDP containing slopes greater than 15% shall include a geological report pursuant to Section 100, Hazardous Building Site/Hillside Development Standards, of the Land Development Code.

RESPONSE: Section 100, Hazardous Building Site Protection, LDC has been addressed earlier in this report.

21. All appropriate federal and state permits related to the direct impact of development on the waters of the State or U.S. shall be obtained prior to development.

RESPONSE: This will be a Condition of Approval incorporated in the Final Order for the DDP

22. Prior to approval of the Detailed Development Plan (DDP), covenants, which are enforceable by the city, protecting Western Lilies shall be provided as part of each DDP, which includes known Western Lily habitat.

RESPONSE: A letter from the U.S. Department of the Interior dated June 10, 2008 (Exhibit A, Attachment J, Page 82) states there are no western lilies within the development area.

23. Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRSA) surface water supply system, the applicant shall demonstrate how the water and water supply system will not be negatively affected. Each DDP shall evaluate the impact of development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system.

RESPONSE: Stormwater Management Plan / Hydrology and Stormwater report discussed earlier has been submitted and peer reviewed by the City Engineer. As stated in the City Engineer's comments, utilizing the proposed engineered plans will protect the Rainbow Rock Service Association's water and water supply system from adverse affects (Exhibit A, Attachment H, 76).

24. All required improvements to Highway 101 at the Lone Ranch access as identified in the Lone Ranch Transportation Impact Study, dated April 19, 2004 shall be required as part of the ODOT access permit for that entrance. The specific configuration of the improvements to Highway 101 at the southern access will be negotiated between the applicant and ODOT.

RESPONSE: The entrance street serving the College site is proposed as a "Urban Residential Collector (curbed)" with two paved travel lanes and a 10 ft. multi-use path (Exhibit 5, Page 31). At such time as another phase of development uses this southern entrance a third lane will be constructed at the entrance area. The Applicant submitted a Traffic Impact Study (TIS) (Exhibit A, Attachment M, Pages 85-104) describing the limited number of vehicle trips generate by the College use and stated the improvements to Highway 101 are not needed until further development is proposed. The original April 19, 2004 TIS considered "Phase 1" to include 680 dwelling units, the neighborhood commercial uses, and the College, resulting in the immediate need for the Highway 101 improvements. Oregon Department of Transportation (ODOT) agreed with the Applicant's TIS analysis that stated with only the College proceeding at this time the improvements are not warranted. ODOT is processing the access permit (Exhibit A, Attachment N, Page 105).

25. The applicant shall support any future effort to reestablish the ability for fish passage under Highway 101 for Lone Ranch Creek, Ram Creek and Taylor Creek. "Support" means that the applicant shall not oppose such efforts.

RESPONSE: The Applicant agrees to support and not oppose efforts to reestablish fish passage under Highway 101.

26. If any DDP will result in development that is projected to exceed the 1036 total master plan PM peak hour trips or the 839 net new PM peak hour trips as identified in the Lone Ranch Transportation Impact Study, taking into account traffic generated in previous phases, an additional transportation impact study will be required to be submitted with the DDP application and the DDP may be approved only if consistent with the Transportation System Plan.

RESPONSE: The proposed DDP will not result in greater trip generation than stated above. The Applicant, however, has provided and Transportation Impact Study (Exhibit A, Attachment K, Page 83).

27. To assure that the mobility standards are met at the intersection of Highway 101/Carpenterville Road, no DDP should be approved that would exceed the acceptable ODOT mobility standards for Highway 101/Carpenterville Road intersection until the City of Brookings TSP is amended to identify recommend improvements or a change to standards and the Lone Ranch development pays a proportionate share to these improvements. Analysis at Highway 101/Carpenterville Road should be conducted to determine the level of impact for each DDP until the City of Brookings TSP is amended to include the necessary improvements.

RESPONSE: The City has already amended the Transportation Impact Study (TIS) to include recommended improvements at the intersection of Carpenterville Rd. and Highway 101. The Applicant's TIS demonstrates that traffic generated from the College will not exceed the acceptable ODOT mobility standards for Highway 101/ Carpenterville Road intersection. ODOT has submitted written comments stating they "have no issues with the study that was submitted" (Exhibit A, Attachment N, Page 105).

28. A hydrologic study shall be provided with each DDP, and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. Each successive hydrologic study will cumulatively incorporate and consider the information provided in the previously prepared hydrologic studies. The City will review the agency comments regarding the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of wetlands and western lilies. At the time of DDP review, the City shall require changes to the DDP that it determines are needed to comply with applicable standards and to protect wetlands and western lilies.

RESPONSE: The Applicant has submitted the hydrologic study to the U.S. Department of the Interior, Department of State Lands, and U.S. Army Corp of Engineers. The U.S. Department of the Interior indicated they would have their comments to the Applicant by the date of the hearing.

29. The applicant shall establish Covenants, Conditions and Restrictions (CC&Rs) requiring the Homeowners' Association or Associations to maintain drainage swales located adjacent to streets that do not have curbs and gutters or other hard drainage systems. The CC&Rs shall provide that the city may enforce the maintenance of the swales, which includes the right to access all properties necessary to conduct the maintenance, either through legal action or by providing the maintenance and billing the Homeowners' Association or Associations. All such expenses, costs, and charges may be enforced by the city as liens against the real properties of individual members of the Homeowners' Association or Associations. The CC&Rs shall also contain a clause stating that any proposed change to this covenant must be approved by the city. The proposed CC&Rs as to the maintenance of the swales and the city's ability to enforce the CC&Rs, must be approved by the city prior to recordation.

RESPONSE: The Applicant has submitted a "Swale Maintenance Covenant" (Last page of Attachment H). As SWOCC will not have a Homeowners' Association the document states the property owner of the subject property is the responsible party. The City agrees this is appropriate. Additional language is needed to describe enforcement procedures and potential changes to the Covenant. This will be a Condition of Approval incorporated in the Final Order for the DDP.

30. The Master Plan document is hereby amended to include all changes made by the Errata Sheet dated June 4, 2004 and to indicate that the maximum building height for single family detached and single family attached homes is 30 feet and the maximum building height for multiple family and commercial buildings is 40 feet. The applicant shall provide the city with 4 copies of the amended Master Plan document.

RESPONSE: Borax has provided the City with copies of the amended Master Plan document.

FINDINGS:

The following are findings related to the above referenced criteria.

1. The Applicant is requesting approval of a DDP for Southwest Oregon Community College campus in the Lone Ranch Master Plan area.
2. All Conditions of Approval in the Final Order for LRMP must be complied with.
3. As shown in the above responses and the Applicants findings (**Exhibit A, Attachment I, Pages 77-80**), and with the proposed Conditions of Approval for this DDP, the Applicant has met this criteria.

CONCLUSIONS: The materials and findings found in this staff report and submitted by the Applicant, together with the proposed conditions of approval, adequately meet each of the criterion necessary for the approval of this Detailed Development Plan.

CONDITIONS OF APPROVAL

The proposed conditions of approval, **Exhibit L, Pages 249-256** , are attached to and hereby made a part of this report.

RECOMMENDATION

Staff recommends **UPHOLDING OF THE PLANNING COMMISSION APPROVAL** of File No. DDP-1-08, based on the findings and conclusions stated in the staff report, provided by the Applicant, and subject to the conditions of approval listed above.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Detail Development Plan for Southwest Oregon Community College REPORT DATE: July 28, 2008
ITEM NO: 7.1
FILE NO: DDP-1-08
HEARING DATE: Aug. 5, 2008

GENERAL INFORMATION

PROPERTY OWNER: U.S. Borax, Inc.

APPLICANT: Southwest Oregon Community College (SWOCC)

REPRESENTATIVE: Dr. Sheldon Meyer, SWOCC; Mike Crow, Crow/ Clay and Associates, Inc.

REQUEST: A request for approval of a Detailed Development Plan for a College campus within the Lone Ranch Master Plan area.

TOTAL LAND AREA: 10 acre College site and a 67.6 acre remainder parcel.

LOCATION: The subject property is located on the east side of Highway 101 approximately 0.8 miles north of Carpenterville Road. It is located in the southerly portion of the Lone Ranch Master Plan area.

ASSESSOR'S MAP NUMBER: Map 40-14 & Index; Tax lot 2400.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: Master Plan of Development (MPD)

PROPOSED: Same.

SURROUNDING: West of Highway 101 – County Public Facilities (PF); surrounding property on the north, east, and south is zoned MPD and is all part of the Lone Ranch Master Plan area.

COMP. PLAN: Master Plan of Development (MPD).

LAND USE INFORMATION

EXISTING: Vacant.

PROPOSED: College campus site.

SURROUNDING: West of Highway 101 – vacant parkland. The surrounding property on the north, east, and south is vacant. Property to the south is the watershed area for Rainbow Rock Condominiums with their water source located approximately 1,000 ft. beyond the College campus site.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property, other interested parties, and published in the local newspaper.

LAND USE CRITERIA: Chapter 17.70, Master Plan Development District, Brookings Municipal Code
Chapter 17.100, Hazardous Building Site Protection, BMC
Chapter 17.172.070, Subdivisions
Chapter 17.168, Utilities
Chapter 17.170, Street Standards

ATTACHEMENTS TO STAFF REPORT:

Attachment A - Applicant's Subdivision Findings - Page 19
Attachment B - DEQ Letter - Page 21
Attachment C - Geologic Report/ Engineered Plans - Pages 23-52
Attachment D - Public Works Utility Confirmation Form - Page 53
Attachment E - Coos Curry Electric Letter - Page 55
Attachment F - Landscape Plan/ Lighting - Pages 57-64
Attachment G - Applicant's DDP Narrative Findings - Pages 65-66
Attachment H - City Engineer Memo - Page 67
Attachment I - Applicant's Findings for LRMP Conditions of Approval - Pages 69-74

Attachment J - US Fish and Wildlife letter - Page 75
Attachment K - Or. Dept. of Fish and Wildlife letter - Page 77
Attachment L - Or. State Archaeologist letter - Page 79
Attachment M - Applicant's Traffic Impact Study - Pages 81-100
Attachment N - Or. Dept. of Transportation letter - Page 101
Attachment O - Applicant's Modifications to Findings - Page 103
Attachment P - Proposed Conditions of Approval - Pages 105-108

REFER TO
EXHIBIT J,
PAGE 4
FOR PAGE
NUMBERS

BACKGROUND INFORMATION

The Brookings Municipal Code provides for approval of a Master Plan of Development (MPoD). The Master Plan provides a general plan for the proposed uses, streets, utilities, densities etc. Each phase within the Master Plan area must submit a Detailed Development Plan (DDP) for approval prior to any development permits being issued to begin construction. The DDP must demonstrate compliance with the MPoD and provide details concerning the proposed development. Lone Ranch Master Plan was approved and included a 10 acre College campus site. This DDP is requesting approval of the College campus site and the southern entrance street to the development.

PROPOSED COLLEGE CAMPUS DEVELOPMENT

The Lone Ranch Master Plan included a 10 acre site to be given to Southwest Oregon Community College to develop a campus. The Lone Ranch Master Plan is incorporated in this staff report by this reference. Exhibit # 1 following this report is a copy of the survey plat creating the entrance street, Lone Ranch Parkway, and the 10 acre College site. Exhibit # 2 depicts the entrance way, parking, footprint of the structure and other development details as well as topography. There is only one two-story structure proposed. The Lone Ranch Master Plan states the footprint for the College structure will be no greater than 17,500 sq. ft. The Applicant states the footprint of the proposed structure is approximately 12,500 sq. ft. Exhibit # 3 is the floor plan of the structure. Exhibit # 4 is the Lone Ranch Master Plan showing the location of the College site in relationship to the rest of the area. The College site is an east-west trending knob or hill at an elevation of 278 feet. The top of the knob will be removed to create a level development site at approximately 250 feet elevation. The Lone Ranch Master Plan states only 5.03 of the 10 acre site will have development and the remainder will be open space. The Applicant states the proposed development plan covers only 2.25 acres. The Lone Ranch Master Plan Final Order states each DDP will use the existing zoning standards for the type of use proposed. The Public/ Open Space zone of the BMC allows public schools as an outright use. The proposed structure meets the setback and height requirements for that zone.

There are various criteria and Conditions of Approval the Applicant needed to address: Subdivision, DDP, Hazardous Building Site, Streets, and Utilities criteria, as well as compliance with the Lone Ranch Master Plan and Conditions of Approval from the Final Order. This report will address each criterion individually.

ANALYSIS

Chapter 17.172.070 (B), Subdivisions, BMC states:

- 1. Conformance with the Comprehensive Plan, and applicable development standards of this code, and state and federal laws.**

RESPONSE: The subdivision plat is needed and anticipated in the Lone Ranch Master Plan (LRMP) to allow deeding of this property to SWOCC. Staff has reviewed the plat and, if approved, it will be recorded in compliance with Oregon surveying requirements.

- 2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.**

RESPONSE: Presently the property is in U.S. Borax ownership and the creation of the entrance street allows for future extension of the street to provide access to the surrounding property.

- 3. Adjoining property under separate ownership can either be developed or be provided access (connectivity) that will allow its development in accordance with this code.**

RESPONSE: As explained above the entire Lone Ranch Master Plan area is in one ownership and with the creation of the entrance street access to the remaining area can be provided.

4. **The proposed name of the subdivision shall be approved by the Commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town," "city," "place," "court," "addition," or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.**

RESPONSE: The proposed subdivision name, College at Lone Ranch, is not in conflict with existing subdivision names.

5. **The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to, or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.**

RESPONSE: The proposed street name, Lone Ranch Parkway, is not in conflict with existing street names within the 97415 zip code area.

6. **Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.**

RESPONSE: Lone Ranch Parkway will be constructed as approved in the LRMP and dedicated to the City as a public street.

7. **If the developer intends to record and develop a subdivision granted preliminary plat approval in phases, the Planning Commission may authorize a total time schedule for platting all phases not to exceed ten (10) years, but the first phase and each subsequent phase must each be recorded within consecutive three (3) year periods.**

RESPONSE: The Applicant has not requested approval of phases.

Chapter 17.170, Streets, BMC

This Chapter has general development standards and standard right-of-way and road widths. The Lone Ranch Master Plan was approved with alternate street standards. Lone Ranch Parkway is designed as an "Urban Residential Collector" with a 70 ft. right-of-way, 28 ft. paved road surface, a 10 ft. multi-use path on the south side, and a bioswale on the north side (Exhibit 5). As explained by the Applicant the street will have a curb on the south side and bioswale to collect drainage, rather than a piped drainage, to better protect the wetlands in the area. A Condition of Approval will require construction plans be submitted and approved by the City. When the street is constructed and approved it will be a public road dedicated to the City. The

Applicant has requested a Deferred Improvement Agreement (DIA) for the 10 ft. multi-path to allow postponement of construction until the adjacent, connecting multi-path is approved and constructed. The City supports this request. The City is also applying for a grant from the US Forest Service to study pedestrian/ bicycle paths throughout the City. The exact location of the connecting paths in the Master Plan area may be effected by the outcome of this study. Requiring a DIA for the path will be a condition of approval.

Chapter 17.168, Utilities, BMC

This Chapter has general development standards relating to both on-site and off-site utilities.

- **Water** – The campus site will be served by City water. The Applicant will be responsible to construct the water main in the right-of-way to the subject property as well as to the private lines serving the site. Submission of construction plans, installation of the water main/ lines, and approval will be a Condition of Approval.
- **Sewer** – The City sewer main has not been extended to the subject property. The LRMP had the option of a temporary on-site septic system serving the College campus. The Applicant has chosen that option and submitted a letter from the Department of Environmental Quality (DEQ) citing the Oregon Administrative Rule authorizing the temporary holding tank type system (**Attachment B**). Obtaining and submitting a copy of the DEQ permit for this system, as well as installation and documentation of approval will be a Condition of Approval.
- **Storm Drainage** – The Applicant has provided a stormwater management plan done by an engineer to describe the conditions both before and after construction and how stormwater will be dealt with (**Attachment C**). (The engineered plans have additional technical materials such as “runoff calculations” that you may review at the Planning Department if you wish to see them.) The plans discuss the use of detention ponds, filtration, treatment facilities, filter strips, and vegetated swales to release storm water at pre-construction rates. Additional geologic reports may be needed for final detention pond design, if required by the City Engineer. Submission of construction plans, installation of the stormdrainage facilities, and approval by the City will be required. The plat must state the storm drainage facilities will be owned and maintained by SWOCC. These items will all be Conditions of Approval. This topic is dealt with in relation to other criteria elsewhere in this staff report.

The Public Works Department has reviewed the application and provided a Utility Confirmation Form (**Attachment D**).

The Applicant has provided a utility confirmation form from Coos-Curry Electric Cooperative (**Attachment E**).

FINDINGS

The following are findings related to the above referenced criteria.

1. The applicant is requesting approval of a subdivision plat creating the entrance street, Lone Ranch Parkway, a 10 acre College site, and a remainder parcel.

2. The applicant has submitted all the materials required by Chapters 17.170, Subdivisions, 17.168, Utilities, and 17.170 Street Standards, BMC for preliminary approval of the subdivision plat.
4. The applicant has submitted findings addressing the criteria found in Chapter 17.172.070 (B), Subdivisions, (Attachment A) and Staff has provided responses to the above criteria, as well.

Chapter 17.70.140, Detailed Development Plan (DDP)

(B) Graphic Requirements – This requires the Applicant to submit materials showing topography, proposed structures, landscape plan, utility and circulation plan, open spaces, and lighting. Most of these are depicted in Exhibits 1- 4. The other materials are found in **Attachment F**.

(C) Narrative Requirements – The Applicant has provided findings addressing this requirement in **Attachment G**.

Chapter 17.70.170, Review Criteria for Determining Compliance with Master Plan of Development (MPoD)
states:

1. **Increase in development density and/or intensity that results in a peak hour trip generation of greater than 10 percent of the total approved in the MPoD.**

RESPONSE: The proposed College campus is only a small percentage of the trip generation approved in LRMP. There is no increase proposed with this application.

2. **Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified.**

RESPONSE: The LRMP proposed a 17,500 sq. ft. footprint for the structure on the College campus. This application has a structure with a footprint of 12,500 sq. ft. There is no increase proposed with this application.

3. **Reduction of more than 10 percent of the area reserved for common open space and / or usable open space from what was previously specified.**

RESPONSE: The LRMP specified no more than 5.03 ac of the 10 ac. College site would be developed. The Applicant indicates only 2.25 acres will be used by the proposed development (**Exhibit 6**). There is no reduction in the open space requirement.

4. **Increase in the total ground area proposed to be covered by structures by more than five percent from what we previously specified.**

RESPONSE: See # 2 above.

5. **Reduction of specific setback requirements by more than 25 percent where previously specified.**

RESPONSE: The Public/ Open Space (P/OS) zone allows public schools as an outright use and is the appropriate zone standards for setbacks and height requirements. The proposed structure meets the setback and height requirements for the P/OS zone. No reduction in setbacks has been requested.

6. Reduction of project amenities provided such as recreational facilities, screening, and/ or landscaping provisions by more than 10 percent from what was previously specified.

RESPONSE: None of the above amenities were proposed in the LRMP for the College site. No reduction is requested.

7. If subdivision or partition, the application does not meet the applicable requirements of Chapter 17.172, BMC.

RESPONSE: This application does include a subdivision and the needed materials to address Chapter 17.172 have been provided as shown earlier in this staff report.

FINDINGS

The following are findings related to the above referenced criteria.

1. The Applicant is requesting approval of a Detailed Development Plan (DDP) for a College campus on a 10 acre site located within the LRMP area.
2. The Applicant has provided findings in **Attachment F and G** and Staff has provide responses to the above criteria to demonstrate the application meets the DDP requirements and criteria.

Chapter 17.100, Hazardous Building Site Protection, BMC – As the subject property has slopes greater than 15%, the requirements of Chapter 17.100 must be addressed. A geologic hazard report and engineered plans dealing with erosion control, stormwater management, grading, and vegetation removal, as required, have been submitted (**Attachment C**). The report states removal of the rock will increase slope stability by not disturbing the exterior slopes with development and retaining vegetation on the slopes. The City's Engineer has peer reviewed the materials and made comments (**Attachment H**).

FINDINGS

The following are findings related to the above referenced criteria.

1. The Applicant has provided the required materials (**Attachment C**) to address Chapter 17.100, BMC for the subject property.
2. The City's Engineer has peer reviewed the materials (**Attachment H**) and determined they adequately address the requirements.
3. A Condition of Approval will be the submission of engineered construction plans based on the materials submitted to address Chapter 17.100, BMC. These must be reviewed and approved by the City and then constructed and approved upon completion.

Conditions of Approval for the Lone Ranch Master Plan Development

Following are the Conditions of Approval from MPD-1-04, LRMP and Staff responses.

LONE RANCH MASTER PLAN
MPD-1-04/Remand
(As Amended by the City Council August 22, 2005)

General Conditions

1. Approval of this Master Plan will expire in 15 years or in four (4) years from approval, unless a Detailed Development Plan (DDP) pursuant to Section 70, Master Plan Development District, of the Land Development Code, is submitted and approved by the Planning Commission and construction of the DDP shall start within three years of approval. Each subsequent DDP must be filed within four (4) years of the completion of the previously approved DDP, or the Master plan will expire. If the conditions at the time warrant, the Planning Commission may extend the 15 year Master Plan permit or the four (4) year DDP permit period for an additional two-year period at the request of the applicant.

RESPONSE: The Master Plan has not expired. The submission of the DDP application has been made in a timely manner.

2. The conditions stated herein are mandatory and must be completed. Failure to comply with any condition will result in the review and possible revocation of your permit pursuant to Section 70, of the Land Development Code.

RESPONSE: The findings of the Applicant and Staff in this staff report demonstrate compliance with these conditions.

3. All subsequent applications for a DDP shall be in substantial conformance with the appropriate area of the approved Master Plan. Any deviation from the approved Master Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the approved Master Plan.

RESPONSE: This DDP application reflects what was approved for this site in the Master Plan.

4. Prior to any construction or grading on the site, the applicant shall submit 4 copies of the construction plans to the city staff to be reviewed and approved by the City Engineer. With the exception of the removal of the rock and reclamation in the area of the existing quarry, (ODOT Quarry and College site) the applicant shall submit a DDP for review and approval of the Planning Commission prior to construction or grading for that phase of the construction.

RESPONSE: This Condition of Approval requiring construction plans submitted and approved by the City will be incorporated in the Final Order for the DDP.

5. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor, a telephone number and address where the contractor can be reached.

RESPONSE: This Condition of Approval requiring posting of a contractor information sign will be incorporated in the Final Order for the DDP

6. The applicant shall consult with all applicable state and federal agencies to develop measures to protect the existing wetlands and the associated western lily.

RESPONSE: The Applicant has provided the Engineer's storm drainage and erosion control report to the US Fish and Wildlife Service (USFW). A letter dated June 10, 2008 from USFW states there are no western lilies located on the proposed campus site and they have no objection to the project (Attachment J). The Applicant has also provided the Engineer's storm drainage and erosion control report and a wetland delineation to the Department of State Lands (DSL) and Army Corps of Engineers. With these materials the Applicant has also submitted an application to fill a portion of the wetland located at the southern entrance to the LRMP area. This was proposed in the LRMP. A Condition of Approval will be obtaining written concurrence from DSL and the Corp for the wetland delineation and requested fill permit. The Applicant has also submitted a letter dated June 9, 2008 from Oregon Department of Fish and Wildlife indicating the development meets or exceeds riparian vegetation setback requirements (Attachment K).

Conditions Prior To Development of Any College, Commercial or Residential Phase.

To ensure that all infrastructure facilities are in place to support the first phase of development, the following conditions shall be met prior to or simultaneously with the approval of the first phase of construction for either commercial, College or residential development on the site.

7. Prior to any construction within the project area, the applicant shall submit four (4) copies of street construction plans providing access into the site, for review and approval of the City Engineer and an application for a DDP for the street construction for review and approval by the Planning Commission.

RESPONSE: This Condition of Approval requiring submission and approval of street construction plans will be incorporated in the Final Order for the DDP

8. All streets shall be constructed in the manner and standards set forth in the approved Master Plan for that street segment. Any deviation from that of the approved Master Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the Master Plan document.

RESPONSE: A Condition of Approval will require the street to be constructed as proposed in this application which is in compliance with the LRMP. The street will be platted to the northeast corner of the College parcel as shown on the plat. The Applicant has requested that the construction of the street end approximately 175 feet from the northeast corner to avoid impacting a wetland located in that area at this time. Staff supports this request with the inclusion of a Condition of Approval stating SWOCC will sign and record a Deferred Improvement Agreement agreeing to pay a proportionate amount of the cost for construction of the street and utilities to the northeast corner of the subject property at such time as the street needs to be extended for a future phase of the development.

9. Prior to any construction within the project area, the applicant shall submit four (4) copies of water system construction plans providing service to the construction site, for review and approval of the City Engineer and an application for a DDP for the water system construction for review and approval by the Planning Commission.

RESPONSE: This Condition of Approval requiring submission and approval of water system construction plans will be incorporated in the Final Order for the DDP

10. All water lines shall be installed pursuant to the provisions set forth in the OAR Chapter 33, Sections 42-200 through 42-243, by the Oregon State Health Division and the City of Brookings Standard Specifications Document.

RESPONSE: This will be a Condition of Approval incorporated in the Final Order for the DDP

11. Prior to any construction within the project area, the applicant shall submit four (4) copies of sanitary sewer construction plans providing service to the construction site, for review and approval of the City Engineer and an application for a DDP for the sanitary sewer system construction for review and approval by the Planning Commission.

RESPONSE: This Condition of Approval requiring submission and approval of sanitary sewer system construction plans will be incorporated in the Final Order for the DDP

12. Sanitary sewer installation shall comply with the standards of the State of Oregon Department of Environmental Quality and the provisions of Brookings City Ordinance No. 430, and Standard Specifications Document, dated August 1988.

RESPONSE: This will be a Condition of Approval incorporated in the Final Order for the DDP

13. All development shall comply with the state regulations regarding cultural resources, specifically, ORS 358.905 to 358.955, ORS 390.235 to 390.240 and ORS 97.740 to 97.760, to the extent applicable.

RESPONSE: The Applicant has contacted Parks and Recreation Department, State Historic Preservation Office and submitted a letter from that Department dated June 12, 2008 which recommends sub-surface probes be conducted by an archaeological consultant in the project area slated for development (Attachment L). This recommendation, as well as complying with the state regulations regarding cultural resources identified above, will be a Condition of Approval incorporated in the Final Order for the DDP.

14. All street, water, sewer storm drainage and other utility construction to be carried out simultaneously may be included in one DDP for review and approval by the City Engineer and Planning Commission.

RESPONSE: The Applicant has submitted preliminary plans for the above items in their DDP.

15. The project water system shall be developed to connect to the existing city system and allow reverse flows.

RESPONSE: The Applicant states in his findings that the water system will be designed to accommodate reverse flows.

16. The applicant shall be prepared to provide a geological report related to the installation and construction of streets and utilities if required by the City Engineer.

RESPONSE: The Applicant states in his findings that a geologic report will be provided if required by the City Engineer.

Conditions for the Development of Commercial, College or Residential Phases.

17. Prior to the construction of any phase or partial phase of the project the applicant shall submit a DDP pursuant to Section 70 of the Land Development Code, for review and approval by the Planning Commission.

RESPONSE: The Applicant has submitted this application to meet this Condition of Approval.

18. Each DDP shall be in significant conformance for that phase or partial phase of the area shown in the approved Master Plan. Any deviation beyond that allowed by Section 70 shall require an amendment to the Master Plan document.

RESPONSE: As stated previously, the proposed DDP does conform to the LRMP.

19. Each phase of development shall be complete within itself for access, water service, sewer service, storm drainage, and all utilities, and all streets, services and utilities shall be extended to the furthest limit of the phase to ensure connection to the next phase.

RESPONSE: The proposed development is complete in the areas of access and utilities. See response to Condition of Approval # 8 for the proposal concerning the street.

20. Each DDP containing slopes greater than 15% shall include a geological report pursuant to Section 100, Hazardous Building Site/Hillside Development Standards, of the Land Development Code.

RESPONSE: Chapter 17.100, Hazardous Building Site Protection, BMC has been addressed earlier in this report.

21. All appropriate federal and state permits related to the direct impact of development on the waters of the State or U.S. shall be obtained prior to development.

RESPONSE: This will be a Condition of Approval incorporated in the Final Order for the DDP

22. Prior to approval of the Detailed Development Plan (DDP), covenants, which are enforceable by the city, protecting Western Lilies shall be provided as part of each DDP, which includes known Western Lily habitat.

RESPONSE: A letter from the U.S. Department of the Interior dated June 10, 2008 (Attachment J) states there are no western lilies within the development area.

23. Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRSA) surface water supply system, the applicant shall demonstrate how the water and water supply system will not be negatively affected. Each DDP shall evaluate the impact of development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system.

RESPONSE: Stormwater Management Plan / Hydrology and Stormwater report discussed earlier has been submitted and peer reviewed by the City Engineer. As stated in the City Engineer's comments, utilizing the proposed engineered plans will protect the Rainbow Rock Service Association's water and water supply system from adverse affects (Attachment H).

24. All required improvements to Highway 101 at the Lone Ranch access as identified in the Lone Ranch Transportation Impact Study, dated April 19, 2004 shall be required as part of the ODOT access permit for that entrance. The specific configuration of the improvements to Highway 101 at the southern access will be negotiated between the applicant and ODOT.

RESPONSE: The entrance street serving the College site is proposed as a "Urban Residential Collector (curbed)" with two paved travel lanes and a 10 ft. multi-use path (Exhibit 5). At such time as another phase of development uses this southern entrance a third lane will be constructed at the entrance area. The Applicant submitted a Traffic Impact Study (TIS) (Attachment M) describing the limited number of vehicle trips generate by the College use and stated the improvements to Highway 101 are not needed until further development is proposed. The original April 19, 2004 TIS considered "Phase 1" to include 680 dwelling units, the neighborhood commercial uses, and the College, resulting in the immediate need for the Highway 101 improvements. Oregon Department of Transportation (ODOT) agreed with the Applicant's TIS analysis that stated with only the College proceeding at this time the improvements are not warranted. ODOT is processing the access permit (Attachment N).

25. The applicant shall support any future effort to reestablish the ability for fish passage under Highway 101 for Lone

Ranch Creek, Ram Creek and Taylor Creek. "Support" means that the applicant shall not oppose such efforts.

RESPONSE: The Applicant agrees to support and not oppose efforts to reestablish fish passage under Highway 101.

26. If any DDP will result in development that is projected to exceed the 1036 total master plan PM peak hour trips or the 839 net new PM peak hour trips as identified in the Lone Ranch Transportation Impact Study, taking into account traffic generated in previous phases, an additional transportation impact study will be required to be submitted with the DDP application and the DDP may be approved only if consistent with the Transportation System Plan.

RESPONSE: The proposed DDP will not result in greater trip generation than stated above. The Applicant, however, has provided and Transportation Impact Study (Attachment K).

27. To assure that the mobility standards are met at the intersection of Highway 101/Carpenterville Road, no DDP should be approved that would exceed the acceptable ODOT mobility standards for Highway 101/Carpenterville Road intersection until the City of Brookings TSP is amended to identify recommend improvements or a change to standards and the Lone Ranch development pays a proportionate share to these improvements. Analysis at Highway 101/Carpenterville Road should be conducted to determine the level of impact for each DDP until the City of Brookings TSP is amended to include the necessary improvements.

RESPONSE: The City has already amended the Transportation Impact Study (TIS) to include recommended improvements at the intersection of Carpenterville Rd. and Highway 101. The Applicant's TIS demonstrates that traffic generated from the College will not exceed the acceptable ODOT mobility standards for Highway 101/ Carpenterville Road intersection. ODOT has submitted written comments stating they "have no issues with the study that was submitted" (Attachment N).

28. A hydrologic study shall be provided with each DDP, and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. Each successive hydrologic study will cumulatively incorporate and consider the information provided in the previously prepared hydrologic studies. The City will review the agency comments regarding the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of wetlands and western lilies. At the time of DDP review, the City shall require changes to the DDP that it determines are needed to comply with applicable standards and to protect wetlands and western lilies.

RESPONSE: The Applicant has submitted the hydrologic study to the U.S. Department of the Interior, Department of State Lands, and U.S. Army Corp of Engineers. The U.S. Department of the Interior indicated they would have their comments to the Applicant by the date of the hearing.

29. The applicant shall establish Covenants, Conditions and Restrictions (CC&Rs) requiring the Homeowners' Association or Associations to maintain drainage swales located adjacent to streets that do not have curbs and gutters or other hard drainage systems. The CC&Rs shall provide that the city may enforce the maintenance of the swales, which includes the right to access all properties necessary to conduct the maintenance, either through legal action or by providing the maintenance and billing the Homeowners' Association or Associations. All such expenses, costs, and charges may be enforced by the city as liens against the real properties of individual members of the Homeowners' Association or Associations. The CC&Rs shall also contain a clause stating that any proposed change to this covenant must be approved by the city. The proposed CC&Rs as to the maintenance of the swales and the city's ability to enforce the CC&Rs, must be approved by the city prior to recordation.

RESPONSE: The Applicant has submitted a "Swale Maintenance Covenant" (Last page of Attachment H). As SWOCC will not have a Homeowners' Association the document states the property owner of the subject property is the responsible party. The City agrees this is appropriate. Additional language is needed to describe enforcement procedures and potential changes to the Covenant. This will be a Condition of Approval incorporated in the Final Order for the DDP.

30. The Master Plan document is hereby amended to include all changes made by the Errata Sheet dated June 4, 2004 and to indicate that the maximum building height for single family detached and single family attached homes is 30 feet and the maximum building height for multiple family and commercial buildings is 40 feet. The applicant shall provide the city with 4 copies of the amended Master Plan document.

RESPONSE: Borax has provided the City with copies of the amended Master Plan document.

FINDINGS:

The following are findings related to the above referenced criteria.

1. The Applicant is requesting approval of a DDP for Southwest Oregon Community College campus in the Lone Ranch Master Plan area.
2. All Conditions of Approval in the Final Order for LRMP must be complied with.
3. As shown in the above responses and the Applicants findings (**Attachment I**), and with the proposed Conditions of Approval for this DDP, the Applicant has met this criteria.

CONCLUSIONS: The materials and findings found in this staff report and submitted by the Applicant, together with the proposed conditions of approval, adequately meet each of the criterion necessary for the approval of this Detailed Development Plan.

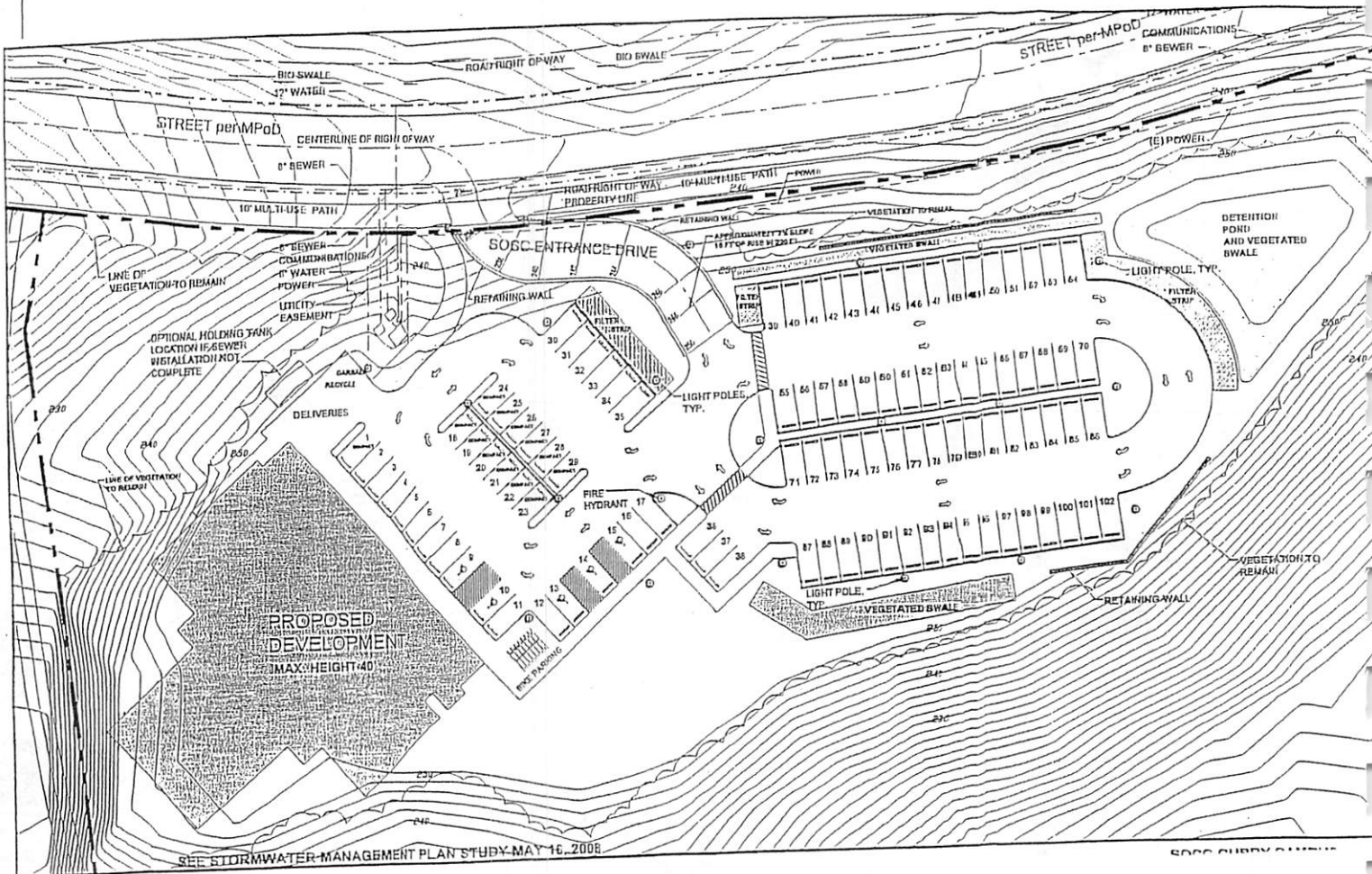
CONDITIONS OF APPROVAL

The proposed conditions of approval are attached to and hereby made a part of this report.

RECOMMENDATION

Staff recommends **APPROVAL** of File No. DDP-1-08, based on the findings and conclusions stated in the staff report, provided by the Applicant, and subject to the conditions of approval listed above.





Applicant: SWOCC

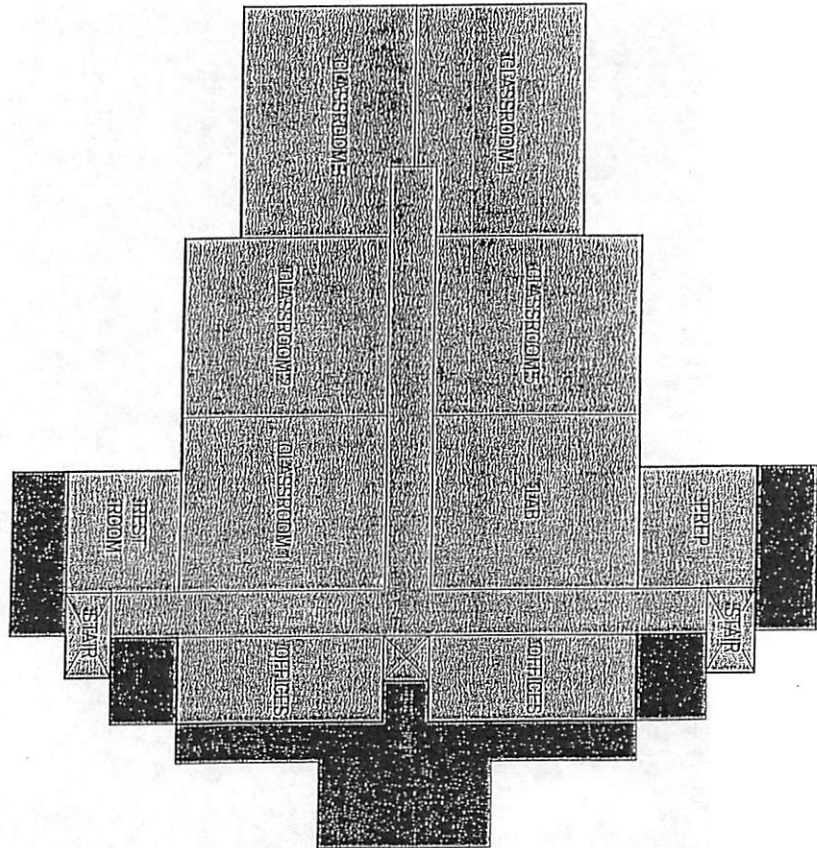
Assessor's No: 40-14 & Index, Tax Lot 2400

Size: Parcel 1 (SWOCC) 10 acres, Parcel 2 remainder

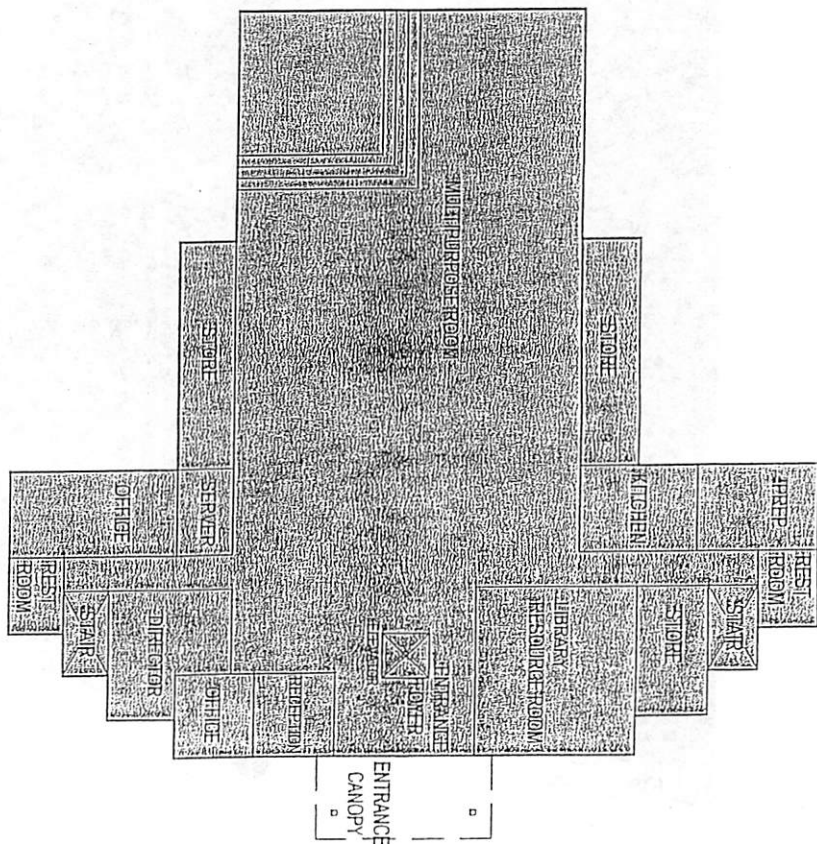
Location: East of Hwy. 101 and north of Carpenterville Road

Zone: MPD-Master Plan Development

SOU WICK CAMPUS
MAIN BUILDING
 PRELIMINARY PLAN
 NOT TO SCALE
 BROOKINGS, OREGON

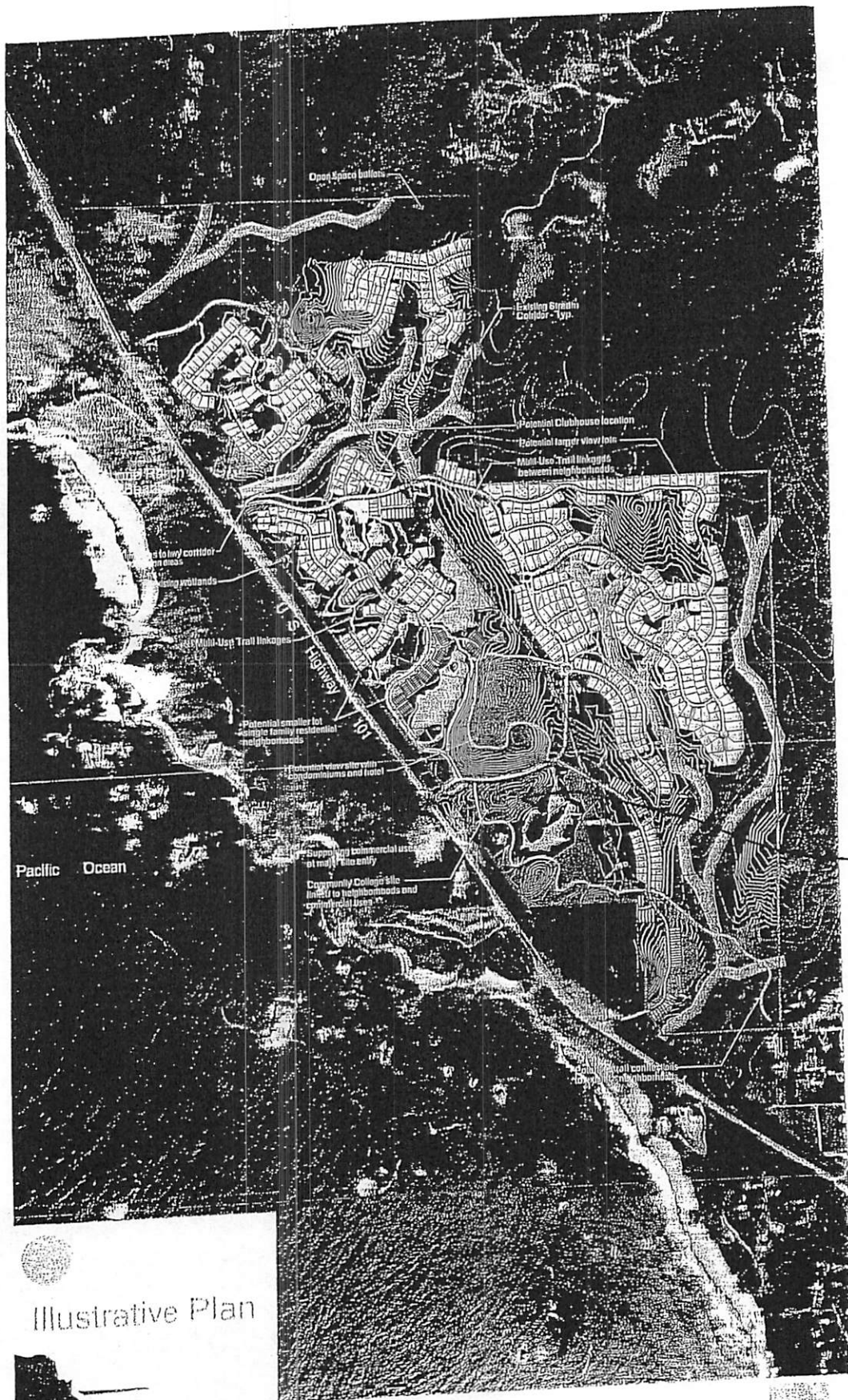


SECOND LEVEL



FIRST LEVEL

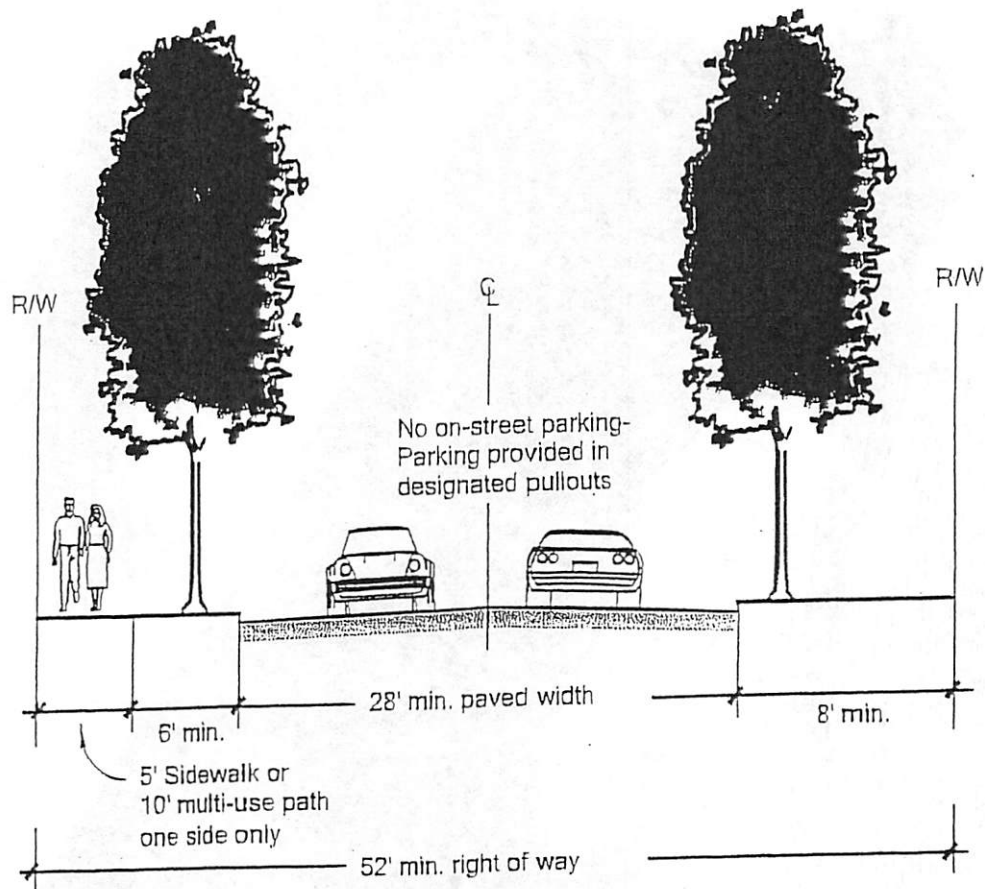
CADW/CADP & ASSOCIATES INC.
 ARCHITECTURE AND PLANNING
 LAND USE AND INTERIORS
 120 WEST CENTRAL AVENUE
 SUITE 400, OREGON 97420
 TEL: (503) 227-5127
 FAX: (503) 227-5128
 www.cadw.com
 * PORTLAND, OR * COOS BAY, OR



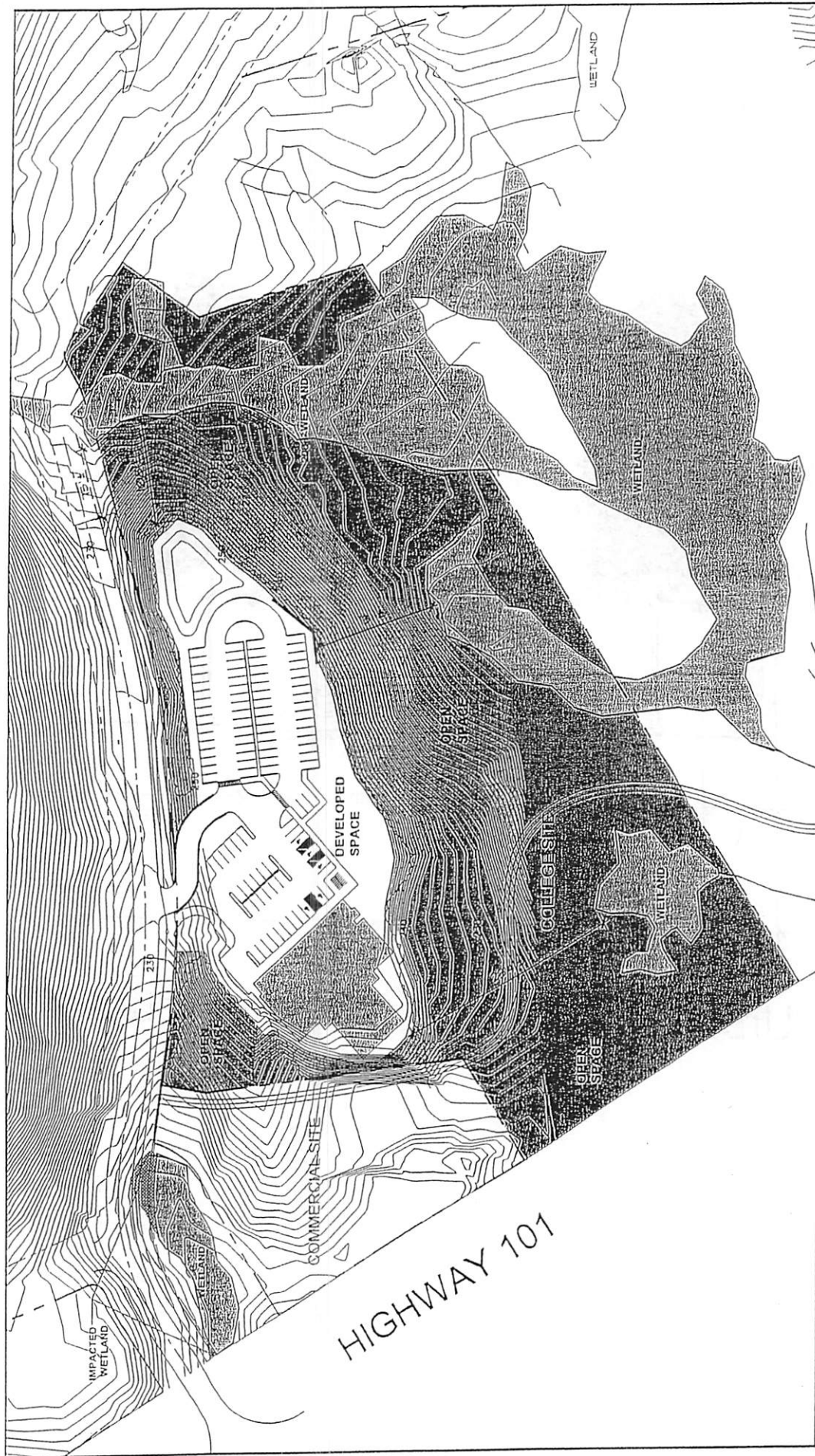
COLLEGE
CAMPUS

Illustrative Plan





'Urban' Residential Collector (curbed)



125 WEST CENTRAL AVENUE
SUITE 400
COOS BAY, OREGON 97420
TEL: (541) 263-2388
FAX: (541) 267-6187
www.crowdfy.com

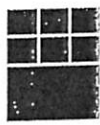
ARCHITECTURE AND PLANNING
LAND USE AND INTERIORS



• PCATLAND.ORG

98,010 SF DEVELOPED SPACE
98,010/43560 = 2.25 ACRES
339,768 SF OPEN SPACE
339,768/43560 = 7.8 ACRES

SOCC CURRY CAMPUS
OPEN SPACE
WITH DEVELOPMENT
PRELIMINARY PLAN
SCALE: 1"=100'



Required Findings of Fact for Land Divisions
for Southwestern Oregon Community College
Section 17.172.071

1. The proposed subdivision meets the comprehensive plan requirements and will be constructed in compliance with required development standards and State and Federal laws. The subdivision is also in conformance with the approved Lone Ranch Master Plan for this area.
2. With the approval of the Detailed Development Plan the College will own the property proposed for subdivision and does not own any other property in the area. Future development of the college property, if any, would be in compliance with applicable ordinances and codes.
3. The proposed plat dedicates a road which extends to the end of the subdivision to provide future connectivity and access to adjacent property. The proposed plan is in conformance with the approved Lone Ranch Master Plan.
4. The proposed subdivision name was reviewed by the County surveyor and does not use a word which is the same as, similar or pronounced the same as the name of another subdivision in Curry County.
5. The proposed street name was reviewed by the Fire Chief and does not use a word which is the same as, similar or pronounced the same as the name of another street in Curry County.
6. ~~The proposed street is expected to be held in private use until future construction of the Lone Ranch Master Plan area requires additional construction on the entry road. At that time, the road will be dedicated to the City. Southwestern Oregon Community College has an easement to use and maintain the road while in private use.~~
THE PROPOSED STREET WILL BE A PUBLIC ROAD
SEE "ATTACHMENT C."
7. Development of the Southwestern Oregon Community College subdivision is not intended to be developed in phases.



Oregon

Theodore Kulongoski, Governor

Attachment B

Department of Environmental Quality
Western Region Coos Bay Office
381 N Second Street
Coos Bay, OR 97420
(541) 269-2721 x
FAX (541) 269-7984

May 28, 2008

Mike Crow
Crow/Clay & Associates AIA
125 W. Central, Suite 400
Coos Bay, OR 97420

RE: WQ/SS-Curry County
Southwestern Community College Annex
Brookings, OR
Temporary Holding Tank Installation

As per our phone conversation on this date, Oregon Administrative Rule (OAR) 340-071-0340 (1) (b) (A) & (B) Holding Tanks, lists the criteria for allowing the installation of a temporary holding tank within an area-wide sewerage district.

This would require a Water Pollution Control Facilities (WPCF) permit for the installation of the tank with detailed construction plans to be submitted with the application.

If you have any questions pertaining to the process please contact this office for assistance.

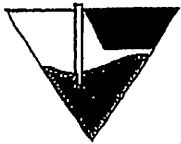
Sincerely,

Del Cline, R.S.
On-Site Wastewater Specialist

INTRODUCTION

This section includes a letter report on the geology of the Southwestern Oregon Community College site completed by Mr. Ralph Christensen, Senior Geologist at EGR and Associates. It also includes a Stormwater Management Plan which incorporates a hydrology study including run off calculations, also completed by EGR & Associates, Inc. An additional geologic evaluation report reviewing the quality and extent of the rock underlining the Southwestern Oregon Community College site, completed by Otak, is also included. Note that the rock and soil quantities sited in this study assumes excavation down to elevation 235 which is 15 feet lower than proposed by this applicant.

NOTE: COLLEGE INTENDS TO EXCAVATE TO ONLY 250' ELEVATION
SEE "ATTACHMENT O."



May 20, 2008

Michael Crow, A.I.A.
Crow/Clay & Associates, Inc.
125 SW Central Avenue, Suite 400
Coos Bay, Oregon 97420

RE: Southwestern Oregon Community College
Curry County Campus
Brookings Ordinance Chapter 17.100, Hazardous Building Site

Dear Mr. Crow:

I have reviewed the Brookings Municipal Code Chapter 17.100 relative to the Southwestern Oregon Community College (SOCC) site, proposed for Curry County at Brookings. The above referenced Ordinance addresses "Hazardous Building Site", "Protection Hillside", and "Development Standards". The standards are quite specific on what needs to be done based upon slopes alone.

The area selected for the SOCC campus in Brookings is on the "Borax property" near the northern extent of the Brookings City limits/UGB boundary (Lone Ranch/Rainbow Rock). The specific site selected for the SOCC campus is an isolated hill composed of fine grained rock with basalt like appearance (may be, or include, siliceous silts or cherts), which has been used as a quarry site on its western end. Locally the slopes exceed 15% as described in the Ordinance. The overall plan for the SOCC campus is to remove the top of the hill and use the rock materials for construction purposes on other parts of the Borax property. Then, on the flat area created, the SOCC campus will be constructed, along with parking and expansion areas.

My walk over inspection of the site on March 14, 2008, did not reveal any of the standard signs of slope instability. Trees were not pistol butted, nor jack-strawed. The hill slopes were not hummocky nor was there any evidence of slumps, scarps, or other past slope failures. The site is stable geologically. The isolated nature of the hill to be used as the SOCC site makes it very stable. Particularly, when the plan is

to not build on the hill's exterior slopes, but instead to remove the top of the hill and build on the resulting flat surface. Removal of the top of the hill will increase slope stability. By not disturbing the exterior slopes, vegetation can be retained. Given the hill's isolated nature, the water table will not be an issue of any significance either for stability or water control issues.

In summary, there are no indications that the proposed development on this site will cause any stability problems or issues. A 1200-C erosion control permit will be required through the Oregon DEQ prior to construction (land disturbance), which will address the issues of turbidity, siltation, and site runoff during construction. Specific consideration of the Rainbow Rock water supply (about 800 to 1000 feet south of the site) will be addressed in the engineered storm water and grading plans.

In the Geotechnical Findings, Lone Ranch Mixed Use Development, Brooking, Oregon, prepared by Hart Crowser for Otak, Inc. (April 19, 2004) the following statement appears *"During our site reconnaissance, we observed several areas that will need to be addressed prior to developing them. One area of concern occurs on the proposed SOCC site, east of the south-trending drainage that empties into the Rainbow Rock Condominium reservoir area. The west-facing hillside above the creek contains very steep, irregular topography with contorted trees and fresh scarp traces. This particular area and the areas along the major drainages will require fairly detailed mapping to determine the severity and extent of the potentially unstable areas."*

The description given in the text above specifically describes a location on the smaller isolated knob some 800 feet south of the SOCC site. This location corresponds exactly to a slide area shown on Figure 4 of that report and described as having been mapped by Hart Crowser in 2/2003. At the actual location of the SOCC site, no slide area is shown on any of the maps associated with the Geotechnical report, which is consistent with our site walk over of the SOCC site.

The Brookings Ordinances regarding hazardous sites is very broad in interpretation of what is hazardous (slopes greater than 15%) and quite specific in what must be done. Prior to issuance of a permit to remove vegetation, grade, excavate, or otherwise disturb the site, an engineered plan will be submitted.

A storm water management plan is being prepared, under separate documents, in order to take special care and consideration with regard to the wetland and water

supply for Rainbow Rock, which is within the same watershed area as a portion of the SOCC site. During construction the 1200-c permit and grading plan will be used to protect the Rainbow Rock water supply and the wetlands. Such a grading plan/1200-C permit might require removing the rock from the interior, which allows for better control of any runoff, and keeping all runoff from the site during the excavation and construction phases out of the Rainbow Rock watershed.

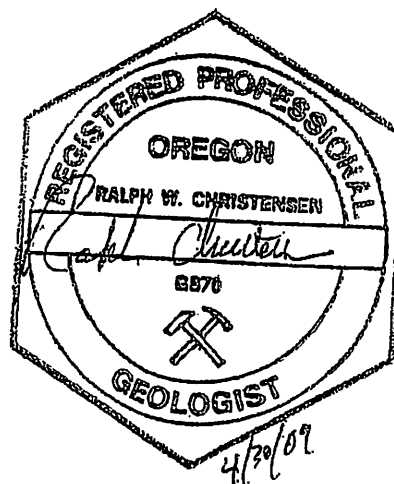
If site conditions change during excavation then a geotechnical engineer, engineering geologist, hydrogeologist, or geologist can be called in to examine the changed conditions and make appropriate recommendations.

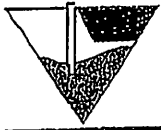
If I can be of any immediate further assistance please let me know.

Sincerely,



Ralph Christensen, G-870
Senior Geologist,
EGR & Associates, Inc.





EGR & Associates, Inc.

2535B Pralrie Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-8087

July 8, 2008

Crow/Clay & Associates
Attn: Mr. Mike Crow
125 Cetner Ave. Suite #400
Coos Bay, OR 97420

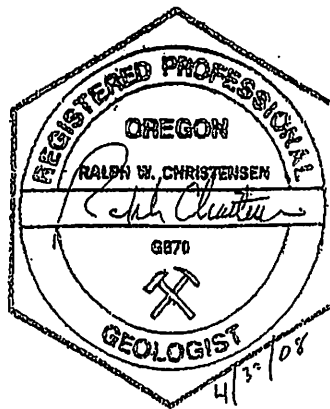
RE: Water Table Beneath the SOCC Brookings Campus Site.

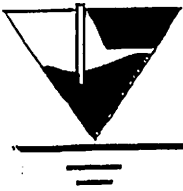
Dear Mr. Crow:

As you requested, I am writing you this supplement to my previous letter regarding geologic and hydrogeologic conditions at the SOCC Brookings campus site. There will not be a high water table condition at the SOCC facilities site. During my previous on-site and literature review of the site it was clear that the location of the SOCC facilities on the Brookings campus site were such that no high water table nor water table interference will occur with the site (during construction or post construction). The isolated nature of the hilltop, the restriction of the proposed facilities to an elevated site location above the surrounding lands, and the fractured rock composing the hill, all confirm that a high water table will not be an issue at this location.

If you have any questions or need further clarification please feel free to contact me at any time.
Sincerely,

Ralph Christensen, G-870
Senior Geologist
EGR & Associates, Inc.





EGR & Associates, Inc.

Engineers, Geologists and Surveyors

2535B Prairie Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-8087

**Stormwater Management Plan
Southern Oregon Community College
Curry County College Campus
Brookings, Oregon**

May 16, 2008

Prepared for:

Crow/Clay & Associates, Inc.
Architecture and Planning
125 W. Central Avenue, Ste. 400
Coos Bay, OR 97420



RENEWS 1-1-10

Prepared by:

EGR & Associates, Inc.
2535B Prairie Road
Eugene, OR 97402
541-688-8322

Table of Contents

1.0 Purpose.....	1
2.0 Project Location.....	1
3.0 Stormwater Standards	1
3.1 Master Plan Development (MPD) District (BMC Chapter 17.70)	2
3.2 Hazardous Building Site Protection, Hillside Development Standards (BMC Chapter 17.100)	2
3.3 Otak Report.....	2
3.4 Current Comprehensive Stormwater Plan	3
3.5 Updated Comprehensive Stormwater Plan	3
3.6 Selected Standards for use in this SWMP.....	4
4.0 Project Description	4
4.1 Existing Runoff Pattern.....	5
4.2 Site Soils Description.....	5
5.0 Stormwater Hydrology Summary.....	6
5.1 Pre-Construction Runoff.....	6
5.2 Post-Construction Runoff	7
6.0 Stormwater Management System Description	8
6.1 Stormwater Collection System	8
6.2 Stormwater Best Management Practices (BMP)	9
6.3 Stormwater Discharge.....	12
7.0 Erosion Prevention and Sediment Control Plan.....	12
8.0 Maintenance Plan	13

1.0 Purpose

This Stormwater Management Plan (SWMP) has been prepared by EGR & Associates, Inc. (EGR) on the authorization of Crow/Clay & Associates, Inc. (CCA) for the Southern Oregon Community College's (SOCC) proposed Curry County Campus located in Brookings, Oregon. The proposed campus site is part of the U.S. Borax Inc. Master Plan of Development (MPoD) that was approved for the Lone Ranch development project. This SWMP supports the Detailed Development Plan (DDP) review procedures of the Brookings Municipal Code (BMC) Chapter 17.70.140.B.5, specifically that portion of the section requiring a utilities plan indicating how storm sewer and drainage systems will function and how negative impacts to existing storm sewers and drainage systems of adjacent properties will be avoided.

2.0 Project Location

The college campus is located on a 10-acre portion of the Lone Ranch development property identified by Curry County Assessor's Office as Parcel 4014-00-02400. The property is located on the east side of Highway 101 on the northerly side of Brookings, and is located inside the Brookings city limits. The campus site is located on the southerly portion of the U.S. Borax Inc. property.

3.0 Stormwater Standards

Development of the U.S. Borax Inc. site is subject to Brookings' Master Plan Development (MPD) District of BMC Chapter 17.70 and the Hazardous Building Site Protection, Hillside Development Standards of BMC Chapter 17.100. In compliance with the MPD District, MPoD approval has been obtained for development of the Lone Ranch project, which includes the proposed college campus as an element of that development. As part of the MPoD review process, a utilities report was prepared that assess the impacts of the Lone Ranch development on the city's services, infrastructure, transportation systems and neighboring properties, which was incorporated into the MPoD application as a Technical Appendix titled *Lone Ranch Master Plan Utilities Report*, Otak, Incorporated, April 15, 2004 (Otak Report).

The Hazardous Building Site Protection Hillside Development Standards (BMC 17.100) requires engineered plans, including a drainage plan, prior to any site preparation work. As stated above, the purpose of this SWMP is to support the applicable DDP review procedure regarding storm drainage of the college campus site. Final engineered plans will be prepared consistent with the standards of BMC 17.100 in the design phase of the college campus project. These standards require that all storm drainage be designed in accordance with the city's comprehensive plan for storm drainage development (Comprehensive Stormwater Plan). The city's current adopted Comprehensive Stormwater Plan is the document *A Comprehensive Plan for Storm Drainage Development (for Brookings, Oregon)*, HGE, Inc., Engineers & Planners, June 1985. The city is in the process of updating the Comprehensive Stormwater Plan with the document *Storm and Surface Water Facilities Plan for Brookings-Harbor Area*, HGE, Inc., Architects, Engineers, Surveyors and Planners, Final (Brookings) – October 2007 (updated Comprehensive Stormwater Plan). The updated Comprehensive Stormwater Plan will provide a single comprehensive stormwater plan to help guide future development of the Brookings-Harbor area, but as of the date of this SWMP, neither the city nor the county has formally adopted this document.

The following describes the relationship of the above-cited codes and documents to the standards that were selected for use in the SOCC College Campus Stormwater Management Plan contained herein.

3.1 Master Plan Development (MPD) District (BMC Chapter 17.70)

The college campus site is located on property that is within the Master Plan Development (MPD) zoning district described in BMC Chapter 17.70. The MPD zone is implemented through approval of a Master Plan of Development (MPoD) that details proposed development of a property that is subject to MPD zoning requirements. Development of individual phases of the approved MPoD is reviewed in accordance with the Detailed Development Plan (DDP) review procedures outlined in BMC section 17.70.140.

U.S. Borax Inc. submitted a Master Plan of Development (MPoD) for the Lone Ranch development project and has obtained MPoD approval. The proposed SOCC college campus represents an element of the MPoD for which the applicant is requesting detailed development plan review and approval. As stated above, this SWMP specifically supports that portion of section 17.70.140.B.5 requiring a utilities plan indicating how storm sewer and drainage systems will function and how negative impacts to existing storm sewers and drainage systems of adjacent properties will be avoided

3.2 Hazardous Building Site Protection, Hillside Development Standards (BMC Chapter 17.100)

This section of the Brookings Municipal Code applies to all property within the City. Section 100.070.B.3.a requires that storm drain facilities be designed for storms having a 25-year recurrence frequency, be directed into drainage with capacity to be calculated in accordance with the City's Comprehensive Plan for Storm Drainage Development and BMC Chapter 8.10, and address on-site and off-site impacts, so as not to flood adjacent or downstream property.

BMC Chapter 8.10 governs the protection of watercourses, drainage channel maintenance, and storm drains, and requires that a drainage plan prepared by an Oregon-registered professional engineer be approved by the city prior to any impact to any part of the city's storm drain system.

3.3 Otak Report

The Otak Report presents a surface water management strategy to serve the proposed Lone Ranch development project, which includes the college campus site. The study supports development of the project based on the following surface water management strategies:

1. Stormwater conveyances will be designed for the 25-year peak flow.
2. Developed site runoff from the 5-year, 24-hour and the 25-year, 24-hour design storms will be detained and released at rates no greater than the corresponding peak discharges for existing site conditions.
3. Water quality facilities will be designed for two-thirds of the 2-year, 24-hour design storm.

4. Water quality BMPs that will be considered include biofiltration swales, filter strips and wet ponds.
5. Pre-developed and post-developed runoff will be estimated using the Santa Barbara Urban Hydrograph (SBUH) method.

3.4 Current Comprehensive Stormwater Plan

The 1985 Comprehensive Stormwater Plan does not include the Brookings North UGB extension area (hence the project site) in the Plan's existing storm drainage facilities analysis nor the Plan's storm drainage development plan recommendations. Storm drainage facilities analyzed in the 1985 Comprehensive Stormwater Plan were designed for storms having a 5-year recurrence frequency using the Rational Method for calculating peak storm water runoff.

3.5 Updated Comprehensive Stormwater Plan

The updated Comprehensive Stormwater Plan extends the study area from the 1985 plan to include all areas within the current UGB boundary as well as areas uphill and tributary to the UGB. This expanded plan area includes the college campus project site. Modeling of the existing stormwater system was conducted using the Santa Barbara Urban Hydrograph (SBUH) method.

Stormwater modeling suggests the following approach for basin development:

1. Assume future development will be required to maintain pre-development flows off-site.
2. Assume existing infrastructure is hydraulically adequate except where specific problems have been noted.
3. In general, new or replacement infrastructure should be sized for the 25-year, 24-hour peak event. An exception is ODOT crossings which will have to follow current ODOT Standards where design is based on a 50-year event. Another exception is in areas where the City or County Engineer believe the increased sizing is either inconsistent with connecting infrastructure or would otherwise adversely impact downstream areas.

Interpretation of modeling results of the North UGB Extension basin shows no specific problems for this area, which includes the college campus project site. As cited in the updated Comprehensive Stormwater Plan, based on the Lone Ranch approach for storm drainage (presented in the Otak Report), there should be limited impact on downstream infrastructure.

The following policies are recommended:

Water Quality – For new development, provision of water quality facilities should be provided and can be combined with detention/peak flow reduction facilities. As a general policy, natural watercourses should not be adversely altered or impacted. Use of infiltration facilities should address groundwater quality impacts and mitigation measures.

Erosion and Sediment Control – Focus management efforts on reducing erosion where it is likely to occur. City, County and DEQ erosion and sediment control requirements should be followed.

Hydraulics – In general, new or replacement facilities should be sized to accommodate peak flows from the 25-year, 24-hour event. Detention capacity should be sufficient to accommodate the post-development flow for release at the pre-development rate based on the 25-year, 24-hour event. Furthermore, off-site discharges should be controlled so that they match as closely as practicable pre-development rates for the “2-year,” “5-year,” and “10-year” rates in addition to the “25-year” rates.

Design and Development Standards – Although the updated Comprehensive Stormwater Plan does not present specific design and development standards, it does suggest that standards developed by others could be adopted by reference. An example given of a highly developed design standard is *Design and Construction Standards for Sanitary Sewer and Surface Water Management*, Clean Water Services, March 2004, although many other examples are available.

3.6 Selected Standards for use in this SWMP

Because the current Comprehensive Stormwater Plan does not consider the college campus site in the stormwater analysis and plan recommendations, preference was given to the updated Comprehensive Stormwater Plan which is more restrictive with respect to calculating runoff estimates, provides water quality guidelines which are not discussed in the current plan, and is consistent with BMC regarding the design storm. Also, the Otak Report recommended surface water management strategies are generally consistent with the hydrologic modeling and water quality guidelines contained in the updated Comprehensive Stormwater Plan. For these reasons, the updated Comprehensive Stormwater Plan is deemed more applicable to this project site.

For purposes of selecting and designing water quality Best Management Practices (BMP) facilities, this SWMP follows the procedures outlined in the City of Portland’s *Stormwater Management Manual*, Environmental Services City of Portland, September 2004 (Portland Manual). This reference was selected over the Clean Water Services standards cited in the updated Comprehensive Stormwater Plan because it contains a wider selection of water quality BMPs and comprehensive design procedures. Water quality BMPs will be selected from the Portland Manual with preference given to biofiltration swales, filter strips and ponds for consistency with the Otak Report, although other water quality BMPs may be considered. Selected excerpts from the Portland Manual, consisting of treatment BMP descriptions, operation and maintenance procedures, and landscape requirements, are attached to this SWMP. Final design and sizing of the piped collection system will follow the applicable procedures for designing drainage facilities contained in the City of Portland’s *Sewer and Drainage Facilities Design Manual*, Environmental Services City of Portland, June 2007.

4.0 Project Description

According to the Lone Ranch MPoD application, the college campus site is 10-acres in size, of which 5-acres are committed to development and the balance is open space. The campus site is located on the southern portion of the Lone Ranch property on a small east-west trending knob, or hill, immediately south of the larger Sisters Knob (see Figure 1). The hill contours rise

steeply to approximate elevation 278-feet. An existing road located through the saddle between the hill and Sisters Knob functions as one of the planned access points into the Lone Ranch development and will also provide access to the college campus site. The road reaches a high in the saddle of approximate elevation 235-feet, sloping westerly and easterly from this high point. A preliminary site plan shows that the hill will be leveled to approximate elevation 250-feet in order to provide an approximate two-acre area for the initial campus building and parking areas (see Figure 2).

4.1 Existing Runoff Pattern

Referring to the Drainage Basin Map of the existing site shown on Figure 3a, runoff from the northwesterly portion of the hill flows westerly off-site and northerly to the road, then westerly where the runoff is collected in a drainage that crosses underneath Highway 101 through a 24-inch diameter culvert. The updated Comprehensive Stormwater Plan indicates that this culvert crossing functions adequately.

Runoff from the northeasterly portion of the hill flows northerly to the road, then easterly and then southerly around the eastern side of the hill where stormwater collects in wetland areas and a drainage that flows southwesterly toward Highway 101 (see Figure 3a). Runoff from the southerly portion of the hill flows southerly into these same wetland areas and drainage. The drainage ultimately crosses underneath Highway 101 through a 30-inch diameter culvert. The updated Comprehensive Stormwater Plan indicates that this culvert crossing functions adequately.

The watershed lying southerly from the hill serves as a water source for the Rainbow Rock Condominiums which are located on the west side of Highway 101 near the 30-inch culvert crossing. According to the MPoD application the source of this water appears to be surface and near-surface water rather than a deep-seated spring¹. This necessitates that stormwater that is collected from paved areas and then discharged into this watershed basin is first routed through surface treatment, such as biofiltration swales and/or ponds. Stormwater runoff from the site during grading and other construction activities will also need to be controlled in a manner that minimizes the potential for sediment-laden runoff to enter the southerly watershed. This is discussed further in Section 7.0 of this SWMP.

4.2 Site Soils Description

According to the soil map of Curry County, Oregon, the underlying soils on the campus site are predominantly of three soil types consisting of: Bullards-Ferrelo-Hebo complex; Cuniff silty clay loam; and Hooskanaden-Loneranch-Reinhart complex. The soil map is shown on Figure 4.

Erosion hazard of the Bullards-Ferrelo-Hebo complex is slight for bare soil in off-road areas to moderate for un-surfaced (dirt) roads or traffic areas. Erosion hazard of the Cuniff silty clay loam is moderate for bare soil in off-road areas to severe for un-surfaced (dirt) roads or traffic areas. Erosion hazard of the Hooskanaden-Loneranch-Reinhart complex is moderate for both

¹ Geotechnical Findings Lone Ranch Mixed Use Development Brookings, Oregon. Hart Crowser, Inc., April 19, 2004.

bare soil in off-road areas and for un-surfaced (dirt) roads or traffic areas. Infiltration systems perform poorly in these soil types and are not recommended.

5.0 Stormwater Hydrology Summary

The attached runoff calculations include an analysis of pre-construction and post-construction peak runoff based on standard recurrence intervals of 2-year, 5-year, 10-year, and 25-year (design storms). Our analysis was performed using Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2008 software (Hydraflow), Santa Barbara Urban Hydrograph (SBUH) method. The time of concentration was calculated following the procedures of the SCS Technical Release Number 55 (TR-55) method of the Hydraflow software. Precipitation-frequency data was obtained from NOAA Atlas 2, Volume X.

As shown on the attached drainage basin map (Figures 3a and 3b), the site is divided into two drainage basins identified as Basins 1 and 2. Basin 1 consists of the northwesterly portion of the project site and is approximately 1.75 acres in size. Basin 2 consists of the northeasterly portion and the remaining southerly portion of the project site and is approximately 8.29 acres in size. The runoff pattern of these two basins is described in Section 4.1 above.

Each basin is further divided into subbasins to account for areas to remain undeveloped, thus not included in the hydrologic calculations, and impervious areas (roof and pavement) where runoff is routed through treatment and detention facilities.

Stormwater runoff was estimated for the current or pre-construction condition and for post-construction conditions that represent the site after construction of impervious surfaces is completed. These two runoff conditions are discussed below.

5.1 Pre-Construction Runoff

Runoff has been estimated for standard recurrence intervals of 2-year, 5-year, 10-year and 25-year for the upper subbasins only, consisting of Basins 1-A and 2-A (refer to the basin map on Figure 3b). The downstream or lower subbasins were not included in the runoff calculations because no development is proposed in these areas thus the runoff from these areas will not change.

Each subbasin is further divided by soil type and the area of each soil type estimated for input into the Hydraflow model for calculating the runoff curve number (CN) which is used in the runoff calculations. Table 1 summarizes the soil type and area of the pre-construction subbasins.

Based on the soil types and areas shown in Table 1, the pre-construction runoff curve number for subbasin 1-A is calculated as 73 and for subbasin 2-A is calculated as 78. The Hydraflow runoff hydrograph reports are attached and summarizes the various parameters used in the runoff calculations. The peak runoff rate for each recurrence interval is summarized in Table 3 (see Section 5.2 below).

Table 1. Summary of Pre-construction Basins

Basin	Soil Type	Area, Acres
Basin 1-A	Bullards-Ferrello-Hebo complex	0.58
	Cunniff silty clay loam	0.27
	Hooskanaden-Loneranch-Reinhart complex	0.04
	Impervious Surface	0.00
Basin 1-A Total Area		0.89
Basin 2-A	Bullards-Ferrello-Hebo complex	0.27
	Cunniff silty clay loam	0.61
	Hooskanaden-Loneranch-Reinhart complex	0.33
	Impervious Surface	0.00
Basin 2-A Total Area		1.21

5.2 Post-Construction Runoff

The same procedure used to calculate pre-construction runoff is used to calculate the post-construction runoff except that the soil matrix is changed to reflect impervious surfaces based on the development plan shown on Figure 2. The basin map for post-construction is shown on Figure 3b. Table 3 summarizes the soil type and area of the post-construction basins. Based on the soil types and areas shown in Table 3, the post-construction runoff curve number for subbasin 1-A is calculated as 95 and for subbasin 2-A is calculated as 89.

Table 2. Summary of Post-construction Basins

Basin	Soil Type	Area, Acres
Basin 1-A	Bullards-Ferrello-Hebo complex	0.06
	Cunniff silty clay loam	0.04
	Hooskanaden-Loneranch-Reinhart complex	0.02
	Impervious Surface	0.77
Basin 1-A Total Area		0.89
Basin 2-A	Bullards-Ferrello-Hebo complex	0.10
	Cunniff silty clay loam	0.31
	Hooskanaden-Loneranch-Reinhart complex	0.16
	Impervious Surface	0.64
Basin 2-A Total Area		1.21

The Hydraflow runoff hydrograph reports for post-construction runoff are attached. A summary of the calculated pre-construction and post-construction peak runoff for the standard recurrence intervals evaluated is included as Table 3 below. The calculated post-construction runoff is for un-detained flow.

Table 3. Summary of Pre-construction and Post-construction Peak Runoff

Basin	Recurrence Interval, Year	Calculated Peak Runoff, cfs	
		Pre-Construction	Post-Construction (unconstrained)
1-A	2	0.42	1.00
	5	0.59	1.22
	10	0.78	1.43
	25	0.98	1.65
2-A	2	0.71	1.10
	5	0.97	1.38
	10	1.24	1.66
	25	1.52	1.94

6.0 Stormwater Management System Description

The college campus will be built on the approximate two-acre portion of the hill to be leveled. Because of the steep slopes on the remainder of the site, stormwater management facilities will need to be located on the leveled portion of the site, requiring multiple treatment BMP locations due to space limitations. Vegetated swales and vegetated filter strips have been selected for treatment BMPs. Detention of collected stormwater is necessary because of the expected increase in peak runoff due to proposed impervious surfaces, as determined in the hydrologic analysis above. A dry pond has been selected for detention because dry ponds can also function as treatment facilities if properly designed.

The limitations for locating stormwater BPM facilities dictate the overall management of stormwater on this site. In the simplest terms, stormwater runoff from impervious surfaces of the college campus will be managed by a collection system, treatment and detention BMP facilities, and controlled discharge into a receiving conveyance. Together, these selected stormwater BMP facilities will mitigate the potential impacts on water quality and peak flows on adjacent properties. These three system components are described below.

6.1 Stormwater Collection System

A piped stormwater collection system will be constructed to collect runoff and to convey the stormwater from the parking area and roof drains to the treatment and detention facilities. Discharge from the detention facility will be directed into the access road ditch to the north. The updated Comprehensive Stormwater Plan recommends that detention capacity be sized to accommodate the 25-year, 24-hour storm event, thus the collection system will also be sized to accommodate peak flows occurring during a 25-year storm event (the design storm). Plastic pipe is proposed, such as PVC or polyethylene material.

The surface of parking areas and access routes will be sloped to drain to catch basins that will be located at low areas. A sufficient number of catchbasins will be installed to help insure that

ponding will not occur in the low areas during the design storm. Catchbasins will be interconnected with a piped storm drain system that will convey and direct collected stormwater to the proposed treatment facilities. Roof drains from the proposed campus building will connect into the nearest storm drain pipe. A preliminary piped collection system layout is shown on Figure 5. Actual catchbasin locations and pipe routes will be dependent on a final grading plan of the site and final building plans.

Vegetated swales will discharge into a catchbasin and the stormwater conveyed in a pipe to the detention pond that will be constructed on the east side of the site. The outlet structure of the detention pond will be sized to control the release of stormwater in order to mimic pre-construction runoff rates.

Final design and sizing of the piped system will follow the procedures of Portland's *Sewer and Drainage Facilities Design Manual*. As indicated in that manual, the SBUH method is limited to estimating runoff hydrographs for designing a storage facility and should not be used for designing conveyance facilities. The Rational method will be used to calculate peak flows for the design of storm drain pipes and conveyance facilities.

6.2 Stormwater Best Management Practices (BMP)

Stormwater BMPs have been selected for both treatment and detention of collected runoff from impervious surfaces. The preferred treatment BMP for this site is vegetated swales. However, because of limited space on the developable portion of the site, there are only two practicable locations to construct a vegetated swale and these two swale locations alone will not provide sufficient treatment area to accommodate runoff from all planned impervious surfaces, providing only approximately 39-percent of the necessary treatment area. The location of the two vegetated swales is shown on Figure 5.

Stormwater detention is necessary so that the discharge of collected post-construction runoff mimics pre-construction runoff to the extent practicable. A dry pond has been selected as the preferred detention BMP for this site because the bottom of the pond will be designed to further function as a vegetated swale, thus providing approximately 49-percent of the necessary treatment area. The location of the dry pond is shown on Figure 5.

A vegetated filter strip has been selected as an additional treatment BMP to provide the remaining treatment area necessary to accommodate runoff from all planned impervious surfaces. Four locations have been identified as having space to construct vegetated filters, as shown on Figure 5.

Final design of the site grading will consider multiple impervious management areas served by separate storm drains, or surface runoff where adjacent to filter strips, so that collected runoff can be directed to individual treatment facilities in approximate proportion to treatment capability. For example, properly sized individual vegetated filter strips can provide treatment of runoff from up to 2,000 square feet of impervious surface, thus multiple vegetated filter strips will be located where space allows and up to 2,000 square feet of adjacent parking area will be sloped to drain into each filter strip.

Other stormwater management facilities that were considered include infiltration planters, flow-through planters, grassy swales, vegetated infiltration basins, sand filters, and wet ponds. Table 4 summarizes the BMPs that were considered and the rationale for accepting or rejecting each BMP.

Table 4. Summary of BMP Selection and Rationale

BMP Facility	Accepted	Rejected	Rationale
Infiltration Planter		X	Site soils are not suitable for infiltration systems.
Flow-Through Planter		X	This BMP is typically located adjacent to buildings where flow, such as roof drains, is dispersed through the planter and discharged overland as sheet flow. However, this BMP does not provide detention, thus was rejected in preference to other BMPs where the discharge can generally be controlled and routed into a detention facility.
Vegetated Swale	X		This BMP has been selected as a preferred treatment facility on this site, but due to space limitations on this site, will need to be used in combination with other treatment BMPs.
Grassy Swale		X	This BMP would be appropriate for use on this site if there were sufficient space to construct the necessary swale area, but was rejected in preference to the vegetated swale which has a lower sizing factor.
Vegetated Filter Strip	X		This BMP was deemed acceptable for use on this site to help provide the necessary treatment area. As with the vegetated swale, space limits the use of this BMP, but sufficient locations were identified in order for this BMP to be effective and the discharge side of the filter strips can be directed toward the detention facility in most locations.
Vegetated Infiltration Basin		X	Site soils are not suitable for infiltration systems.
Sand Filter		X	This BMP could be incorporated into the site parking where space allows and used in combination with other treatment BMPs, but was rejected in preference to other BMPs that are simpler in construction and for aesthetics.
Wet Pond		X	This BMP provides treatment functions, but does not provide detention, thus was rejected.
Extended Wet Pond		X	This BMP provides both treatment and detention functions, but was rejected because a permanent water pool must be maintained in the pond.
Dry Pond	X		This BMP provides detention and can provide treatment if the pond bottom is properly designed, such as with a vegetated swale. This BMP was deemed acceptable for use on the site.

Together the accepted BMPs, consisting of vegetated swales, vegetated filters and a dry pond will provide the necessary treatment and detention of runoff from planned impervious surfaces on this site. These selected BMPs are described in detail below.

6.2.1 Vegetated Swales

As shown on Figure 5, two vegetated swales can be located on the site that meet the design guidelines of the Portland Manual (see attached excerpts). The simplified approach for stormwater management presented in the Portland Manual was followed for sizing the various treatment components and is based on a sizing factor representing the ratio of treatment area to the impervious area being managed. The sizing factor for vegetated swales is given in the Portland Manual as 0.09, which when multiplied by the impervious area being managed by this particular BMP yields the required size of the swale.

The total impervious area of the initial campus building and parking is estimated to be 61,390 square feet based on the site layout shown on Figure 2. A future building is also shown with an estimated area of 6,300 square feet for a total planned impervious surface area of 67,690 square feet. The approximate treatment area of the two swales is 2,390 square feet, which can manage an impervious area of approximately 26,556 square feet (treatment area divided by the sizing factor), or about 39-percent of the planned impervious area. Additional treatment area will be provided as discussed below.

6.2.2 Dry Pond

A detention facility is necessary to mitigate increase in peak flow due to the planned impervious surfaces on the site. Because additional treatment area is needed in combination with the vegetated swale and filter strip BMPs, a dry pond has been selected as the preferred detention BMP with the bottom of the pond designed with a vegetated swale. The location of the detention pond is shown on Figure 5.

The pond will be constructed as a below-grade pond (no above-ground structural fill) and will be designed following the guidelines of the Portland Manual (see attached excerpts). A geotechnical review of the final pond design may be needed because of its location to nearby steep ground slopes. The bottom of the pond will be designed as a vegetated swale with an approximate treatment area of 2,955 square feet. With a sizing factor of 0.09, this vegetated swale can manage runoff from approximately 32,833 square feet of impervious surface, or about 49-percent of the planned impervious area.

During high flow events, the pond will function as a detention facility by temporarily storing excess runoff and releasing the stormwater at a controlled rate that mimics pre-construction peak discharge. Although the site is divided into two drainage basins that discharge runoff into separate watersheds, runoff from impervious surfaces will be collected and routed into the single detention pond because space limitations allow for only one pond location. The pond outlet control structure will be designed to not only control the peak discharge to mimic pre-construction peak flows but will also split the flow to approximate the peak flow into each basin (Basins 1-A and 2-A) based on the peak runoff summarized in Table 3.

The detention volume in the pond was estimated by combining the pre-construction and post-construction 25-year runoff hydrographs for each basin and graphically calculating the excess volume of runoff occurring between the two peaks (see attached hydrographs). Adding the two volumes give the total required detention storage volume of 2,070 cubic feet. This results in a required storage depth of less than one foot, and adding a minimum one-foot of freeboard gives a

total required depth of about two-feet in the detention pond. This assumes side slopes of 3H to 1V. An emergency overflow spillway will be designed to convey the 100-year design storm.

6.2.3 Vegetated Filter

Vegetated filters will be located where space allows. The treatment area provided by the vegetated filters is needed so that the overall required treatment area is achieved to treat runoff from all planned impervious surfaces. Where vegetated filters are used, the adjacent parking area will slope to drain into these filters. Stormwater flowing through these filters will sheet flow overland and away from the parking area and will not be collected in the piped system. The location of proposed vegetated filter strips is shown on Figure 5. Where practicable, flow through the filter strips will be directed towards the detention pond as overland sheet flow.

The sizing factor given in the Portland Manual for vegetated filter strips is 0.20. The available treatment area based on the filter strip locations shown on Figure 5 is approximately 1,800 square feet, which can manage stormwater runoff from approximately 9,000 square feet of impervious surface. Vegetated filter strip design guidelines excerpted from the Portland Manual are attached, as well as landscape guidelines.

In combination with the vegetated swales discussed above, the treatment BMPs shown on Figure 5 can manage up to 68,389 square feet of impervious surface. The area of planned impervious surface is approximately 67,690 square feet, including a proposed future building, thus the stormwater management plan BMPs shown on Figure 5 are adequate to treat the anticipated runoff from impervious surfaces of this site.

6.3 Stormwater Discharge

Stormwater discharge from the pond outlet structure will be split into two flows that will be conveyed in separate pipes to individual discharge points. These discharge points will be located in the access road ditch to the north and at such location that one flow split will discharge into the receiving ditch located in Basin 1 and the other flow split will discharge into the receiving ditch located in Basin 2. These discharge points are approximately located on Figure 5. The ditch immediately downstream from the pipe outlets will be armored with rock riprap to minimize erosion. Attached are outfall design guidelines excerpted from the Portland Manual that will be followed.

7.0 Erosion Prevention and Sediment Control Plan

Construction activities that disturb greater than one-acre of land require an NPDES-1200C stormwater erosion control permit issued by the Oregon DEQ. A condition of the 1200C permit requires that the applicant prepare and implement an erosion and sediment control plan that addresses stormwater management of runoff from the site during all phases of construction activities. Prior to start of any construction activity on the college campus site, the applicant will submit an application for an NPDES-1200C permit and will include an erosion and sediment control plan. An erosion and sediment control plan will be prepared when a final grading plan is completed for the college campus site.

Soil erosion due to runoff from a construction site is best controlled by first preventing erosion from occurring to the extent practicable, then limiting contact of rainwater and runoff with soil, and finally controlling sediment-laden runoff from disturbed areas prior to discharging off-site.

The erosion and sediment control plan for the college campus site will consider the following:

- The erosion and sediment control plan will be prepared following the DEQ guidance document *Erosion and Sediment Control Manual*, GeoSyntec Consultants, April 2005.
- Clearing limits will be established that minimize the area that will be stripped of native vegetation.
- Cleared areas, soil stockpiles, and rough graded areas that will be inactive for a long duration (several weeks) will be temporarily protected with mulch and/or seeded with temporary vegetation. Final graded areas will be protected with a mulch layer and seeded with permanent grass or landscape vegetation per landscape designs.
- Temporary soil and aggregate stockpiles will be covered with plastic and ballast against wind when not in use for several days.
- Dust from traffic areas and crushing operations will be controlled to prevent adverse dust nuisance.
- The permanent detention pond on the eastern side of the site will be constructed as soon as practicable and temporarily used as a sedimentation pond during construction. Runoff from disturbed areas of the site will be routed into this pond, which will temporarily discharge into the northwesterly basin (Basin 1) to help insure that sediment-laden water is not discharged into the southerly watershed during construction of the college campus project.
- The initial phase of the project calls for removal of the top of the hill, temporary on-site crushing and stockpiling operations, and use of the crushed rock for construction purposes on other parts of the Borax property. Leveling of the hilltop will be staged so that work begins on the north side of the hill and runoff controlled to prevent stormwater discharge to the south. Excavation will start on the east side where the detention pond will be constructed so that a temporary stormwater sedimentation pond can be placed into operation early in the project.
- The erosion and sedimentation control plan will be prepared considering the major stages of development, such as: start of hilltop leveling prior to a sedimentation pond; hilltop leveling with a sedimentation pond; mass grading of the leveled site; building, utilities, concrete work and pavement construction; and final site stabilization.

8.0 Maintenance Plan

The stormwater facilities proposed in this SWMP consist of a private collection and surface treatment and detention system for the purpose of serving the college campus. All stormwater collection and treatment facilities will be owned, operated and maintained by the college.

The collection system consists primarily of catchbasins interconnected by an underground storm drain system. Catchbasins will consist of a grate to catch large debris, a sump to help capture sediment and a baffle over the outlet pipe to capture floating debris. Maintenance of the collection system will include periodic visual inspection of all catchbains and removal of debris where catchbain performance is reduced. It is important that the sumps be cleaned of accumulated sediment on a frequent basis to maximize sediment removal efficiency of the catchbains. Otherwise, sediment accumulated in the vegetated swales will reduce treatment efficiency and require frequent sediment removal and re-vegetation of the swales.

Maintenance of the surface treatment and detention facilities is detailed in the attached excerpts from the Portland Manual. In general, periodic visual inspections should be performed to insure that there are no obstructions at swale inlets and outlets, and at the pond outlet control structure. Swales and filter strips should be inspected to insure healthy vegetation and proper performance during flow events. Vegetation should be watered as needed if stressed during dry periods. The receiving conveyance should be inspected at pipe outlets to ensure that erosion is not occurring downstream from final discharge points.

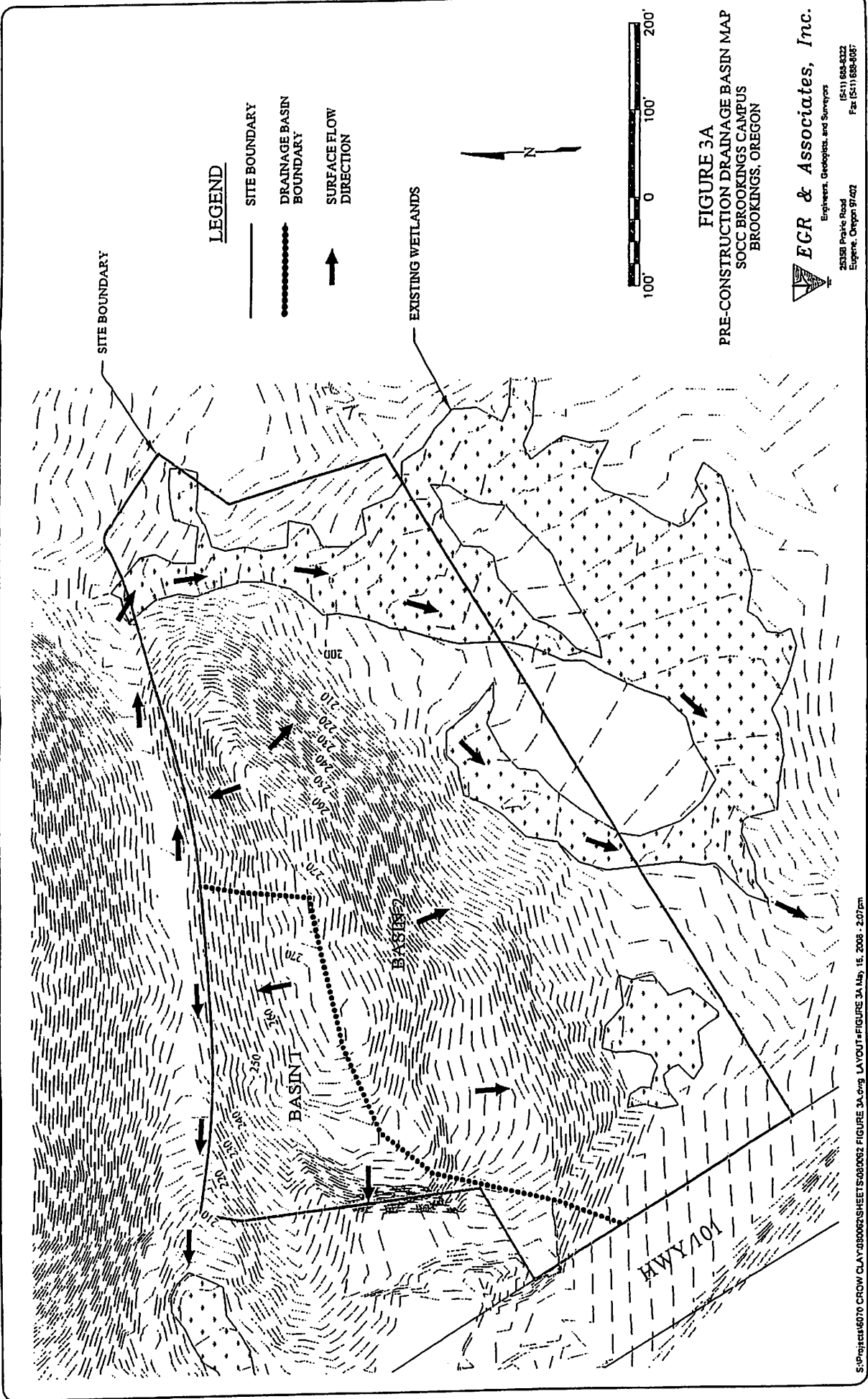


FIGURE 3A
PRE-CONSTRUCTION DRAINAGE BASIN MAP
SOCC BROOKINGS CAMPUS
BROOKINGS, OREGON

EGR & Associates, Inc.
Engineers, Geologists, and Surveyors
25358 Pacific Road
Eugene, Oregon 97402
(541) 688-9222
Fax (541) 688-9087

S:\Projects\6070 CROW CLAY\060602\SHEET\5080602 FIGURE 3A.dwg LAYOUT=FIGURE 3A May 16, 2008 - 2:07pm

5-25

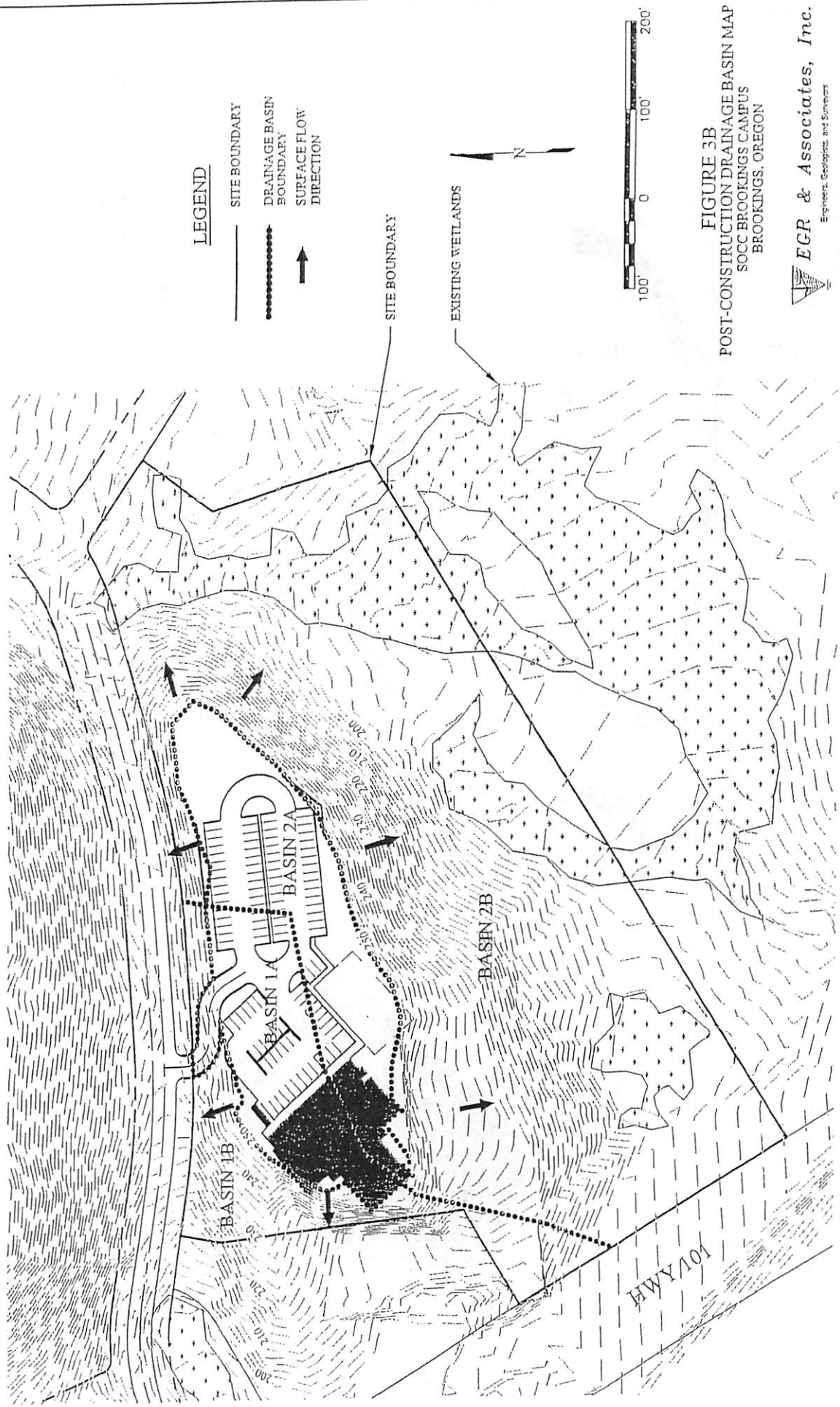


FIGURE 3B
POST-CONSTRUCTION DRAINAGE BASIN MAP
SOCC BROOKINGS CAMPUS
BROOKINGS, OREGON

EGR & Associates, Inc.
Engineers, Geologists and Surveyors
25159 Pacific Road
Eugene, Oregon 97402
(541) 688-4322
Fax (541) 688-4287

S:\Projects\6070 CROIW CLAY\080523\SHEETS\080523 FIGURE 3B.dwg LAYOUT-FIGURE 3B.dwg 24 May 10, 2006 - 2:07pm

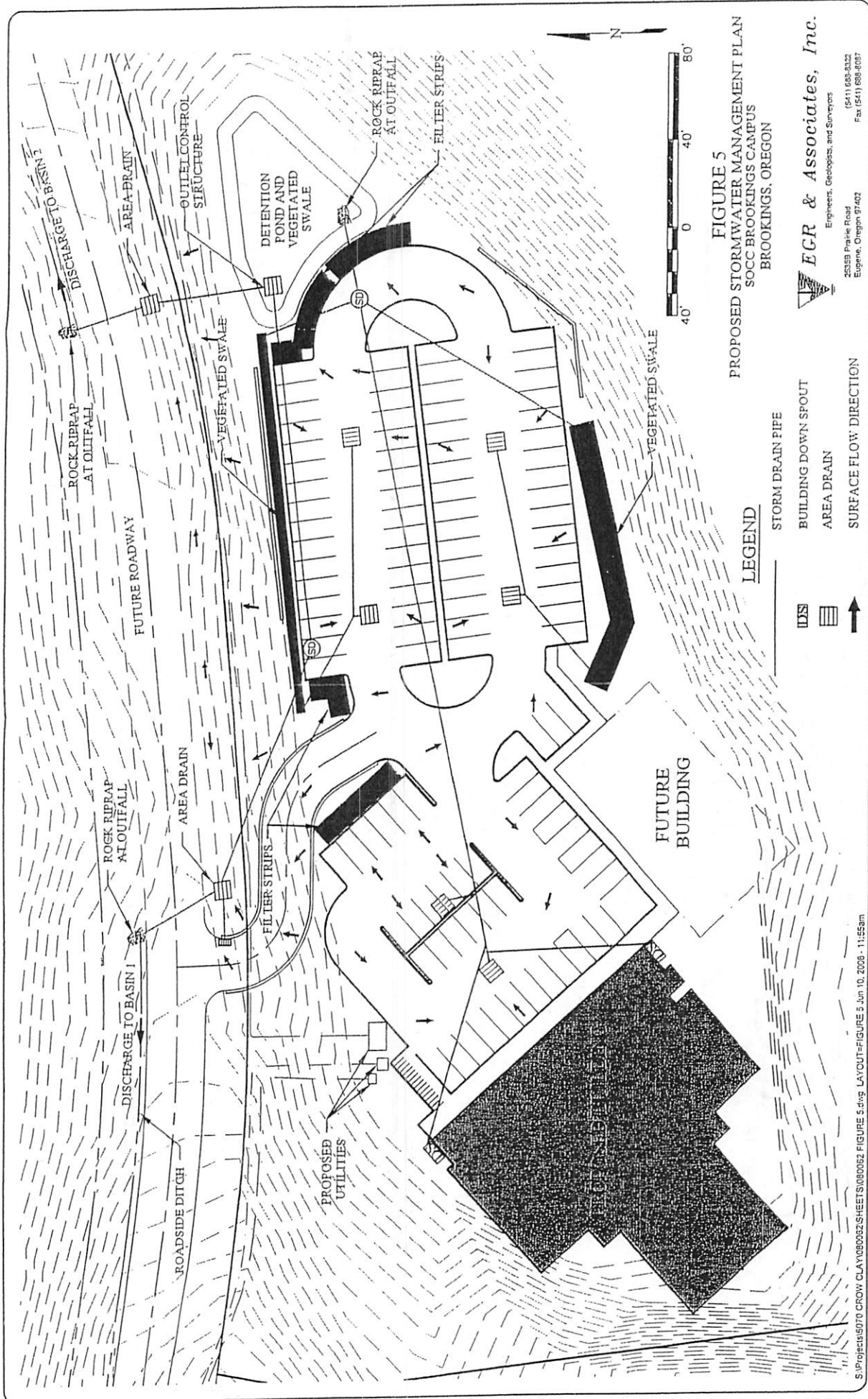


FIGURE 5
PROPOSED STORMWATER MANAGEMENT PLAN
SOCC BROOKINGS CAMPUS
BROOKINGS, OREGON

EGR & Associates, Inc.
 Engineers, Geologists, and Surveyors
 20359 Prairie Road
 Eugene, Oregon 97402
 (541) 683-8322
 Fax (541) 688-4087

LEGEND

- STORM DRAIN PIPE
- BUILDING DOWN SPOUT
- AREA DRAIN
- SURFACE FLOW DIRECTION

S:\Projects\5070 CROW CLAY\000032 SHEETS\000062 FIGURE 5.dwg LAYOUT=FIGURE 5 Jun 10, 2008 - 11:55am

C-24

Lone Ranch ROCC Geologic Evaluation Program

Summary

A brief program consisting of 10 backhoe pits and 11 air track drill holes was completed on the ten-acre Lone Ranch college site. The results of this program have reduced the amount of hard, silicified rock on the property to about 45,000 cubic yards, most of which is exposed in the old pit area on the west side of the property. The remaining 85,000 cubic yards of material can probably be removed without drilling and blasting.

Introduction

A ten-acre site located on the southwestern side of the large Lone Ranch property, Brookings, OR is being slated for development as a college site (ROCC). The author was asked by Mr. Dennis Boyle, Director of Lands for Rio Tinto Industrial Minerals, Inc., to recommend and supervise a brief program of pits and percussion drill tests in order to ascertain the underlying rock types. It is hoped that the results of these tests will aid in the development planning.

Background

The ROCC site consists of a hill, trending roughly east west and reaching to about 275 feet above sea level; the site is to be leveled to 235 feet. The western end of the property had once been used as a quarry. The rock exposed there consists of a hard, dense, black rock, thought to be pillow basalt, which overlies a light gray sedimentary sequence, the upper part of which is quite silicified and cherty. The remainder of the property is covered by a dense stand of brush and trees with few outcrops.

The author made a brief geologic site evaluation in April of this year (RBK to D. Boyle, April 29, 2006). One of the recommendations made was to have the property evaluated further with several backhoe trenches in areas where there were no surface outcrops. This recommendation was approved and a series of air track drill holes added to the program by *Otak*, the prime contractor (G. Emre to D. Boyle, May 8, 2006). This was an excellent addition. The program was set up for June 20 and 21 with *Tidewater Contractors, Inc.*, a local firm, supplying the equipment. Mr. Robert Vaught represented *Otak*; Mr. Scott Darger was the site engineer for *Tidewater Contractors, Inc.*

Field Program

The backhoe portion of the field program utilized a Hitachi 300 with an articulated dipper. This piece of equipment proved to be ideal as it was large enough to remove the brush and small trees and could excavate to a depth of over 15 feet, but was small enough to get between the larger trees and to negotiate the rather steep slopes. The *Tidewater* operator was excellent.

Trench lines were laid out roughly as recommended in the April 29th memo; Line 1 trended southeast from the northwest edge of the pit access road and cut the western end of the ridge; Line 2 was run north-south on the eastern end of the ridge, trending south from the north access road; Line 3 ran north-south about mid-way between lines 1 and 2; a short Line 4 was put in on the southern side of the ridge and a short Line 5 was added

from the center of the pit up the western slope of the ridge-line. These lines were surveyed in by compass and tape and the locations - roughly the center of each pit or drill hole - marked and numbered K1 to K15, see page 4 for the compass and tape survey of these lines.

It proved impractical to dig a trench over the length of the lines, so small pits were excavated to the depth that the backhoe was able to dig. In areas of harder rock, only about a foot of rock could be removed; in areas of softer rock and overburden, the pits were dug down to 15 feet or to the top of solid rock. For safety, the first pits on each line were dug on the top of the ridge with the machine moving back down the slope. A total of 10 pits were completed, see attached Drilling and trench pit data, page 5.

The second portion of the program consisted of air track drilling which followed the general path of the above backhoe trenches. As the drill program began, the pits were filled and leveled for safety and so that the air-track could negotiate the roads. The driller preferred to begin drilling about 5 feet from the edge of the pits, so the drill sites are slightly offset from the points that mark the center of the backhoe pits. Where no previous pit had been dug, the drill was sited directly on the previously surveyed point.

The air track utilized a small (4") button bit to drill the holes. In general this was satisfactory, but the percussion drilling penetration rate was quite rapid and the chips quite small and very dusty - an accurate, foot by foot geologic log of each hole could not be made - see attached Drilling and trench pit data. Comments by the driller on the rate of penetration (hard or softer rock) were noted to assist in the evaluation. In general, the silicified gray-green sediments were considered harder than the "basalt" or black shale. Holes were drilled to a depth that would test the rock to approximately the 235-foot level.

A total of 11 holes were drilled. Five of the drill holes (K2, K4, K6, K13, and K15) offset adjacent backhoe pits and six (K1, K5, K8, K9, K12, and K14) were put down to fill in blanks in the coverage. The final result was to receive data on roughly 100-foot centers in the area where outcrop data was lacking, including at depth in the vicinity of the pit exposures.

Geologic Comments

Data from the program just completed has revised some of the earlier conclusions. It now appears that the ridge is held up not by basalt but by silicified black shale containing thin, wispy, clots of olive green mudstone that become more prevalent in the eastern end of the ridge. Drill data indicates that this unit is rather flat lying and less than 20 feet thick under most of the ridge, and the area of the ridge underlain by this unit is rather narrow, less than 100 feet wide in the eastern portion. Drill data indicates that the ridge is NOT held up by a vertical volcanic dike, as was originally thought possible.

On the western side of the property, primarily within and adjacent to the old quarry, this black unit becomes increasingly silicified and in the pit area it looks very much like pillow basalt; it is non-magnetic. The base of the unit in the quarry area is about 20 feet lower than is indicated by drilling on the ridgeline. It is possible that this area has been

down-faulted along the western side of the existing ridge slope – although it is currently assumed that this break in topography is due to past mining activity. Note that location K13 is in a depression that appears to have been filled with mine waste and overburden – the alternative is that this pit and drill hole are located in or close to a fault trending generally north-south. A fault here would also help to explain the intense silicification of the sediments in the vicinity of K12 located less than 100 feet to the west and the relative lack of silicification encountered at drill hole location K4 located 115 feet to the east.

This black unit is underlain by a shale and claystone sequence, gray to dark green – this unit also becomes more siliceous to the west, with the upper portion quite cherty in the pit area. While in the pit area this unit consists of thin to medium bedded gray siltstone, the drilling indicates a much more variable stratigraphy under the eastern portion of the ridge, with thin interbeds of soft, dark brown clay as well as intervals of green to brown coarse sand. Both the equipment operators and Scott from *Tidewater* believe that most of the eastern half of the ridge can be removed without blasting, using a large cat with a ripper.

Volumes

Volumes of overburden, hard rock, and softer rock, were calculated from crude cross-sections drawn on 100-foot centers on a north-south direction. Elevation control was taken from the *Otak* site map of April 14, 2006. These volumes are estimates only, but are thought to be within 20%.

Cross-sections constructed through the ridge indicate that the harder rock makes up most of the ridge in the pit area but thins and narrows considerably to the east. In addition, several areas appear to have been back-filled with overburden sand and rubble from the old pit, again reducing the amount of hard rock from the original estimates.

The original volume of material to be removed from the site area above the 235-foot contour was estimated at 130,000 cubic yards. Of this amount, 45,000 cubic yards are now thought to be composed of overburden, sand and rubble; most of this material is in the eastern half of the area. Approximately half of the remaining, or 40,000 cubic yards, are thought to be unsilicified sediments and the remaining 45,000 cubic yards are harder, silicified material that may require some drilling and blasting prior to removal. As noted above, the difference between the hard silicified rock and the softer sediments in areas away from the quarry is based largely on comments by the driller, based upon his penetration rates.

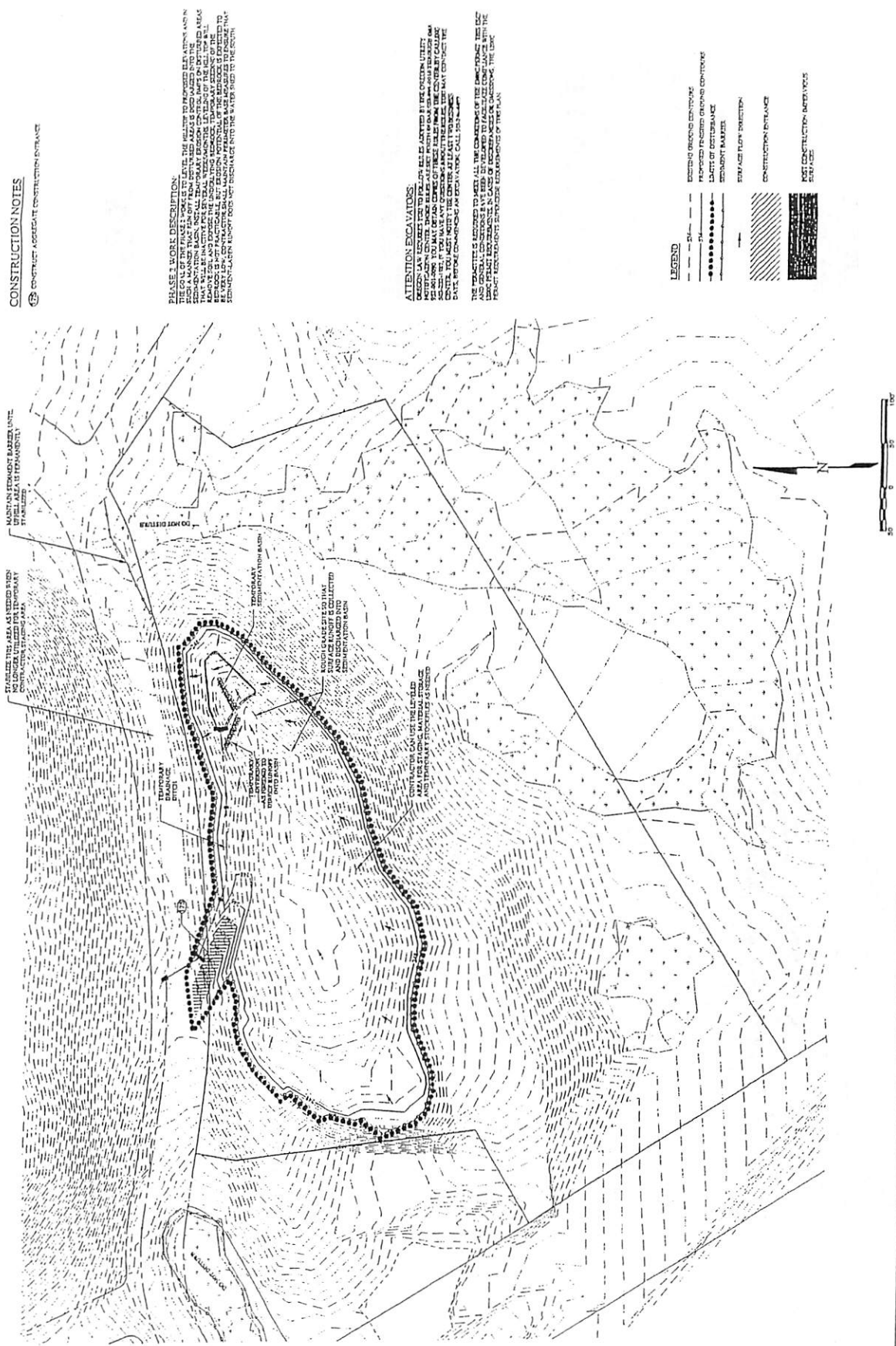
Additional Notes

The property contains some useable timber. The silicified rock, "basalt" and chert, can probably be used only for fill as these rocks break up into very sharp, very hard, fragments. The unsilicified sediments might be used for road construction as well as fill but this would have to be tested. At present, the pit area has a good stand of gorse, which apparently will have to be burned before any rock from the site can be used off the Lone Ranch property.

() Date	9-10-2003
Job Number	0070 08 00032
() Assigned by	G. BECHROFT
() Drawn by	J. STOMO
(Checked by)	J. STOMO

PHASE 2 SITE PLAN
SLOTTED EROSION CONTROL PLAN
BROOKINGS, CURRY COUNTY, OREGON

EGR & Associates, Inc.
Engineering, Architecture, and Environment
11110 Pines Road
Cuyahoga, Ohio 44132
(513) 616-8122
Fax (513) 616-8087



CONSTRUCTION NOTES

[illegible]

ATTENTION EXCAVATORS:
OREGON LAW REQUIRES YOU TO POST

THE PROGRAM IS DESIGNED TO MEET ALL THE CONDITIONS OF THE DMCA PERIOD. THE END AND GENERAL CONDITIONS HAVE BEEN DEVELOPED TO FACILITATE COMPLIANCE WITH THE LTRC PRODUCT REQUIREMENTS IN CASES OF DEFERRANCES OR OMISSIONS. THE LTRC PRODUCT REQUIREMENTS AUTOMATICALLY REFLECTIVE OF THIS PLAN.

[illegible]

172. CONSTRUCT DRAIN PROTECTION.

173. CONSTRUCT CONCRETE WADGOUT FACILITY PER DETAIL SHEET 6

174. CONST. CLASS III ROCK REPAIR AT CUTWALL.

THE GOAL OF THE PHASE 3 WORK IS TO PLACE REPORTED FILL, CLIMB A COGATED AND GRADE THE SITE TO FINAL ELEVATIONS, CONSTRUCT FOUNDATIONS, BUILDING AND MAINTAINING WALLS, INSTALL UNDERGROUND UTILITIES AND STORM DRAIN SYSTEM, INSTALL CONCRETE CURBS AND WALKS AND PAVING THE ACCESS ROAD AND PARKING AREA. LANDSCAPING AND FINAL SITE STABILIZATION WILL COMPLETE THIS PHASE OF THE PROJECT.

[illegible][illegible]



PUBLIC WORKS UTILITY CONFIRMATION FORM

This form must be sign by Public Works Division and then submitted with your application. Bring a copy of your plot plan or plat when discussing your proposal with Public Works.

I. Application Information – This section to be filled out by applicant

Applicant Name: SWOCC Date: 7-17-08

Assessor Map #: 40-14-INDEX Tax Lot: 2400

Site Address: HWY. 101

Proposal: Subdivision/ Partition Variance
Conditional Use Permit ☒ Other DETAILED DEVELOPMENT PLAN

II. Utility Information – This section to be filled out and signed by Public Works

City Water Lines – Location and size of existing lines Water main to property
(US 101) ROASTER PUMPS, RESERVOIRS, WILL NEED TO BE addressed
to facilitate development. Existing line to Entrance NOT Accepted BY
water lines meet MPD Sizing requirements. yet

City Sanitary Sewer Lines – Location and size of existing lines Lines shown on SOCC
MPD meet criteria of BORR MPD for size and capacity.
sewer line to Brookings not completed yet or Accepted.

City Storm Drain Lines – Location and size None at this time

Location and size of proposed utility lines must be submitted by applicant. Plans may need to be prepared by an engineer licensed in the State of Oregon

Required Street Improvements - AS per MPD BORR/SOCC shall
meet City of Brookings standards & specifications.

Signature: John Cowan

Title: Public Works Director

Date: 7-18-08

Attachment E



June 11, 2008

Mr. Mike Crow
Crow, Clay & Assoc
125 W. Central Sult #400
Coos Bay, OR 97420

Subject: SWOCC Curry County Campus - Near Lone Ranch Project - City of Brookings

Dear Mr. Crow:

Pursuant to our phone conversation of Tuesday, June 10, 2008, in which you requested Coos-Curry Electric Cooperative, Inc. (CCEC) provide a will serve letter regarding electrical facilities to the above development, the development does fall within CCEC's service territory and depending upon the size and scope of the project may necessitate improvements to CCEC's electrical system.

We look forward to working with you on this project.

Please let me know if you have any further questions or concerns.

Sincerely,

Andrew M. McBride, P.E.
System Planning & Engineering Manager

C: Roger Meader
Lauren Porsch
Marty Curtis
Walt Jurzcenko
Ron Manley

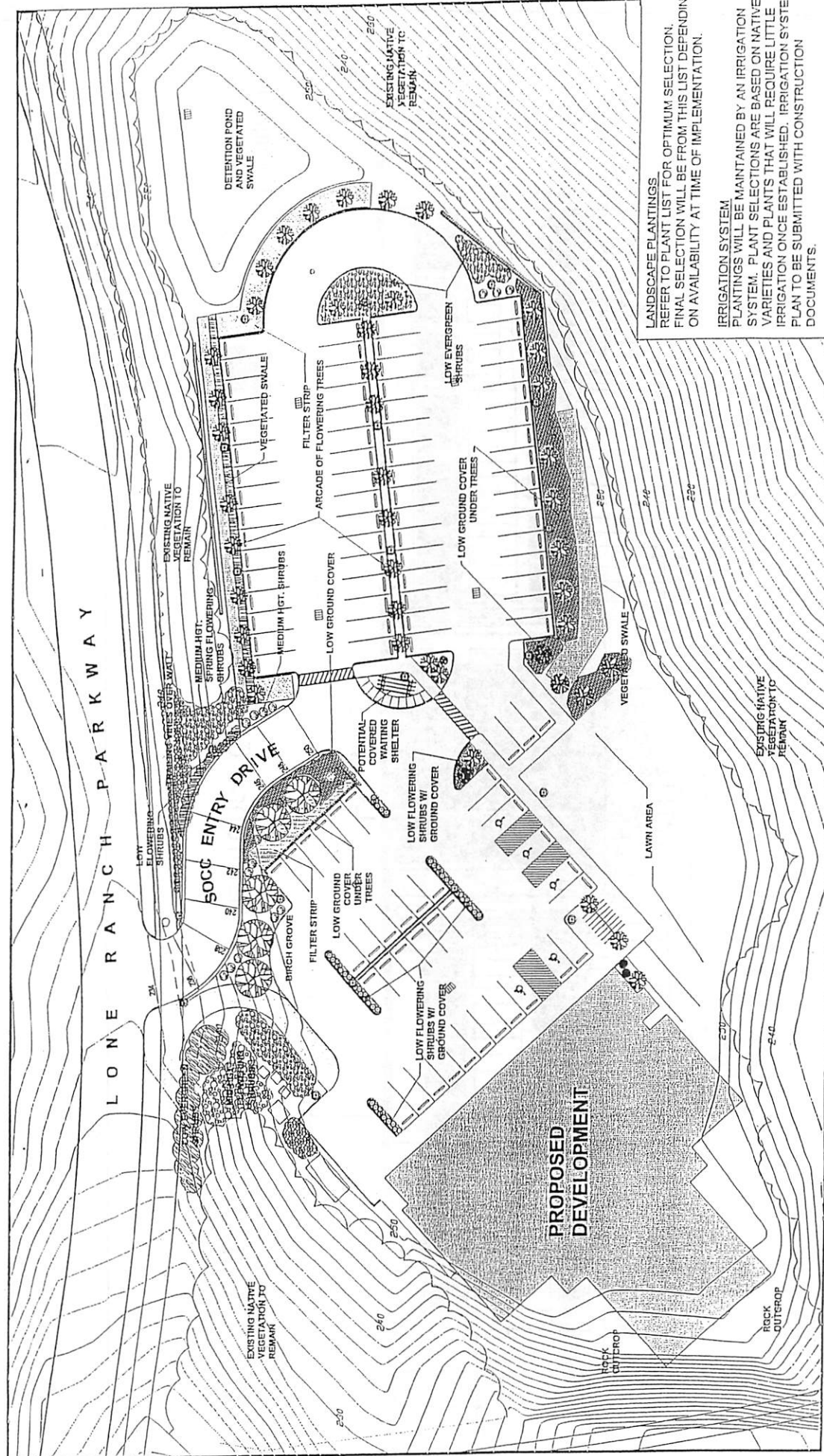
Port Orford Office: PO Box 1268 • 43050 Hwy 101 Port Orford OR 97465 • Phone: 541 332-3931 Fax: 541 332-3501
Brookings Office: P.O. Box 4819 • 815 Railroad St Brookings OR 97415 • Phone: 541-469-2103 Fax: 541-469-3193
Gold Beach Office: PO Box 785 • 29439 Ellensburg Gold Beach OR 97444 • Phone: 541-247-6638 Fax: 541-247-6630
Coquille Office: PO Box 460 • 74 W 1st Coquille OR 97423 • Phone: 541-396-3118 Fax: 541-396-3119

After Hours Outage Number 866-352-9044

SOCC CURRY CAMPUS
LANDSCAPE PLAN
 PRELIMINARY PLAN
 1" = 40'-0"

LANDSCAPE PLANTINGS
 REFER TO PLANT LIST FOR OPTIMUM SELECTION.
 FINAL SELECTION WILL BE FROM THIS LIST DEPENDIN
 ON AVAILABILITY AT TIME OF IMPLEMENTATION.

IRRIGATION SYSTEM
 PLANTINGS WILL BE MAINTAINED BY AN IRRIGATION
 SYSTEM. PLANT SELECTIONS ARE BASED ON NATIVE
 VARIETIES AND PLANTS THAT WILL REQUIRE LITTLE
 IRRIGATION ONCE ESTABLISHED. IRRIGATION SYSTEM
 PLAN TO BE SUBMITTED WITH CONSTRUCTION
 DOCUMENTS.



123 WEST CENTRAL AVENUE
 SUITE 400
 COOS BAY, OREGON 97326
 TEL: (541) 267-4187
 FAX: (541) 267-4187
 www.crowclay.com

CROW/CLAY & ASSOCIATES INC.
 ARCHITECTURE AND PLANNING
 LAND USE AND INTERIORS

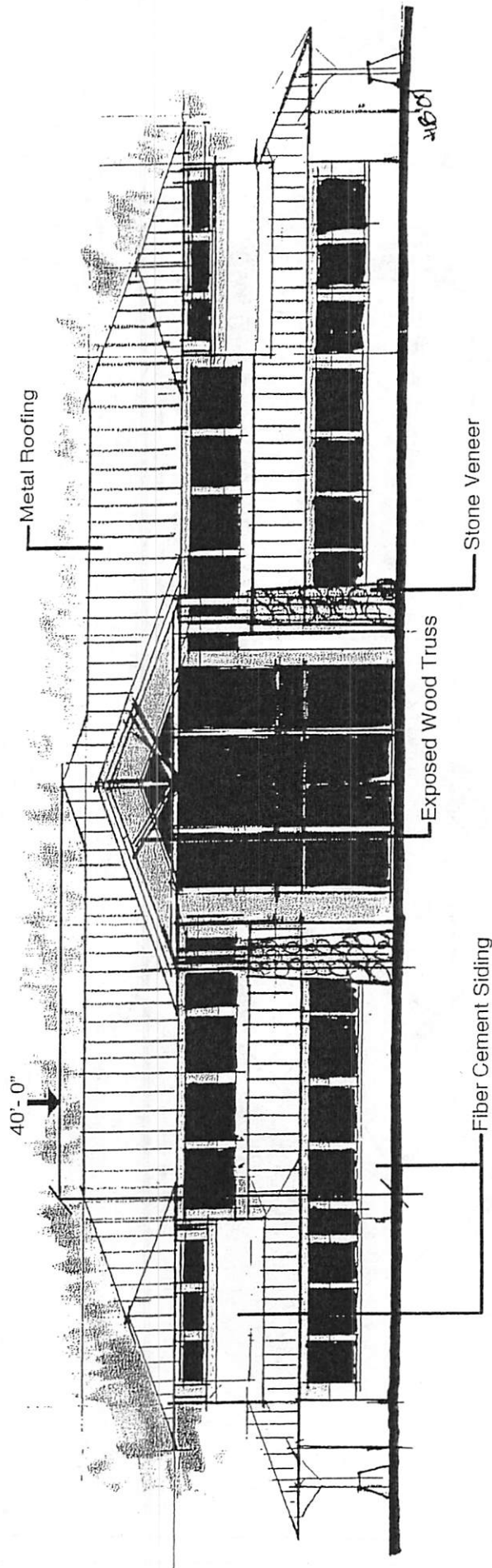


• PORTLAND, OR

• COOS BAY, OR



Southwestern Oregon Community College
Curry Campus
Preliminary Elevation

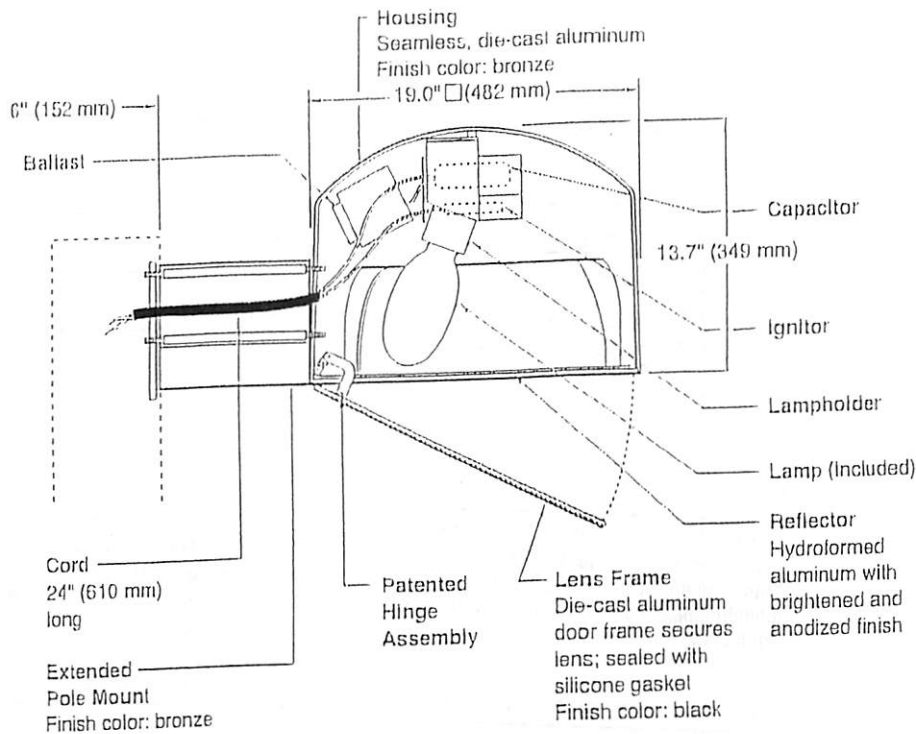


CROW/CLAY & ASSOCIATES INC.
ARCHITECTURE AND PLANNING
LAND USE AND INTERIORS

Entrance Elevation

6" EXTENDED MOUNT

SQUARE DOME® PARKING/ROADWAY (TYPE III)



Notes

SPEC # WATTAGE CATALOG

PULSE START METAL HALIDE		
SPEC #	200W PSMH	S3V2620-(a)(b)
SPEC #	250W PSMH	S3V2625-(a)(b)
SPEC #	300W PSMH	S3V2630-(a)(b)
SPEC #	320W PSMH	S3V2632-(a)(b)
SPEC #	350W PSMH	S3V2635-(a)(b)
SPEC #	400W PSMH	S3V2640-(a)(b)
SPEC #	450W PSMH	S3V2645-(a)(b)

METAL HALIDE

SPEC #	250W MH	S3V2425-(a)(b)
SPEC #	400W MH	S3V2440-(a)(b)

HIGH PRESSURE SODIUM

SPEC #	250W HPS	S3V2525-(a)(b)
SPEC #	400W HPS	S3V2540-(a)(b)

Specify (a) Voltage and (b) Options.

2-Level available - consult factory.

(b) Reduced envelope ED28 lamp.

GENERAL DESCRIPTION

Parking lot and roadway luminaire for HID lamp, totally enclosed. Supplied with IES Type III optical system. Housing is seamless, die-cast aluminum. Mounting consists of a 1.75" (44 mm) wide by 4.5" (114 mm) high by 6" (152 mm) long extruded aluminum arm. The arm is held in place with two 3/8" (9 mm) mounting rods fastened to a steel backing plate inside the pole, and by two nuts inside the fixture housing. Mounting rods are provided with sealing washers to prevent water leakage. Lens assembly consists of rigid aluminum frame and high-impact, clear-tempered glass (sag lens for 450W PSMH and 250W & 400W HPS).

(a) VOLTAGE SUFFIX KEY

M	120/208/240/277V (Standard)
T	120/277/347V (Canada Only)
1	120V
2	277V
27	277V Reactor (200-450W PSMH Only)
3	208V
4	240V
5	480V
6	347V (Canada Only)

For voltage availability outside the US and Canada, see Bulletin TD-9 or contact your Ruud Lighting authorized International Distributor.

ELECTRICAL

Fixture includes clear, mogul-base lamps. 320 - 400W PSMH and 400W MH utilize the ED28 reduced envelope lamp. Pulse-rated porcelain enclosed, 4kV rated screw-shell-type lampholder with spring-loaded center contact. Lamp ignitor included where required. Ballast assemblies are high-power factor and consist of the following circuit types:

Reactor (277V PSMH)
200 - 450W PSMH

CWA - Constant Wattage Autotransformer
200 - 450W PSMH; 250 - 400W MH;
250 - 400W HPS

(b) OPTIONS (factory-installed)

-(a)F	Fusing
-(a)P	Button Photocell (N/A on 480V)
-5P	External Photocell (for 480V)

Specify (a) Single Voltage - See Voltage Suffix Key

ACCESSORIES

SBL-19	Backlight Shield (flat lens)
SBL-19S	Backlight Shield (sag lens)

FINISH

Exclusive DeltaGuard® finish features an E-epoxy primer with medium bronze ultra-d powder topcoat, providing excellent resistance to corrosion, ultraviolet degradation and abrasion. The finish is covered by our seven year limited warranty.

LABELS

ANSI lamp wattage label supplied, visible relamping. UL and CUL Listed for wet location and enclosure classified IP54 per IEC 529 IEC 598.

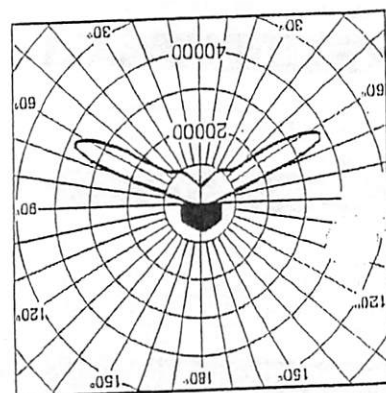
PATENTS

Patent Pending
US 4,689,729

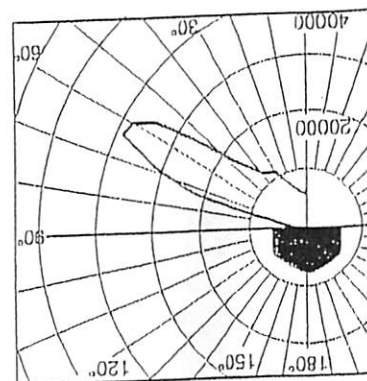
Lamp Type	Lamp Lumens	Mounting Height	Max. Recommended Pole Spacing X x Y	Footcandles	Lux
250W PSMH	23,750	25' (7.6 m) 30' (9.1 m) 150' (45.8 m) x 120' (36.6 m) 150' (45.8 m) x 100' (30.5 m)	2.43	1.68	26
320W PSMH	31,350	35' (10.7 m) 30' (9.1 m) 150' (45.8 m) x 120' (36.6 m) 150' (45.8 m) x 175' (53.4 m)	2.22	1.77	19
400W PSMH	41,800	35' (10.7 m) 30' (9.1 m) 150' (45.8 m) x 150' (45.8 m) 175' (53.4 m) x 175' (53.4 m)	2.09	1.89	27
HPS	28,000	25' (7.6 m) 30' (9.1 m) 150' (45.8 m) x 125' (38.1 m) 180' (54.9 m) x 150' (45.8 m)	1.43	2.59	22
	51,000	30' (9.1 m) 35' (10.7 m) 180' (54.9 m) x 150' (45.8 m) 210' (64.0 m) x 175' (53.4 m)	1.96	2.89	28
HPS					21

Pole-spacing Example Data

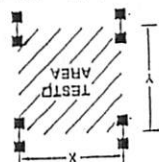
Lighting Sciences Inc.
Certified Test Report No. LSI 1506B
Candelpower distribution curve of 400W PSMH
Square Dome Light



Lighting Sciences Inc.
Certified Test Report No. LSI 15891
Candlepower distribution curve of 400W HPS
Square Dome Light



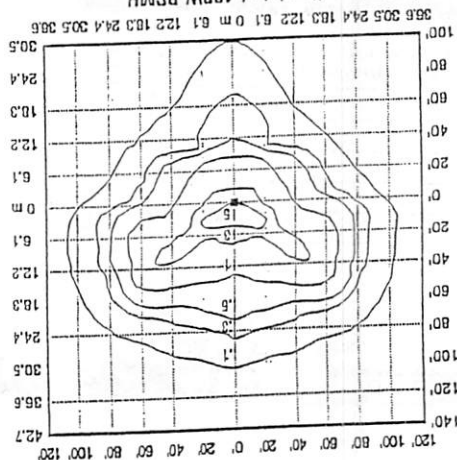
Total area is contained within a (16) pole layout.



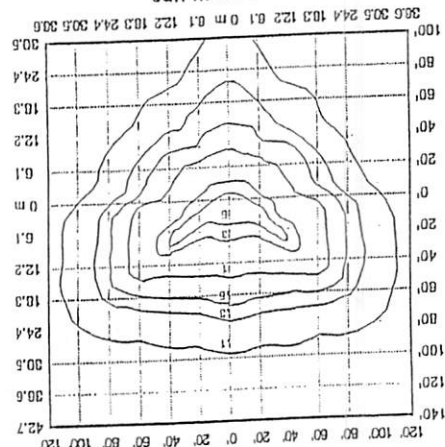
Average Initial Light Levels at Grade

$$(Foliar) = 6260.0 \div 0.0929 = \text{Lux}$$

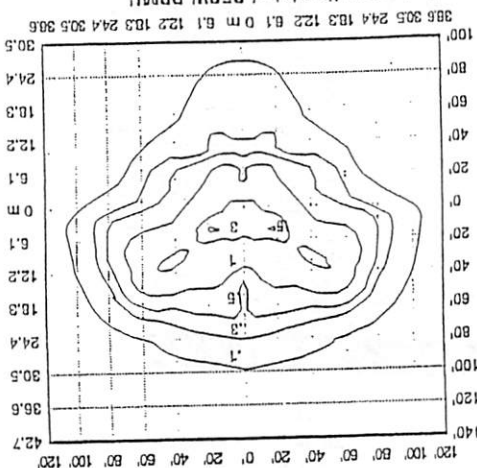
isofootcandle plot of 400W PSMH
Square Dome Light at 30° (9.1 m)
mounting height, 0° till above horizontal
(Plan view)



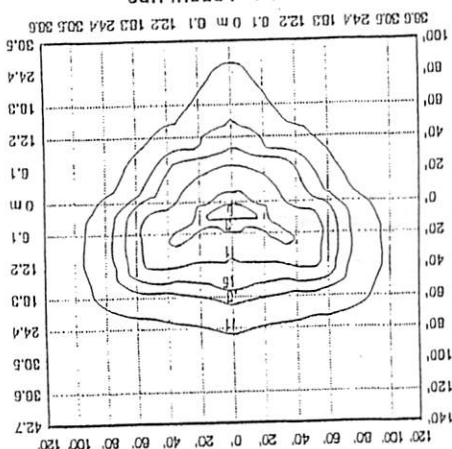
isofootcandle plot of 400W HPS
Cutoff Square Dome Light at 30' (9.1 m)
mounting height and 0° till above horizontal
(Plan view)



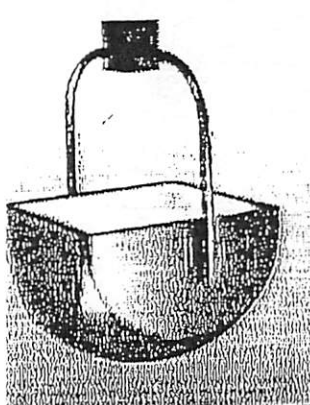
isolatecandle plot of 250W PSMH
Square Dome Light at 25' (7.6 m)
mounting height, 0° tilt above horizontal
(Plan view)



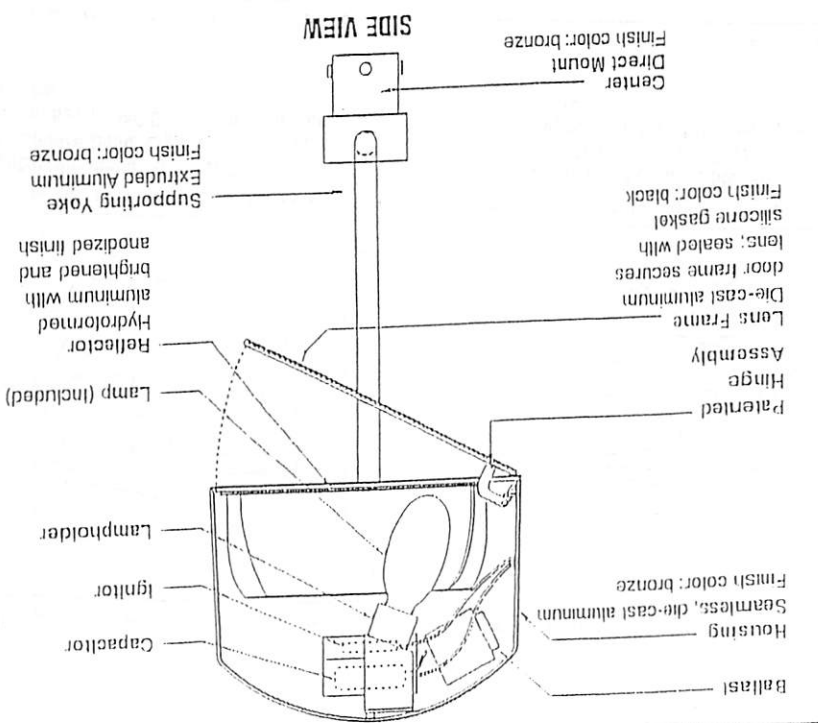
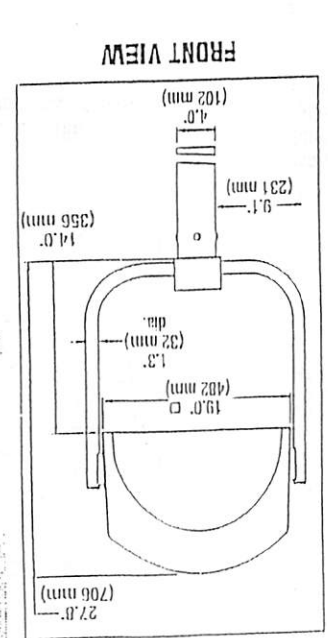
isolatecandle plot of 250W HPS
square dome light at 25' (7.6 m)
mounting height, 0° ill above horizontal
(plan view)



ROUND TUBE CENTER DIRECT MOUNT SQUARE DOME® PARKING/ROADWAY (TYPE III)



Notes



ROUND TUBE CENTER DIRECT MOUNT SQUARE DOME® PARKING/ROADWAY (TYPE III)

SPEC. #		WATTAGE		PARTIAL #	
SPEC. #		200W PSMH		S3VH620-(a)(b)	
SPEC. #		250W PSMH		S3VH625-(a)(b)	
SPEC. #		300W PSMH		S3VH630-(a)(b)	
SPEC. #		320W PSMH		S3VH632-(a)(b)	
SPEC. #		350W PSMH		S3VH635-(a)(b)	
SPEC. #		400W PSMH		S3VH640-(a)(b)	
SPEC. #		450W PSMH		S3VH645-(a)(b)	
SPEC. #		250W MH		S3VH425-(a)(b)	
SPEC. #		400W MH		S3VH440-(a)(b)	
SPEC. #		250W HPS		S3VH525-(a)(b)	
SPEC. #		400W HPS		S3VH540-(a)(b)	

Specify (a) Voltage and (b) Options.
 ☐ 2-Level available - consult factory.
 ☐ Reduced envelope, E028 lamp.

GENERAL DESCRIPTION

Parking lot and roadway luminaire for HID lamp, totally enclosed. Supplied with IES Type III optical system. Housing is seamless, die-cast aluminum, supported by round extruded aluminum yoke bracket directly over pole. Mounting base is designed to fit inside a 4" square pole, and is secured with four 5/16-18 steel screws. Lens assembly consists of rigid aluminum frame and high-impact, clear-tempered glass (sag lens for 450W PSMH and 250W & 400W HPS).

ELECTRICAL

(a) VOLTAGE-SUFFIX KEY	
M	120/208/240/277V (Standard)
T	120/277/347V (Canada Only)
1	120V
2	277V
27	277V Reactor (200-450W PSMH Only)
3	208V
4	240V
5	480V
6	347V (Canada Only)

For voltage availability outside the US and Canada, see Bulletin TD-9 or contact your Rural Lighting authorized International Distributor.

Fixture includes clear, mogul-base lamps. 320 - 400W PSMH and 400W MH utilize the E028 reduced envelope lamp. Pulse-rated porcelain enclosed, 4kV rated screw-shell-type lampholder with spring-loaded center contact. Lamp ignitor included where required. Ballast assemblies are high-power factor and consist of the following circuit types:
 Reactor (277V PSMH)
 200 - 450W PSMH
 CWA - Constant Voltage Autotransformer
 200 - 450W PSMH; 250 - 400W MH;
 250 - 400W HPS

PATENTS

ANSI lamp wattage label supplied, visible relamping. UL and CUL Listed for wet location and enclosure classified IP54 per IEC 529 IEC 598.

LABELS

Exclusive DeltaGuard® finish features an epoxy primer with medium bronze ultra-die powder topcoat, providing excellent resistance to corrosion, ultraviolet degradation and abrasion. The finish is covered by our seven year limited warranty.

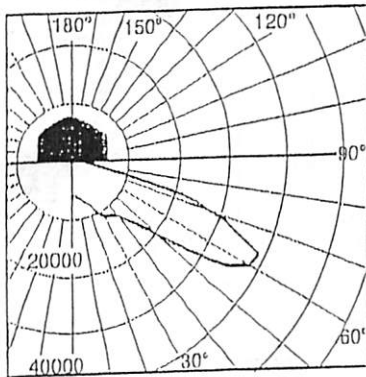
FINISH

SBL-19	Backlight Shield (fl lens)
SBL-19S	Backlight Shield (sag lens)

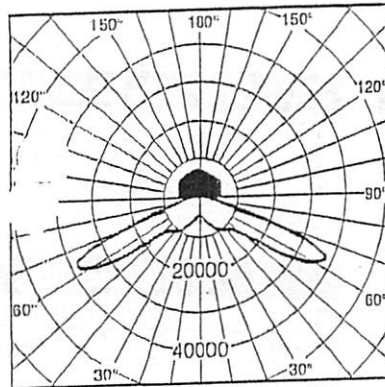
ACCESSORIES

(a) F	Fusing
(a) P	Button Photocell (N/A on 480V)
(a) P	External Photocell (for 480V)
Specify (a) Single Voltage - See Voltage Suffix Key	

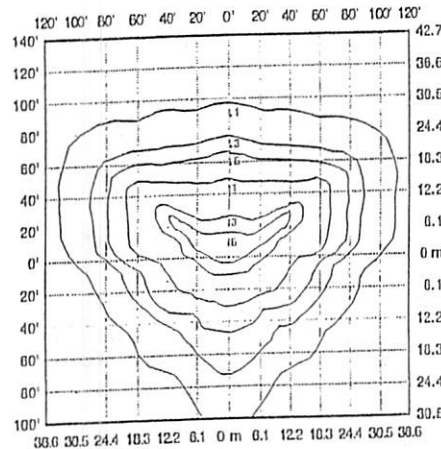
(b) OPTIONS (factory-installed)



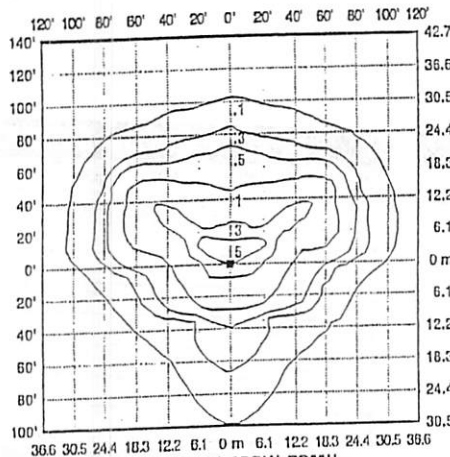
Lighting Sciences Inc.
Certified Test Report No. LSI 15891
Candlepower distribution curve of 400W HPS
Square Dome Light



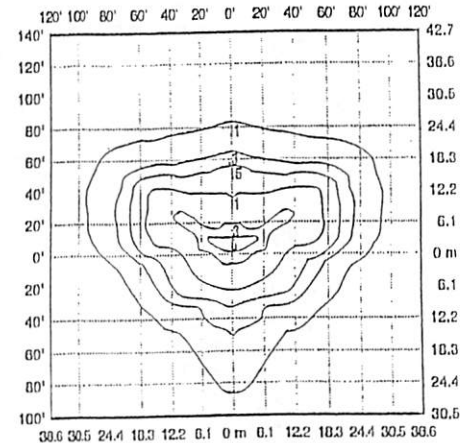
Lighting Sciences Inc.
Certified Test Report No. LSI 15868
Candlepower distribution curve of 400W PSMH
Square Dome Light



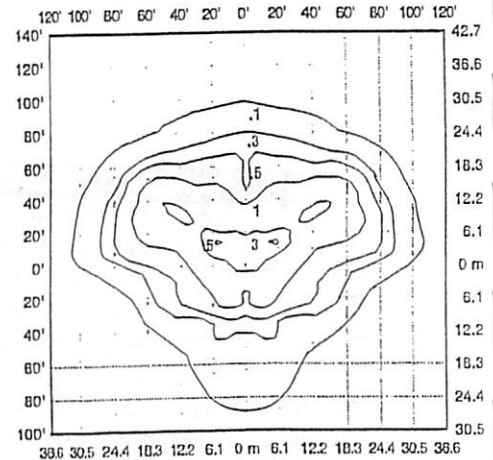
Isofootcandle plot of 400W HPS
Cutoff Square Dome Light at 30' (9.1 m)
mounting height, 0° tilt above horizontal
(Plan view)



Isofootcandle plot of 400W PSMH
Square Dome Light at 30' (9.1 m)
mounting height, 0° tilt above horizontal
(Plan view)



Isofootcandle plot of 250W HPS
Square Dome Light at 25' (7.6 m)
mounting height, 0° tilt above horizontal
(Plan view)

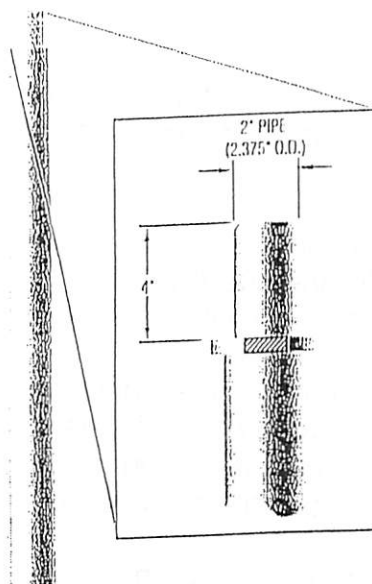


Isofootcandle plot of 250W PSMH
Square Dome Light at 25' (7.6 m)
mounting height, 0° tilt above horizontal
(Plan view)

ROUND TAPERED STEEL POLES

**PSRV
SERIES**

Notes



SPEC #	CATALOG #	BASE O.D. X TOP O.D. & WALL THICKNESS	POLE SHAFT	BOLT CIRCLE/RANGE (INCHES)	BOLT SIZE (INCHES)	30 MPH	50 MPH	100 MPH				
						MAX FIXTURE WEIGHT	MAX FIXTURE WEIGHT	MAX FIXTURE WEIGHT				
	SPEC #	%PSRV25CTBZ	7.0 x 3.5 RND x 11 Gauge	7.0" x 3.5" x 25'	10.0/9.5-10.5	1	20.3	507	16.2	405	13.1	327
	SPEC #	%PSRV30CTBZ	8.0 x 3.8 RND x 11 Gauge	8.0" x 3.8" x 30'	11.0/10.5-11.5	1	18.9	473	14.9	373	12.0	300
	SPEC #	%PSRV35CTBZ	8.5 x 3.6 RND x 11 Gauge	8.5" x 3.6" x 35'	11.5/11-12	1	18.9	472	15.1	377	12.2	305
	SPEC #	%PSRV39CTBZ	9.0 x 3.6 RND x 11 Gauge	9.0" x 3.6" x 39'	12.5/12-13	1	17.2	430	13.5	338	10.8	270
	SPEC #	%PSRV45CTBZ	10.0 x 3.7 RND x 11 Gauge	10.0" x 3.7" x 45'	13.5/13-14	1	17.4	435	13.5	338	10.6	265
	SPEC #	%PSRV50CTBZ	10.0 x 3.0 RND x 11 Gauge	10.0" x 3.0" x 50'	13.5/13-14	1	13.2	330	10.6	265	8.3	208

Round Tapered Poles do not include the Crown-Weld® base.

NOTE: Round Tapered Poles do not include Colorlast DeltaGuard™ paint finish and are warranted for 1 year. Round Tapered Poles do not include the Crown-Weld™ base.

GENERAL DESCRIPTION

Round Tapered Poles combine their graceful, distinctive appearance with quality construction. They are available in lengths of 25, 30, 35, 39, 45 and 50 feet. Fixture mounting is accomplished by attaching the fixture, via the Round External Mount Vertical or Horizontal Tenon (PB/PT Series), to a 2-inch schedule 80 pipe that is peripherally welded to the top of the shaft. Each pole is shipped complete, with galvanized anchor bolts, paper mounting template and base cover. The two-piece non-metallic base cover is held together by two fasteners. The poles come with a reinforced hand hole that is welded to the shaft. The steel hand-hole cover is attached with two high-strength fasteners.

MATERIALS

The shaft, of hot-rolled, commercial-quality ASTM A595 Grade A 11-gauge steel, has a minimum-yield strength of 50,000 psi. Shaft taper is a uniform 0.140 inch per foot. The one-piece construction features a full-length, longitudinal, high-frequency resistance weld. The base plate, made of carbon steel with 36,000-psi minimum-yield strength, telescopes the shaft and is welded top and bottom.

FINISH

Round Tapered Poles come standard with a bronze polyester powder finish that carries a one-year warranty.

LABELS

The grounding lug meets UL and NEC requirements for electrical ground bonding. All Ru Lighting poles meet or exceed NEC requirements. The Round Tapered Pole also meets AASHTO standards for mechanical strength windloading.

**Southwestern Oregon Community College
Curry Campus
Part C - Narrative Requirements**

Waterline installation along highway has been completed and is in the process of being turned over to the City. The water plan adopted by the City of Brookings concluded that sufficient water will be available to service the College site.

1. No additional land divisions are expected on the ten acres owned by the College. The plat for the subdivision of the 10 acres to be deeded to the College at approval of the DDP is attached.

The proposed footprint of the initial two story campus structure is approximately 12,500 square feet in area. Total square footage is about 22,500 square feet. Proposed parking is 115 spaces. The calculation for parking is indicated on the site plan. See Site Plan tab.

The set back from the structure to the west property line is proposed as 15' - 0". All other set backs to structure from property lines are in excess of 90' - 0".

2. Entry road work, utilities installation and site preparation is anticipated to occur in the ~~fall of 2008 and spring of 2009~~. Construction for the facility and its associated site development is expected to be complete in late 2010.

↓ "SUMMER OF 2009" SEE "ATTACHMENT O."

Entry road and utilities (except power) that are to be installed in the public right of way will be turned over to the City or appropriate utility. Appropriate easements will be provided on College property to utilities for maintenance of lines to meters, transformers, and backflow prevention devices. All on site infrastructure down stream from meters etc. will be maintained by the College. Primary power will be maintained by Coos Curry Electric with appropriate easements established for their use. No changes have occurred in the MPoD as it relates to the College site.

3. The College site is bounded on the west by a commercially zoned piece of property. The commercial property is currently undeveloped. The area north of the College is also undeveloped. The College site is bounded to the south and east by designated wet lands that are fairly extensive in area.

The College will establish its own architectural character and will have minimal impact on surrounding areas which are currently undeveloped or will always be vacant (wetlands). Although final plans have not yet been prepared for the College building, the style, character and materials are illustrated by the attached preliminary elevation. The base of the building will tie to the natural stone upon which the building will sit with a blend of concrete and stone veneer. Colors will be selected to complement or blend with natural color tones occurring on the site. The roof area will be sloped and roofed with metal roofing. The proposed height of the structure will be 40' - 0" or less. Please see the Front Elevation tab.

4. A traffic impact study for the College campus, by itself, was submitted previously to the Oregon Department of Transportation and to the City of

Brookings. The study recommendations were accepted by ODOT as appropriate for the College.

OTAK, in the process of working on the Lone Rock site access, had prepared preliminary centerline profiles and a grading plan for the entrance road (see Entry Road tab). The College will incorporate this design into their final access road plans. The plan does require filling in a wetland near the Highway 101 entry access area, fill area was shown in the approved Master Plan Development. This work will be coordinated with appropriate agencies. See attached DSL Army Corp of Engineers Joint Permit Application.

A Traffic Impact Study completed by DKS, and forwarded to ODOT and the City of Brookings, confirms that a two lane college access road will have no negative impacts on Highway 101. The entry road will be consistent with the Master Plan and will be 28 feet wide with a ten foot multiuse path along the south side. See Entry Road tab.

Utilities There are no existing utilities in the proposed development area. No adverse impacts on existing utilities is anticipated.

Water The College will be extending a 12" water line from the existing 12" line at Highway 101/Lone Ranch Parkway road intersection. An 8" line will branch off to the College site. A water pump will be provided as required to insure proper water pressure for fire and domestic usage.

Sewer The College currently anticipates connecting via an 8" and 6" sewer line to a yet to be installed sewer line run along the east side of Highway 101. After discussion with the Oregon Department of Environmental Quality it was determined that if the sewer line is not installed by the time the campus is substantially complete and ready for occupancy a temporary holding tank will be installed and pumped per a regular schedule. D. E. Q. prefers this method of disposal to a temporary on site disposal method. D. E. Q. letter attached. See Agency Comments tab.

Power Electrical service will be provided by Coos Curry Electric. See Agency Comments tab.

Phone/Cable/Communication

These services are currently available along Highway 101 and will be routed to the site adjacent to water and sewer.



THE DYER PARTNERSHIP
ENGINEERS & PLANNERS, INC.

1330 Teakwood Avenue
Coos Bay, Oregon 97420
Ph: (541) 269-0732
Fx: (541) 269-2044
www.dyerpart.com

MEMORANDUM

Attachment H

DATE July 23, 2008
TO Ms. Diane Morris
City of Brookings
FROM Steve Major, PE
City Engineer
PROJECT NAME Miscellaneous Engineering
SOCC – Curry County Campus
PROJECT NO. 145.00E

I have completed my review of the Detailed Development Plan (DDP) for the above referenced project. This document includes preliminary plans as required by the City's Land Development Code. The plans as submitted, with the addition of a letter from the developer's geologist regarding the lack of a high ground water table, satisfy the requirements of Chapter 17.100 of the specified code.

Engineered construction plans based on the submitted materials will be required prior to construction. Utilizing the proposed engineered plans will protect the Rainbow Rock Service Association's water and water supply system from adverse affects. Site excavation and storm drain improvements must be constructed during the dry weather months, as proposed, for this condition to be met.

Two copies of the submitted plans with copies of the geologist's letter are enclosed for your use.

If you have any questions please give me a call.

cc: John Cowan – City of Brookings
Michael Crow – Crow/Clay & Associates Inc.

INTRODUCTION

This document is a request for approval of a Detailed Development Plan (DDP) for the Southwestern Oregon Community College Curry County Campus. The 10.05 acres discussed in this application will be deeded to the College upon approval of the DDP.

The proposed development is in substantial compliance with the appropriate area of the Master Plan submitted in 2004.

Compliance with Conditions of Approval

General Conditions:

Condition 1 requires submittal of DDP within 4 years of approval of Master Plan. This DDP submittal is being submitted prior to October 25, 2008. Master Plan was submitted October 25, 2004.

Condition 2 requires compliance with original conditions. This DDP submittal and its associated development are designed to meet the intent of the original conditions of approval.

Condition 3 requires amendment to the Master Plan if DDP submittals are not in substantial compliance with the Master Plan. The development of the College site is contemplated in the original Master Plan. Site circulation and utilities are illustrated on the site plan and are in conformance with the original Master Plan. See also Condition 18.

Condition 4. Applicant will submit construction plans to the City prior to commencement of construction.

Condition 5. Construction documents will require the placement of a sign containing the name, address and contact number for the Contractor in a location visible from Highway 101.

Condition 6. The applicant has and is consulting with appropriate state and federal agencies to protect wetlands and lilies. See Agency Comments tab. A Joint Application to the Division of State Lands and Army Corp of Engineers for filling in a wetland at the entry road area is being prepared. Draft attached. See Joint Permit tab. This wetland fill was proposed in the approved Master Plan of development.

Condition 7. Construction documents for the entry road to the College site will be prepared prior to construction. This DDP submittal includes the entry road to the site.

Condition 8. The applicant is proposing a phased development of the south entry road as it is becoming apparent that the college campus will likely occur prior to other development on the site. DKS (the traffic engineering firm that completed the original study for Lone Ranch Master Plan) has conducted an additional study of generated trips at the south

access Highway 101 intersection considering only the college development. The study was reviewed and approved by ODOT. The study concludes that the initial college entrance road is adequate as a two lane road (one lane ingress and one lane egress) with the additional improvements as recommended in the Master Plan being completed with any additional development. The proposed street leading to the College entrance will have a 70' right-of-way. ~~An easement included in the entry road tab section allows the College to improve and use the entry road area until such time that it is turned over to the City or in perpetuity. See Entry Road tab.~~ ENTRY ROAD WILL BE A PUBLIC ROAD DEDICATED TO THE CITY. SEE "ATTACHMENT O."

Condition 9. The water system already constructed along Highway 101 is in the process of being turned over to the City. The water line from Highway 101 to the College site is included in this DDP submittal. Construction Documents will be submitted to the City prior to construction for the line to College site and they will be prepared to comply with Health Division and City of Brookings Standard Specifications Document.

Condition 11 and 12. The City of Brookings anticipates the installation of the sewer line north along Highway 101 to the College entry road location within 5 years. See letter from the City of Brookings. If the sewer is not in place at the time of completion of the construction of the College buildings a holding tank will be installed and a regular pump-out schedule will be established. The holding tank was preferred by D. E. Q. in lieu of a temporary on-site in ground discharge system. Construction Documents will be submitted to the City for review prior to work on site. See Agency Comments tab.

Condition 13. The State Department of Parks and Recreation has reviewed our site as it relates to cultural resources. Although no eligible sites have been identified in the area proposed for the College, Mr. Griffin has recommended subsurface probes be implemented by an archeologist. We propose to follow his recommendations and if it is determined that eligible sites exist in the area to be developed, either during the site review or during construction, we will work with the State Historic Preservation office to provide appropriate mitigation.

Condition 14. Streets, water lines, sewer lines, storm drainage systems and other utility construction for the College site is included within this DDP submittal.

Condition 15. The water system to date has been designed to accommodate reverse flows and the phased additions to the system will also be designed to accommodate reverse flow.

Condition 16. The applicant will provide a geological report for street and utility construction if required by the City engineer.

Condition 17. This DDP submittal is being submitted for the College site phase of the Lone Ranch Master Plan of Development.

Condition 18. The work proposed for the College site is in significant conformance with the approved Master Plan. Our initial development will impact 2.25 acres of the 10 acre site,

only half of the 5 acres scheduled for development in the Master Plan. The building foot print will be approximately 12,500 square foot in area with a total of 22,500 square feet on two floors. The proposed foot print is 25% less than the 17,500 square foot expressed in the Master Plan. The preliminary site plan and preliminary floor plan are illustrated within the body of the DDP submittal.

Condition 19. Utilities and the street system will be extended to within 75 feet of the wetlands at the north east corner of the College site. This includes approximately 400 feet of roadway and utilities beyond the College entrance road. The applicant is proposing stopping short of the wetland to avoid impacting this environmentally sensitive area until additional development occurs. The College would participate in the cost of completing the road and utility development work on a proportional basis at the time of additional development.

Condition 20. A portion of the site included within this DDP submittal contains slopes greater than 15%. A geological letter report by ERG & Associates is included with this DDP submittal.

Condition 21. The applicant will obtain all federal and state permits related to direct impact of development on the water of the State or U.S. prior to development.

Condition 22. Protection of Western Lilies. No Western Lily habitat is contained within this DDP development area. See Agency Comments tab.

Condition 23. Plans have been prepared and are included within this DDP submittal which demonstrates measures implemented to protect the Rainbow Rock Service Association water system. Plans include an erosion and sediment control plan to be implemented during construction and a hydrology and stormwater management plan to meet the "no negative effects" requirement of this condition. See Stormwater Management Plan tab.

Condition 24. Highway 101, Lone Ranch access plan. See Condition 8 response.

Condition 25. Applicant agrees to Condition 25.

Condition 26. Traffic. No increase in total Master Plan p.m. peak hour trips will result from the development proposed in this DDP submittal. See Condition 8 response for additional information and the DKS Traffic Study in the Entry Road tab. ODOT comments are included within the Agency Comment tab.

Condition 27. Mobility Standards. See DKS traffic impact study included as part of this DDP submittal. The proposed development included within this DDP submittal will not generate sufficient trips to exceed acceptable ODOT mobility standards for the Highway 101/Carpenterville Road intersection.

Condition 28. A hydrology study is included as part of the Stormwater Management Plan included within this DDP submittal. Also see Agency Comments tab.

Condition 29. Swale Maintenance: A recordable drainage swale maintenance agreement for swales adjacent to the College property is provided in this DDP submittal for review and comment by the City. Agreement immediately following this section.

Condition 30. This DDP submittal does acknowledge and include changes made by errata sheet dated June 4, 2004 amendments. The height of the College campus facilities will be designed to be less than 40 feet.

SWALE MAINTENANCE COVENANT

Comes now Southwestern Oregon Community College, as agent for U. S. Borax, owner of the real property located in Brookings, Curry County, Oregon more particularly described as follows:

See attached Exhibit A

and does covenant and agree that Southwestern Oregon Community College shall, following approval by the City of Brookings of the Detailed Development Plan submitted to the City of Brookings by Southwestern Oregon Community College and receipt of title to the real property described in Exhibit A, permanently maintain any swale constructed by Southwestern Oregon Community College located upon the real property described in Exhibit A and abutting the roadway, also to be constructed by Southwestern Oregon Community College, that provides ingress and egress to the real property described in Exhibit A.

This covenant shall run with the land described in Exhibit A and shall be binding upon all assignees or transferees of the real property described in Exhibit A.

Dated this _____ day of _____, 2008.

Southwestern Oregon Community College

By _____
Dr. Judith Hansen, President

State of Oregon)
) ss
County of Coos)

Personally appeared before me Dr. Judith Hansen, known to me to be the President of Southwestern Oregon Community College, and acknowledged her signature to be her free, voluntary and authorized act this _____ day of _____, 2008.

Notary Public for the State of Oregon



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Roseburg Field Office
2900 NW Stewart Parkway
Roseburg, OR 97470
Phone: (541) 957-3474 FAX: (541) 957-3475

Reply To: Roseburg
File Name: SWOCCLetter.doc
TS Number: 08-1496
TAILS: 13420-2008-TA-0080
Doc Type: Final

June 10, 2008

Mike Crow
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420

Subject: Development of the proposed Southwestern Oregon Community College (SWOCC) campus at the US Borax Property north of Brookings.

Dear Mr. Crow,

We received an e-mail message from Crow/Clay & Associates Inc. on June 3, 2008 requesting confirmation that the proposed SWOCC campus (project), as referenced above, would not affect any western lily habitat. The e-mail message included an attached map of the location and drawn plan of the proposed campus. Our latest survey information, from July 2005, indicates that currently, western lily does not occur within the location of the proposed project footprint, therefore, we do not believe the project will impact western lily and have no objection with the proposed project as described at this time.

Thank you for the opportunity to provide assistance with the proposed project. If you have further questions or require additional assistance please contact Dave Imper at 707-825-5112, Sam Friedman at 541-957-3478, or me at 541-957-3470.

Sincerely,

Craig A. Tuss
Craig A. Tuss
Field Supervisor

cc: Dave Imper, USFWS, Arcata, CA (e)
Laura Todd, USFWS, Newport, OR (e)
Office Files, FWS-OFWO, Portland, OR (e)



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife
Gold Beach District Office
29907 Airport Way
PO Box 642
Gold Beach, OR 97444
(541) 247-7605
FAX (541) 247-2321



June 9th, 2008

Ms. Robin Richards
Executive Assistant
Crow/Clay & Associates, Inc.
125 W Central Avenue, Ste. 400
Coos Bay, OR 97420

Re: SOCC riparian setback

Dear Ms. Richards,

I have reviewed you proposed site plan for Southwestern Oregon Community College. As described in your June 3, 2008 email, the facility is well outside any stream corridor and the riparian buffers meet or exceed Curry County riparian setback requirements.

If you have any further questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Mazur".

Steven Mazur
Assistant District Fish Biologist



Oregon

Theodore R. Kulongoski, Governor

Attachment L

Parks and Recreation Department
State Historic Preservation Office
725 Summer St. NE, Suite
Salem, OR 97301-126
(503) 986-0701
FAX (503) 986-0701
www.hcd.state.or.us

June 12, 2008

Ms. Robin Richards
Crow/Clay & Associates
125 W Central Ste 400
Coos Bay, OR 97420



Nat'l
HIST
Discover

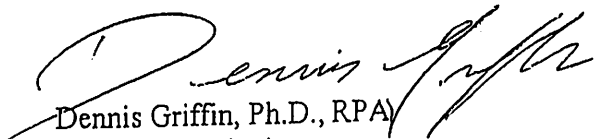
RE: SHPO Case No. 08-1211
Curry Campus of Lone Ranch Comm College
Campus construction
Crow/Clay & Assocs./Lone Ranch Comm College
40S 14W 26, Brookings, Curry County

Dear Ms. Richards:

Our office recently received a request to conduct a cultural resource review for the area of the project referenced above. In checking our statewide cultural resource database, I find that there has been a previous cultural survey of the lands surrounding and encompassing the proposed project and archaeological sites were identified. One of these sites (35CS225) lies within the larger area demarcated within the proposed SOCC campus but not within the area currently planned to be developed. Given that surface visibility in the area of the larger Borax property project was nonexistent and archaeological sites were found in those few areas where the ground surface was visible, and that subsurface visibility in the area of the proposed campus development was also zero, our office recommends that subsurface probes be conducted within the proposed project area (in area to be disturbed). The proposed campus structures are located on a landform generally perceived to have a high probability for possessing archaeological sites and buried human remains.

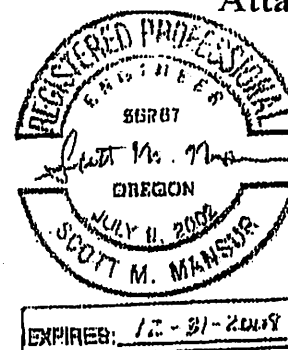
A list of possible archaeological consultants can be found on our web site (www.oregonheritage.org) by clicking on Archaeological Services web page and highlighting the section marked Archaeological Permits. State statutes (ORS 358.905 and ORS 97.740) provide protection for archaeological sites, objects, and human remains on both state public and private lands in Oregon. I hope that by providing the above-suggested archaeological survey, damage to any archaeological sites in the area of your proposed project can be avoided.

If you have any questions about the above comments or would like additional information, please feel to contact me at your convenience. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.


Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@state.or.us

DKS Associates
TRANSPORTATION SOLUTIONS

MEMORANDUM



TO: Mike Crow, Crow-Clay Associates
FROM: Scott Mansur, PE, DKS Associates *SM*
DATE: January 16, 2008

SUBJECT: Lone Ranch/SWOCC Transportation Impact Study

P07243x000x000

This memorandum summarizes transportation analysis related to the proposed 21,271 square foot South Western Oregon Community College (SWOCC) building that is part of the approved Lone Ranch development located on the east side of Highway 101 in the City of Brookings. The project site is shown in Figure 1.

Project Background

The Lone Ranch Master Plan Transportation Impact Study was previously approved for 1,036 total p.m. peak hour trips including 839 net new p.m. peak hour trips. At the time of the Lone Ranch transportation study, it was assumed that the SWOCC pad would be constructed as part of phase 1, which included the residential and commercial uses. Analysis indicated that phase 1 would require numerous transportation improvements; therefore, the off-site improvements were planned to be constructed prior to phase 1 occupancy.

It is our understanding that while the Lone Ranch residential and commercial uses are still several years from construction, SWOCC would like to construct their planned first phase building before the other planned uses within the Lone Ranch site. The purpose of this study is to determine what traffic impacts, if any, would be triggered by constructing the SWOCC use independently from the remaining Lone Ranch phase 1 uses.

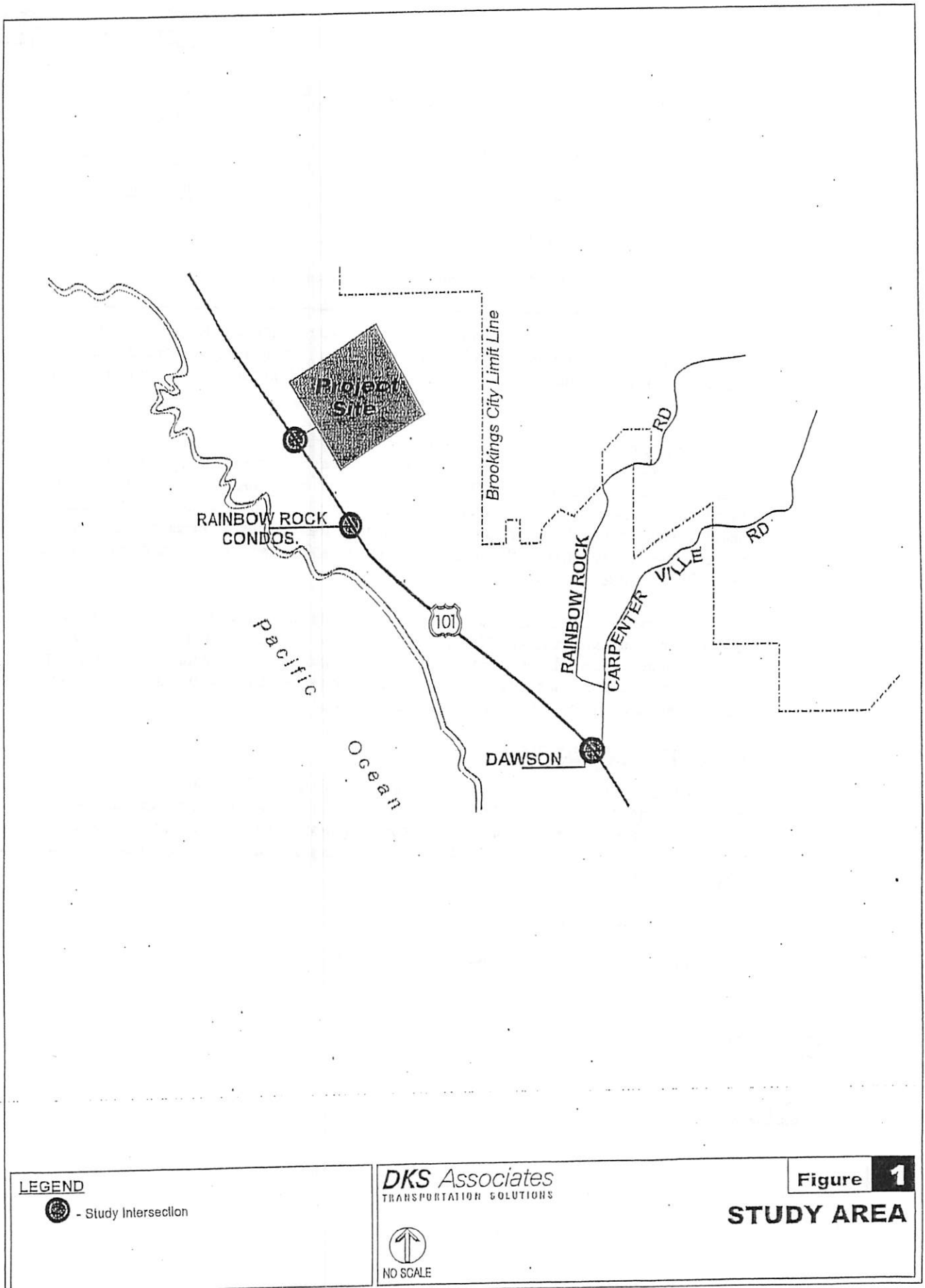
EXISTING CONDITIONS

The proposed Lone Ranch Development, which includes the SWOCC building, is located on the east side of Highway 101 north of the City of Brookings. The project site is a vacant mine that is currently undeveloped; therefore, the project access locations on Highway 101 are not currently in operation. In consultation with ODOT staff, two existing intersections were selected for the SWOCC analysis:

- Highway 101/Carpenterville Road
- Highway 101/Rainbow Rock Residential driveway

2735 Commercial Lane, NE
Suite 201
Baker, OR 97301

(503) 301-8772
(503) 301-8701 fax
www.dksassociates.com



The following sections summarize current traffic and transportation conditions in the study area, with supporting detail (i.e. traffic counts and level of service calculations) provided in the appendix.

Roadway Network

Highway 101 adjacent to the project frontage is currently considered a rural arterial by ODOT. Rural arterials generally have high speeds (>55 MPH), no curb and gutter, no bike lanes, and no sidewalks. In addition, traffic signals are highly discouraged. Table 1 summarizes the study area roadway network.

Table 1: Roadway Network

Roadway	City of Brookings Classification	ODOT Classification	Posted Speed	Sidewalks	Bike
Highway 101 (Rural)	Arterial	Statewide Highway	45-55 MPH	No	Bike Route
Carpenterville Road	Collector	District Highway	TBD	No	No

30th Highest Hour Design Volumes

Based on recommended guidelines set forth by ODOT for developing design hour volumes¹ and phone conversations with ODOT staff², the following section summarizes current assumptions for developing 30th highest hour volumes for the transportation impact study.

ODOT has an Automatic Traffic Recorder (ATR) located 1.1 miles north of the Oregon/California border on Highway 101 (Winchuck ATR). This ATR is located approximately 16 miles south of the proposed project frontage, and because there are no east/west highways or freeways between the ATR and project site, the ATR counts should provide a good representation of what traffic patterns would be adjacent to the proposed site.

Seasonal Factor

Using the ATR seasonal information, it was determined that the 30th highest hour occurs in July. Since the traffic counts were collected in September, a seasonal factor will be applied to adjust the traffic counts to represent traffic volumes typical of July. The last five years of count data were used from the Winchuck ATR in order to determine the applicable seasonal factor. Table 2 summarizes the seasonal adjustment factors for July, August, and September from 2002 to 2006 based on the percent of average weekday traffic.

¹ *Developing Design Hour Volumes*, Transportation Procedures Manual, 7/27/01.

² Phone conversations with Ron Hughes, ODOT Access Management Engineer, September 17, 2007

Table 2: Seasonal Adjustments using ATR 08-005

Month	2006	2005	2004	2003	2002
July	1.20			1.17	1.22
August	1.21	1.21	1.14		
September	1.14	1.11		1.12	

Note: Shaded cells represent the highest and lowest data points for the associated month that were not included in the average calculation.

- The average for July is $(1.20 + 1.17 + 1.22)/3 = 1.20$ (Highest Month)
- The average for August is $(1.21 + 1.21 + 1.14)/3 = 1.19$
- The average for September is $(1.14 + 1.11 + 1.12)/3 = 1.12$ (Count Month)

A seasonal adjustment factor of 1.07 is needed to convert the September counts to represent traffic volumes in July.³

Existing Traffic Operations

While analysis of traffic flows is useful in attempting to reach an understanding of the general nature of traffic in an area, traffic volume alone indicates neither the ability of the street network to carry additional traffic nor the quality of service provided by the street facilities. For this reason, the concept of level of service (LOS) has been developed to correlate traffic volume data to subjective descriptions of traffic performance at intersections. Intersections are the controlling bottlenecks of traffic flow, and the ability of a roadway system to carry traffic efficiently is nearly always diminished in their vicinity.

An intersection's level of service (LOS) is similar to a "report card" rating, based on average vehicle delay. Level of service A, B and C indicate conditions where vehicles can move freely. Level of service D and E are progressively worse. For signalized intersections, level of service F represents conditions where the average delay for all vehicles through the intersection exceeds 80 seconds per vehicle, generally indicated by long queues and delays. Under this operating condition, delay is highly variable, and it is difficult to estimate average delay accurately because congestion often extends into and is affected by adjacent intersections. Existing 30th highest hour operating conditions was determined based on the 2000 Highway Capacity Manual methodology for signalized and unsignalized intersections. Descriptions of levels of service for signalized and unsignalized intersections are contained in the appendix.

All of the unsignalized study intersections currently operate at LOS C or better based on HCM methodology. The City of Brookings does not currently have minimum acceptable level of service standards. ODOT does not have level of service standards for Highway 101, but they do have mobility standards based on capacity. The statewide highway classification of the portion of Highway 101 adjacent to the Lone Ranch site corresponds to a volume-to-capacity (V/C)

³ July Seasonal Factor / September Season Factor = Seasonal Adjustment $(1.20 / 1.12 = 1.07)$.

DKS Associates

TRANSPORTATION SOLUTIONS

Lone Ranch SWOCC Transportation Impact Study

January 16, 2008

Page 5 of 11

mobility standard of 0.75 for speeds >45 MPH and 0.80 for speeds <45 MPH for peak hour volumes.⁴ The existing study intersection levels of service are shown in Table 3 and the existing traffic volumes are shown in Figure 2.

Table 3: Existing Intersection Performance (30th Highest Hour)

Intersection	30 th Highest Hour		
	Delay	LOS	V/C
<i>Unsignalized</i>			
Highway 101/Carpenterville Road	22.7	A/C	0.40 (WBL)
Highway 101/Rainbow Rock Residential driveway	9.6	A/A	0.01 (EBR)
Delay = Average Stopped Delay per Vehicle LOS = Level of Service		V/C = Volume-to-Capacity Ratio (Worst Movement) A/A = Major Street LOS/Minor Street LOS	

Pedestrian/Bicycle

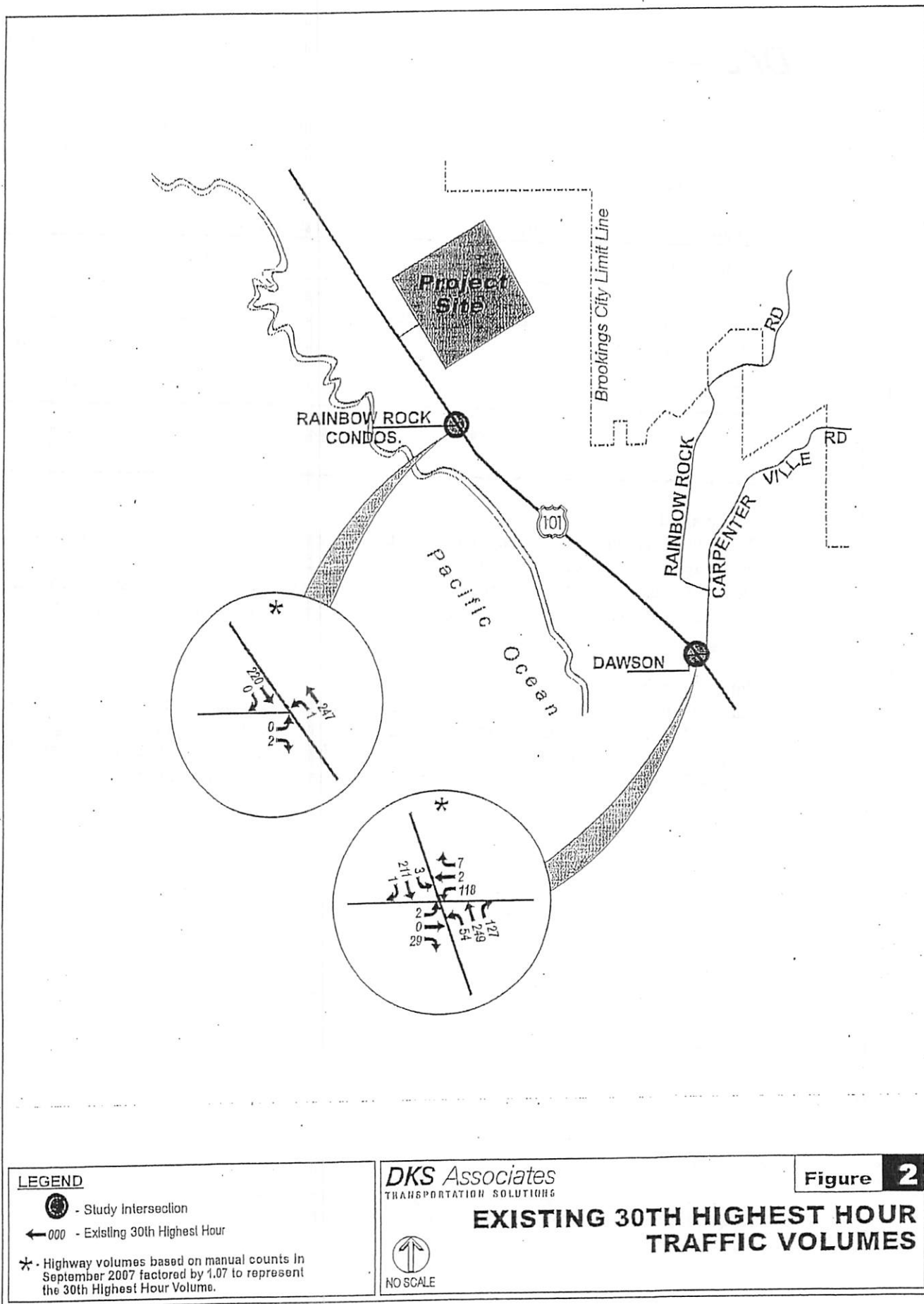
The City's Transportation Master Plan⁵ designates Highway 101 as the primary bikeway within the study area. Bike lanes are present on both sides of the highway throughout the study site. Due to the rural nature of the Lone Ranch location, no sidewalks currently exist or are planned adjacent to the site. Both bicycle and pedestrian traffic in the study area are low due to the rural setting.

Public Transit

Curry Public Transit Coastal Express offers local transit service along Highway 101 from North Bend to Brookings. Service is provided from 8:00 a.m. to 6:00 p.m. Monday through Friday. Monthly passes and limited ride punch cards are available. Riders may await at designated bus stops or flag the bus anywhere along Highway 101 where there is a safe stopping area.

⁴ Oregon Highway Plan, ODOT, 1999, Table 6, Non-MPO outside of STA's but inside UGB.

⁵ Bicycle and Pedestrian Master Plan, City of Brookings, by David Evans and Associates, June 2000.



PROJECT IMPACTS

This section reviews the impact of the proposed community college on the existing transportation system. The analysis includes assessment of trip generation and distribution, capacity analysis of study intersections with existing and projected future traffic loadings and site circulation.

Trip Generation

The methodology used for estimating trip generation for the proposed community college was based on ITE Trip Generation Manual.⁶ The ITE trip rates reflect both the type of land use and size of land use. The 21,271 square foot community college would generate approximately 580 daily trips, including 54 p.m. peak hour trips. Estimated peak hour project traffic is shown in Table 4.

Table 4: SWOCC Community College Trip Generation Summary

Use	Size	PM Trip Rate	PM Trips(In/Out)	Source
Community College	21,271 ft ²	2.54/KSF	54 (32/22)	ITE Code 540

Trip Distribution

The approved trip distribution from the Lone Ranch Master Plan Transportation Impact Study was utilized for the SWOCC analysis. The approved trip distribution was based on current traffic patterns and the ODOT Brookings travel demand-forecasting model. Figure 3 shows the assumed distribution of project traffic on the existing street network as well as the estimated project traffic volumes from the community college.

Intersection Capacity

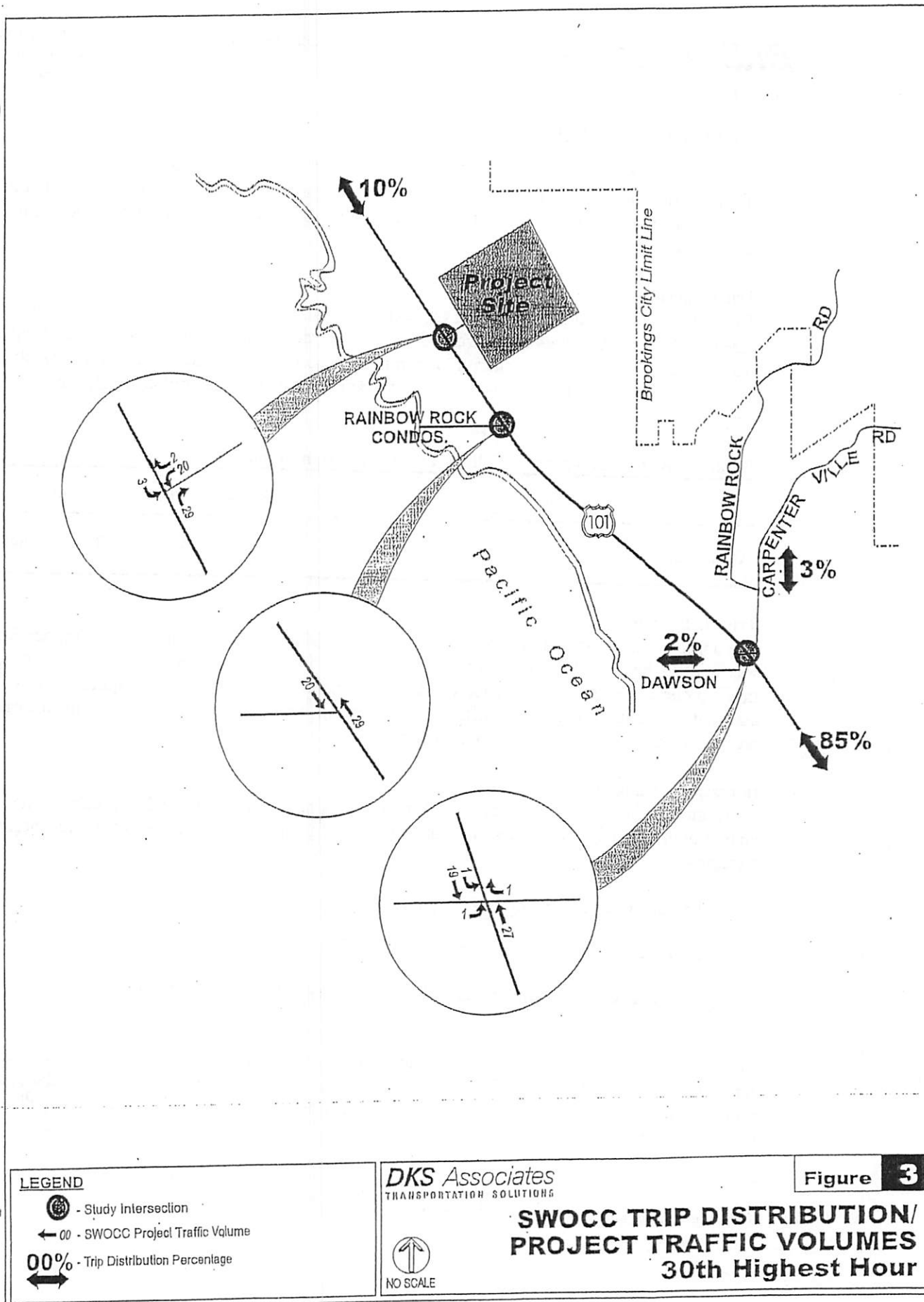
Study intersection capacity was analyzed for the proposed community college during the 30th highest hour. Based on a discussion with ODOT staff⁷, the analysis focused on three operating scenarios:

- Existing operating conditions (previous section)
- 2008 background conditions (no project traffic)
- 2008 total traffic conditions (includes community college project traffic)

Future traffic volumes for each of the future scenarios are based on historical and projected trends provided by ODOT in the Future Volumes Table. The trends were taken from a data point in the vicinity of the project site. The future volumes tables yielded a growth rate of 2.8% per year for the study area intersections.

⁶ Trip Generation Manual, Institute of Transportation Engineers, Sixth edition, 1997.

⁷ Phone conversations with Ron Hughes, ODOT Access Management Engineer, September 17, 2007.



2008 Background Conditions (Estimated Community College Build-out)

A 2008 analysis scenario was selected because it is the estimated construction year for the 21,271 square foot community college building. This scenario includes one year of background traffic growth (2.8% per year) and does not include project traffic.

All of the study intersections would operate at level of service "C" during the 2008 background traffic scenario. The 2008 background traffic operating conditions are shown Table 5 and traffic volumes are shown in Figure 4. Detailed intersection analysis worksheets for this scenario are attached in the appendix.

Table 5: 2008 Background Traffic Intersection Performance (30th Highest Hour)

Intersection	30 th Highest Hour		
	Delay	LOS	V/C
<i>Unsignalized</i>			
Highway 101/Carpenterville Road	24.0	A/C	0.43 (WBL)
Highway 101/Rainbow Rock Residential driveway	9.6	A/A	0.01 (EBR)

Delay = Average Stopped Delay per Vehicle
 LOS = Level of Service

V/C = Volume-to-Capacity Ratio (Worst Movement)
 A/A = Major Street LOS/Minor Street LOS

2008 Total Traffic (W/SWOCC Project Traffic)

To determine the 2008 total traffic volumes, SWOCC community college project traffic was added to 30th highest hour volumes and estimated 2008 background traffic growth. Based on the 2008 total traffic evaluation, all of the study intersections would operate at an acceptable level of service "D" or better and would meet ODOT volume to capacity standard. The 2008 total traffic operating conditions are shown Table 6, and traffic volumes are shown in Figure 4.

Table 6: 2008 Total Traffic Intersection Performance (30th Highest Hour)

Intersection	30 th Highest Hour		
	Delay	LOS	V/C
<i>Unsignalized</i>			
Highway 101/Carpenterville Road	26.8	A/D	0.46 (WBL)
Highway 101/Rainbow Rock Residential driveway	9.8	A/A	0.01 (EBR)
Highway 101/South Lone Ranch Access	12.2	A/B	0.04 (WBL)

Delay = Average Stopped Delay per Vehicle
 LOS = Level of Service

V/C = Volume-to-Capacity Ratio (Worst Movement)
 A/A = Major Street LOS/Minor Street LOS

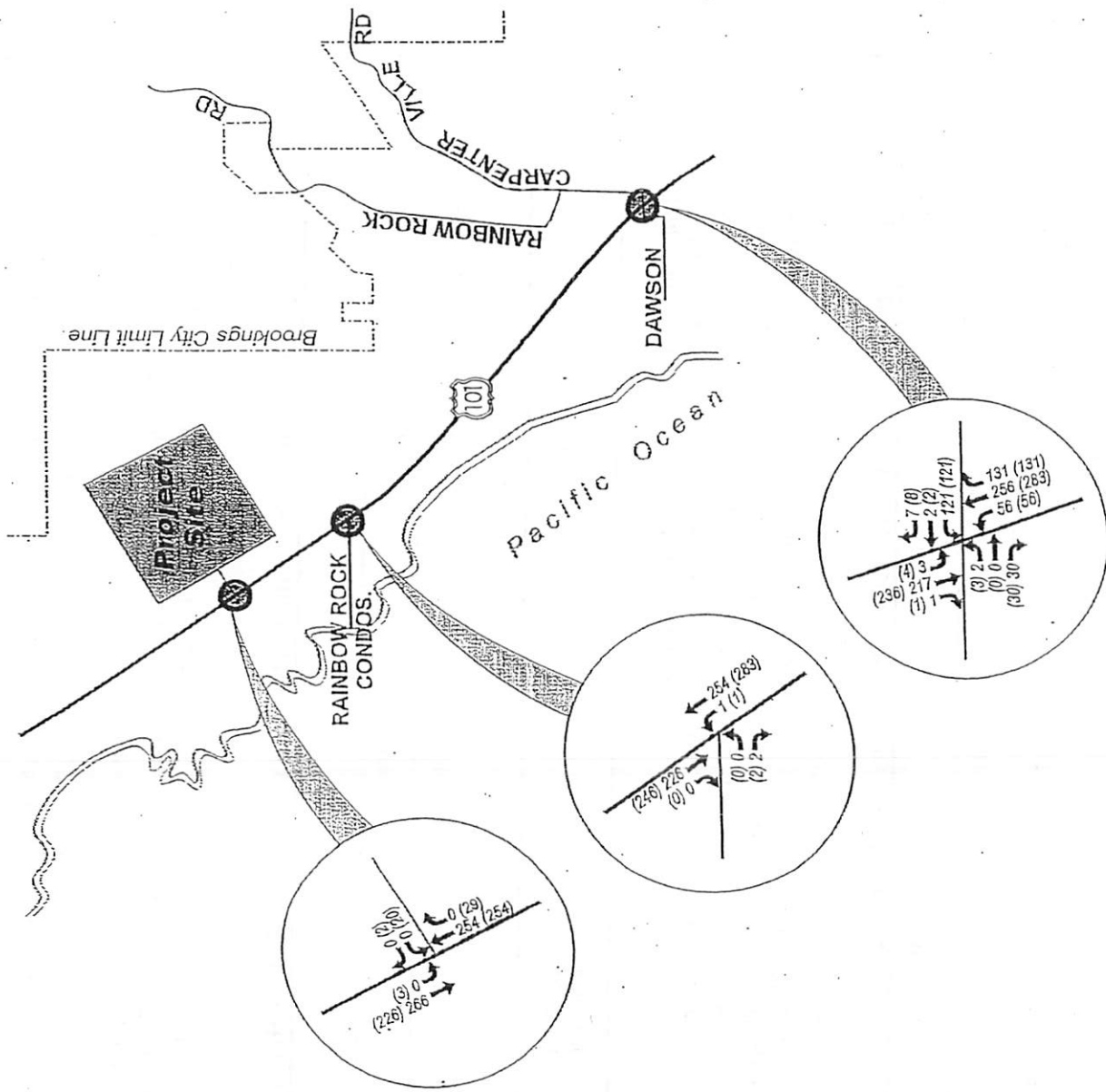


Figure 4
FUTURE 2008
TRAFFIC VOLUMES

DKS Associates
TRANSPORTATION SOLUTIONS



LEGEND

● - Study Intersection

← 000 - 2008 Background Volumes

(000) - 08 Background Volumes + SWOCC Project Traffic

Left and Right Turn Lane Warrant Summary

ODOT left and right turn lane warrants were evaluated at the SWOCC project access point during the 30th highest hour. Based on project traffic from the community college, no turn lanes would be warranted. Turn lane warrants are summarized in Table 7, and worksheets are attached in the appendix.

Table 7: Turn Lane Warrant Summary (2008 Total Traffic Conditions)

Intersection	Movement	Traffic Volumes	Turn Lane Warrant Met?
<i>Right Turn Lane Warrants</i>			
Highway 101/South Lone Ranch Access Point	NBRT	Approach Volumes- 283 Right Turn Volume- 29	No
<i>Left Turn Lane Warrants</i>			
Highway 101/South Lone Ranch Access Point	SBLT	Opposing and Advancing Volumes- 512 Left Turn Volume- 3	No

Site Plan/Internal Connectivity

Phase 1 of the Lone Ranch development included the construction of the internal street network. Until the remaining uses of the Lone Ranch first phase of development are built, SWOCC will need to construct an internal roadway from Highway 101 to the community college campus. This temporary roadway should be constructed in a manner that it would provide a sufficient roadway width that is acceptable to the City, emergency services and ODOT.

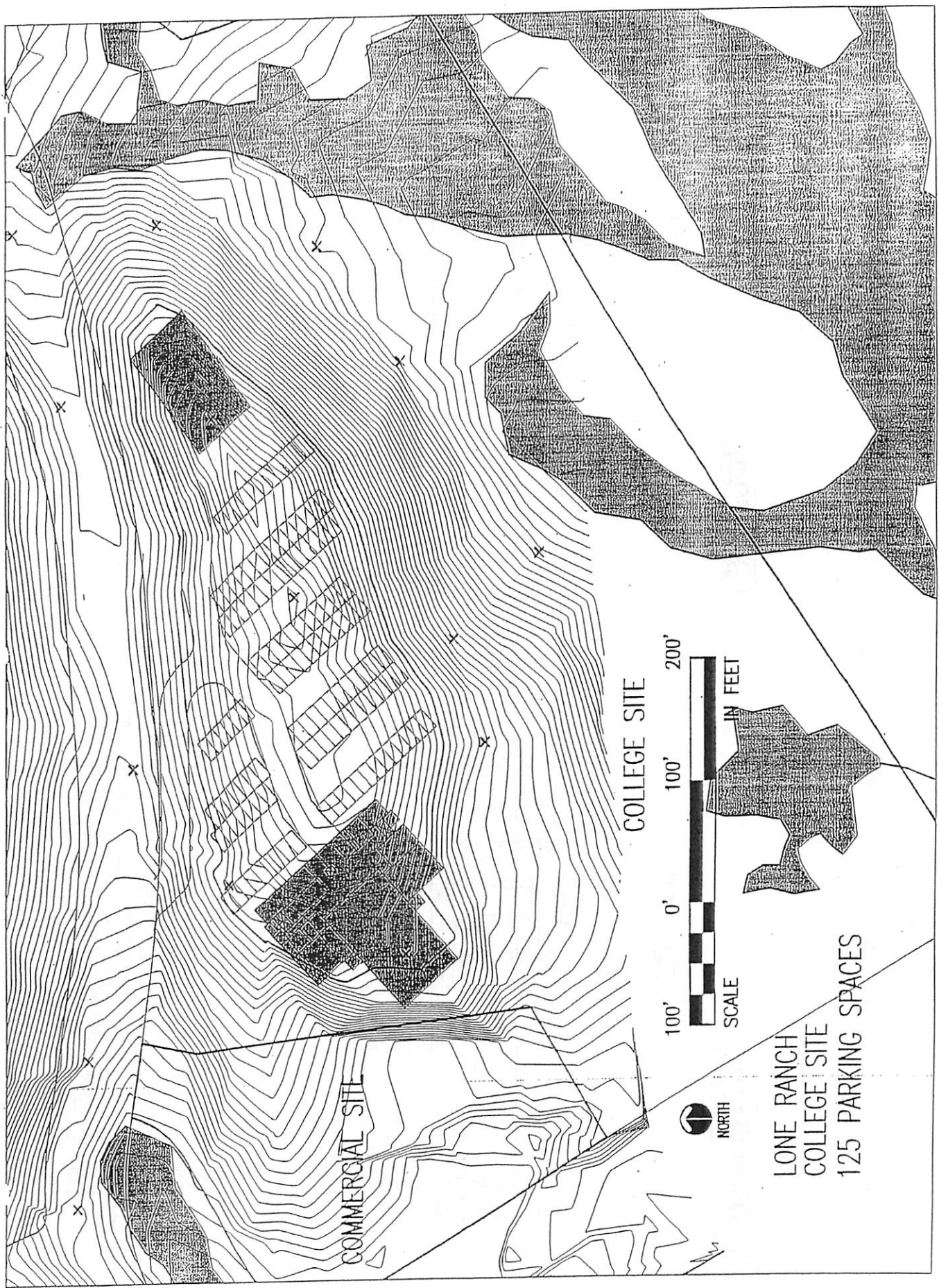
SUMMARY

- South Western Oregon Community College (SWOCC) is currently proposing a 21,271 square foot community college building that is part of the approved Lone Ranch development, which is located on the east side of Highway 101 in the City of Brookings.
- Currently, all unsignalized study intersections operate at LOS C or better based on HCM methodology.
- The 21,271 square foot community college would generate approximately 580 daily trips, including 54 p.m. peak hour trips.
- During the 2008 total traffic conditions (with SWOCC project traffic), all of the study intersections would operate at an acceptable level of service "D" or better and would meet ODOT volume to capacity standard.
- No turn lanes would be warranted with the addition of the SWOCC project traffic.

Feel free to give me a call if you have any questions or comments.

Appendix

- Site Plan
- Intersection Turn Movement Counts
- HCM Intersection Analysis Output
- Left and Right Turn Lane Warrant Worksheets





Intersection Turning Movement Summary Report

Location CARPENTERVILLE ROAD AT HIGHWAY 101
Date 9/27/2007
Day of Week Thursday
Time Begin 16:00
Reviewed By: BV

Time Period	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
16:00 - 16:15	8	0	0	1	1	25	30	57	8	0	43	1	174
16:15 - 16:30	6	0	1	2	0	23	33	60	16	1	58	0	200
16:30 - 16:45	6	0	0	2	1	28	35	61	11	0	54	1	199
16:45 - 17:00	7	0	1	2	0	34	21	55	15	0	42	1	178
17:00 - 17:15	5	1	0	0	0	20	23	62	5	1	44	4	165
17:15 - 17:30	12	1	0	1	1	21	29	61	16	3	54	5	204
17:30 - 17:45	11	0	2	1	1	22	21	55	18	0	45	1	180
17:45 - 18:00	7	1	0	1	0	18	18	56	11	0	45	2	161
Movement Totals	62	3	4	10	4	191	208	457	100	5	392	15	1461
Enter Totals	69			205			175			412			
Exit Totals	228			109			481			645			

Two-Hour Totals													
Light Trucks	0	0	0	2	0	7	5	9	1	1	22	0	47
Medium Trucks	0	0	0	0	0	2	5	6	0	0	2	2	17
Heavy Trucks	0	0	0	0	0	4	17	5	0	0	7	4	37
% Trucks	0.0%	0.0%	0.0%	20.0%	0.0%	6.8%	13.0%	4.3%	1.0%	20.0%	7.9%	40.0%	6.9%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0

Pedestrians	South	West	East	North	
	0	4	1	2	7

Peak Hour 16:00 17:00

Peak Hour Information

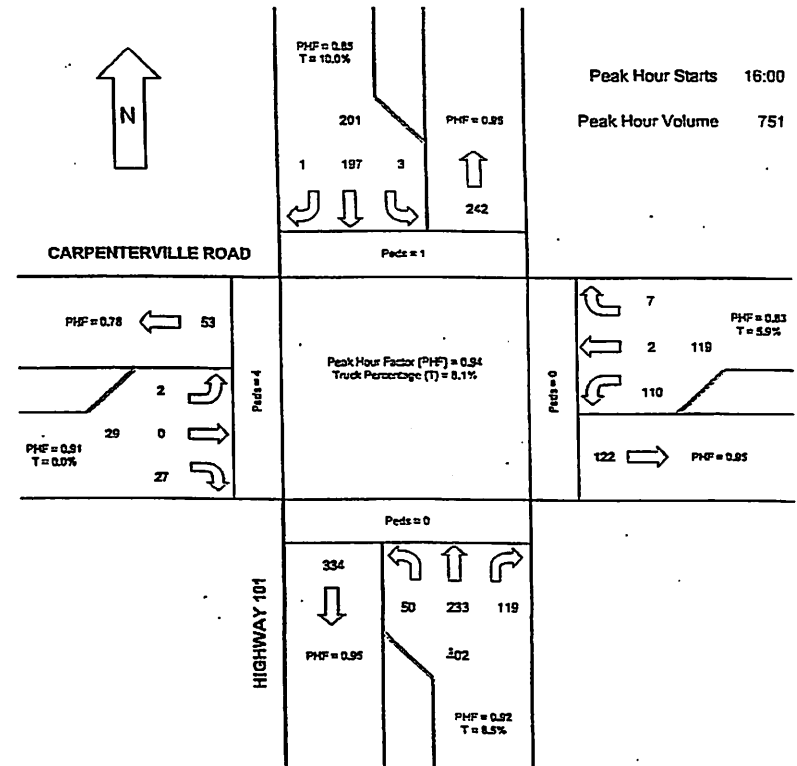
Movement Total	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
27	0	2	7	110	233	50	1	197	3				751
Peak Hour Factor	0.84	NA	0.50	0.88	0.50	0.81	0.65	0.95	0.76	0.25	0.85	0.75	0.94
Enter Totals	29			119			402			201			
Peak Hour Factor	0.81			0.53			0.52			0.85			
Exit Totals	122			53			242			334			
Peak Hour Factor	0.85			0.78			0.95			0.95			
Light Trucks	0	0	0	1	0	5	5	4	0	0	13	0	28
Medium Trucks	0	0	0	0	0	0	4	6	0	0	2	0	12
Heavy Trucks	0	0	0	0	0	1	11	4	0	0	3	2	21
% Trucks	0.0%	NA	0.0%	14.3%	0.0%	5.5%	18.8%	8.0%	0.0%	0.0%	9.1%	66.7%	8.1%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0

Pedestrians	South	West	East	North	
	0	4	0	1	5



Intersection Turning Movement Peak Hour Diagram

Location CARPENTERVILLE ROAD AT HIGHWAY 101
Date 9/27/2007
Day of Week Thursday
Time Begin 16:00
Reviewed By: BV





Intersection Turning Movement Summary Report

Location RAINBOW ROCK CONDO ACCESS AT HIGHWAY 101
Date 9/27/2007
Day of Week Thursday
Time Begin 18:00
Reviewed By: BV

Time Period	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
15:00 - 16:15	1	0	0	0	0	0	0	58	1	0	61	0	121
16:15 - 16:30	0	0	0	0	0	0	0	54	0	0	58	0	112
16:30 - 16:45	1	0	0	0	0	0	0	61	1	0	48	0	111
16:45 - 17:00	2	0	0	0	0	0	0	50	0	0	32	0	82
17:00 - 17:15	0	0	0	0	0	0	0	52	0	0	65	0	129
17:15 - 17:30	0	0	0	0	0	0	0	50	0	0	49	0	109
17:30 - 17:45	0	0	0	0	0	0	0	61	0	0	45	0	106
17:45 - 18:00	0	0	0	0	0	0	0	48	1	0	47	0	95
Movement Totals	4	0	0	0	0	0	0	454	3	0	405	0	859
Enter Totals	4	0	0	0	0	0	0	454	3	0	405	0	
Exit Totals	0	0	0	0	0	0	0	454	3	0	405	0	

Two-Hour Totals													
Light Trucks	1	0	0	0	0	0	0	15	0	0	15	0	31
Medium Trucks	0	0	0	0	0	0	0	1	0	0	3	0	4
Heavy Trucks	0	0	0	0	0	0	0	7	0	0	11	0	18
% Trucks	25.0%	NA	NA	NA	NA	NA	NA	5.1%	0.0%	NA	7.2%	NA	6.1%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	0	0	0	0	0	0	3	0	3

Pedestrians South 0 West 0 East 0 North 0 0

Peak Hour Information

Peak Hour 17:00 18:00

Movement Total	Eastbound			Westbound			Northbound			Southbound			Totals
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
Movement Total	2	0	0	0	0	0	0	231	1	0	206	0	440
Peak Hour Factor	0.25	NA	NA	NA	NA	NA	NA	0.93	0.25	NA	0.79	NA	0.65

Enter Totals	2	0	0	0	0	0	0	232	0	0	206	0	
Peak Hour Factor	0.25	NA	NA	NA	NA	NA	NA	0.94	NA	NA	0.79	NA	

Exit Totals	0	0	0	1	0	0	0	231	0	0	208	0	
Peak Hour Factor	NA	NA	NA	0.25	NA	NA	NA	0.93	NA	NA	0.78	NA	

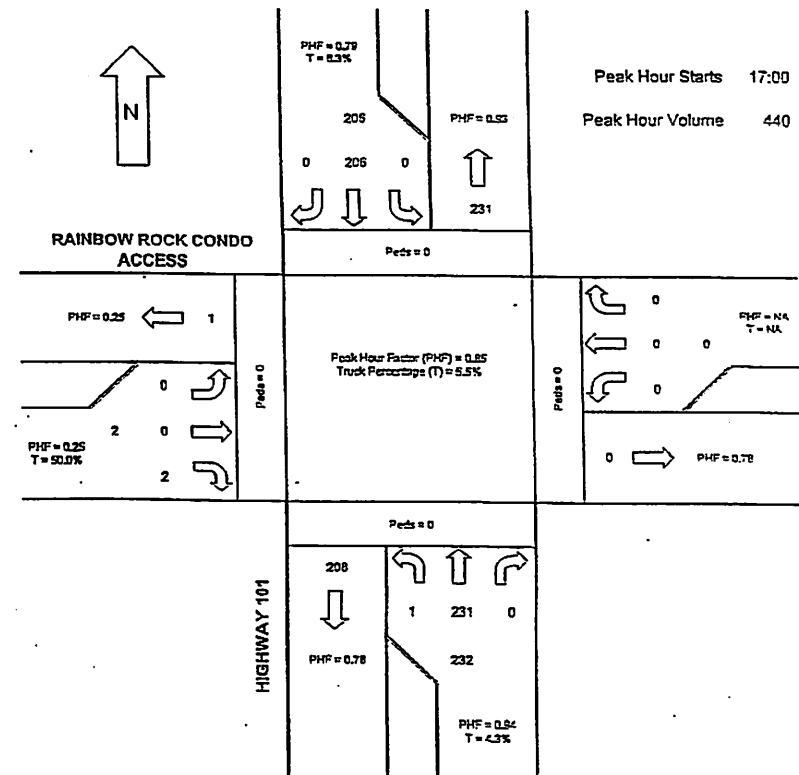
Light Trucks	1	0	0	0	0	0	0	7	0	0	6	0	14
Medium Trucks	0	0	0	0	0	0	0	0	0	0	1	0	1
Heavy Trucks	0	0	0	0	0	0	0	3	0	0	6	0	9
% Trucks	50.0%	NA	NA	NA	NA	NA	NA	4.3%	0.0%	NA	6.3%	NA	5.5%
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0

Pedestrians South 0 West 0 East 0 North 0 0



Intersection Turning Movement Peak Hour Diagram

Location RAINBOW ROCK CONDO ACCESS AT HIGHWAY 101
Date 9/27/2007
Day of Week Thursday
Time Begin 18:00
Reviewed By: BV



Existing 30th highest hour Thu Oct 18, 2007 14:52:53

Page 2-1

Lone Ranch SWOCC Transportation Impact Analysis
30th Highest Hour Volumes
Existing Conditions

Level of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #5 Highway 101/Carpenter Road

Average Delay (sec/veh): 4.4 Worst Case Level of Service: C [21.9]

Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Stop Sign
Rights: Include Include Include Include
Lanes: 1 0 0 1 0 1 0 0 1 0 0 1 0

Volume Module:
Base Vol: 54 249 127 3 211 1 2 0 29 118 2 7
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 54 249 127 3 211 1 2 0 29 118 2 7
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94
PHF Volume: 57 265 135 3 224 1 2 0 31 126 2 7
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Final Volume: 57 265 135 3 224 1 2 0 31 126 2 7

Critical Gap Module:
Critical Gap: 4.2 XXXX XXXX 4.2 XXXX XXXX 7.1 6.5 6.2 7.2 6.6 6.3
FollowUpTime: 2.3 XXXX XXXX 2.3 XXXX XXXX 3.5 4.0 3.3 3.6 4.1 3.4

Capacity Module:
Conflict Vol: 226 XXXX XXXX 400 XXXX XXXX 684 746 225 694 679 332
Potent Cap.: 1303 XXXX XXXX 1117 XXXX XXXX 366 344 819 352 368 700
Move Cap.: 1303 XXXX XXXX 1117 XXXX XXXX 347 328 819 326 351 700
Volume/Cap: 0.04 XXXX XXXX 0.00 XXXX XXXX 0.01 0.00 0.04 0.38 0.01 0.01

Level of Service Module:
2Way95thQ: 0.1 XXXX XXXX 0.0 XXXX XXXX XXXX XXXX 1.8 XXXX XXXX
Control Del: 7.9 XXXX XXXX 8.2 XXXX XXXX XXXX XXXX 22.8 XXXX XXXX
LOS by Move: A A A C
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: XXXX XXXX XXXX XXXX XXXX 753 XXXX XXXX 574
Shared Queue: XXXX XXXX XXXX XXXX XXXX 0.1 XXXX XXXX 0.1
Shrd ConDel: XXXX XXXX XXXX XXXX XXXX 10.0 XXXX XXXX 11.4
Shared LOS: A A A C
ApproachDel: XXXX XXXX 10.0 21.9
ApproachLOS: A C

Note: Queue reported is the number of cars per lane.

Existing 30th highest hour Thu Oct 18, 2007 14:52:53

Page 3-1

Lone Ranch SWOCC Transportation Impact Analysis
30th Highest Hour Volumes
Existing Conditions

Level of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #7 Highway 101/Rainbow Rock Access

Average Delay (sec/veh): 0.1 Worst Case Level of Service: A [9.6]

Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Stop Sign
Rights: Include Include Include Include
Lanes: 0 1 0 0 0 0 0 1 0 0 0 0

Volume Module: >> Count Date: 30 Sep 2007 <<
Base Vol: 1 247 0 0 220 0 0 0 2 0 0 0
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 1 247 0 0 220 0 0 0 2 0 0 0
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85
PHF Volume: 1 291 0 0 259 0 0 0 2 0 0 0
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Final Volume: 1 291 0 0 259 0 0 0 2 0 0 0

Critical Gap Module:
Critical Gap: 4.1 XXXX XXXX XXXX XXXX XXXX XXXX 6.2 XXXX XXXX XXXX
FollowUpTime: 2.2 XXXX XXXX XXXX XXXX XXXX XXXX 3.3 XXXX XXXX XXXX

Capacity Module:
Conflict Vol: 259 XXXX XXXX XXXX XXXX XXXX XXXX 259 XXXX XXXX XXXX
Potent Cap.: 1318 XXXX XXXX XXXX XXXX XXXX XXXX 785 XXXX XXXX XXXX
Move Cap.: 1318 XXXX XXXX XXXX XXXX XXXX XXXX 785 XXXX XXXX XXXX
Volume/Cap: 0.00 XXXX XXXX XXXX XXXX XXXX XXXX 0.00 XXXX XXXX XXXX

Level of Service Module:
2Way95thQ: 0.0 XXXX XXXX XXXX XXXX XXXX XXXX 0.0 XXXX XXXX XXXX
Control Del: 7.7 XXXX XXXX XXXX XXXX XXXX XXXX 9.6 XXXX XXXX XXXX
LOS by Move: A A A A
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX
Shared Queue: 0.0 XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX
Shrd ConDel: 7.7 XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX
Shared LOS: A A A A
ApproachDel: XXXX XXXX 9.6 XXXX
ApproachLOS: A A

Note: Queue reported is the number of cars per lane.

2008 Background

Thu Oct 18, 2007 14:53:07

Page 2-1

Lone Ranch Transportation Impact Analysis
30th Highest Hour Volumes
2008 Background

Level of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #5 Highway 101/Carpenter Road

Average Delay (sec/veh): 4.6 Worst Case Level of Service: C [23.2]

Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Stop Sign
Rights: Include Include Include Include
Lanes: 1 0 0 1 0 1 0 0 1 0 0 1 0 0 1 0 0

Volume Module:
Base Vol: 54 249 127 3 211 1 2 0 29 118 2 7
Growth Adj: 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03
Initial Bse: 56 256 131 3 217 1 2 0 30 121 2 7
Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 56 256 131 3 217 1 2 0 30 121 2 7
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
FHF Adj: 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94
FHF Volume: 59 272 139 3 231 1 2 0 32 129 2 8
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Final Volume: 59 272 139 3 231 1 2 0 32 129 2 8

Critical Gap Module:
Critical Gp: 4.2 xxx xxx xxx 4.2 xxx xxx xxx 7.1 6.5 6.2 7.2 6.6 6.3
FollowUpTim: 2.3 xxx xxx xxx 2.3 xxx xxx xxx 3.5 4.0 3.3 3.6 4.1 3.4

Capacity Module:
Conflict Vol: 232 xxx xxx xxx 411 xxx xxx xxx 703 767 231 714 698 342
Potent Cap.: 1296 xxx xxx xxx 1106 xxx xxx xxx 355 335 813 341 359 692
Move Cap.: 1296 xxx xxx xxx 1106 xxx xxx xxx 337 319 813 316 342 692
Volume/Cap: 0.05 xxx xxx xxx 0.00 xxx xxx xxx 0.01 0.00 0.04 0.41 0.01 0.01

Level Of Service Module:
2Way95thQ: 0.1 xxx xxx xxx 0.0 xxx xxx xxx 1.9 xxx xxx xxx
Control Del: 7.9 xxx xxx xxx 8.3 xxx xxx xxx 24.0 xxx xxx xxx
LOS by Move: A A C C
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxx xxx xxx xxx 745 xxx xxx xxx xxx xxx 564
Shared Queue: xxx xxx xxx xxx 0.1 xxx xxx xxx xxx xxx 0.1
Shrd ConDel: xxx xxx xxx xxx 10.1 xxx xxx xxx xxx xxx 11.5
Shared LOS: B B B B
ApproachDel: xxx xxx 10.1 23.2
ApproachLOS: B C

Note: Queue reported is the number of cars per lane.

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2008 Background

Thu Oct 18, 2007 14:53:07

Page 3-1

Lone Ranch Transportation Impact Analysis
30th Highest Hour Volumes
2008 Background

Level of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #7 Highway 101/Rainbow Rock Access

Average Delay (sec/veh): 0.1 Worst Case Level of Service: A [9.6]

Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Stop Sign
Rights: Include Include Include Include
Lanes: 0 1 0 0 0 0 0 1 0 0 0 0 0 0 0 0 0

Volume Module: >> Count Date: 30 Sep 2007 <<
Base Vol: 1 247 0 0 220 0 0 0 2 0 0 0
Growth Adj: 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03
Initial Bse: 1 254 0 0 226 0 0 0 2 0 0 0
Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 1 254 0 0 226 0 0 0 2 0 0 0
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
FHF Adj: 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85
FHF Volume: 1 299 0 0 266 0 0 0 2 0 0 0
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Final Volume: 1 299 0 0 266 0 0 0 2 0 0 0

Critical Gap Module:
Critical Gp: 4.1 xxx xxx xxx xxx xxx xxx xxx 6.2 xxx xxx xxx
FollowUpTim: 2.2 xxx xxx xxx xxx xxx xxx xxx 3.3 xxx xxx xxx

Capacity Module:
Conflict Vol: 266 xxx xxx xxx xxx xxx xxx 255 xxx xxx xxx
Potent Cap.: 1310 xxx xxx xxx xxx xxx xxx 177 xxx xxx xxx
Move Cap.: 1310 xxx xxx xxx xxx xxx xxx 777 xxx xxx xxx
Volume/Cap: 0.00 xxx xxx xxx xxx xxx xxx 0.00 xxx xxx xxx

Level Of Service Module:
2Way95thQ: 0.0 xxx xxx xxx xxx xxx xxx 0.0 xxx xxx xxx
Control Del: 7.8 xxx xxx xxx xxx xxx xxx 9.6 xxx xxx xxx
LOS by Move: A A A A
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxx xxx xxx xxx xxx xxx xxx xxx xxx
Shared Queue: 0.0 xxx xxx xxx xxx xxx xxx xxx xxx xxx
Shrd ConDel: 7.8 xxx xxx xxx xxx xxx xxx xxx xxx xxx
Shared LOS: A A A A
ApproachDel: xxx xxx 9.6
ApproachLOS: A

Note: Queue reported is the number of cars per lane.

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2008 Total

Thu Oct 18, 2007 14:53:38

Page 2-1

Lone Ranch Transportation Impact Analysis
30th Highest Hour Volumes
2008 Total

Level of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #4 Highway 101/South Lone Ranch Access

Average Delay (sec/veh): 0.5 Worst Case Level Of Service: B [12.2]

Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Stop Sign
Rights: Include Include Include Include
Lanes: 0 0 0 1 0 0 1 0 0 0 0 0 0 0 1 0 0

Volume Module:
Base Vol: 0 247 0 0 220 0 0 0 0 0 0 0 0
Growth Adj: 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03
Initial Bse: 0 254 0 0 226 0 0 0 0 0 0 0 0
Added Vol: 0 0 29 3 0 0 0 0 0 20 0 2
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 0 254 29 3 226 0 0 0 0 20 0 2
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94
PHF Volume: 0 270 31 3 241 0 0 0 0 21 0 2
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
FinalVolume: 0 270 31 3 241 0 0 0 0 21 0 2

Critical Gap Module:
Critical Gap: 4.1 6.4 6.5 6.2
FollowUpTime: 2.2 3.5 4.0 3.3

Capacity Module:
Conflict Vol: 301 533 533 286
Potent Cap.: 1272 511 456 758
Move Cap.: 1272 510 455 758
Volume/Cap: 0.00 0.04 0.00 0.00

Level Of Service Module:
2Way95thQ: 0.0 2.2
Control Del: 7.8 25.9
LOS by Move: A D
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: 526 547
SharedQueue: 0.0 0.2
Shrd ConDel: 7.8 10.5
Shared LOS: A B
ApproachDel: 12.2
ApproachLOS: B

Note: Queue reported is the number of cars per lane.

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2008 Total

Thu Oct 18, 2007 14:53:38

Page 3-1

Lone Ranch Transportation Impact Analysis
30th Highest Hour Volumes
2008 Total

Level of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #5 Highway 101/Carpenter Road

Average Delay (sec/veh): 4.8 Worst Case Level Of Service: D [25.7]

Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Stop Sign
Rights: Include Include Include Include
Lanes: 1 0 0 1 0 1 0 0 1 0 0 1 0 0 1 0

Volume Module:
Base Vol: 54 249 127 3 211 1 2 0 29 118 2 7
Growth Adj: 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03 1.03
Initial Bse: 56 255 131 3 217 1 2 0 30 121 2 7
Added Vol: 0 27 0 1 12 0 1 0 0 0 0 1
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 56 283 131 4 235 1 3 0 30 121 2 8
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94 0.94
PHF Volume: 59 301 139 4 251 1 3 0 32 129 2 9
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
FinalVolume: 59 301 139 4 251 1 3 0 32 129 2 9

Critical Gap Module:
Critical Gap: 4.2 7.1 6.5 6.2 7.2 6.6 6.3
FollowUpTime: 2.3 3.5 4.0 3.3 3.6 4.1 3.4

Capacity Module:
Conflict Vol: 252 440 754 918 252 765 749 370
Potent Cap.: 1273 1079 328 313 792 315 336 666
Move Cap.: 1273 1079 310 297 792 291 319 666
Volume/Cap: 0.05 0.00 0.01 0.00 0.04 0.44 0.01 0.01

Level Of Service Module:
2Way95thQ: 0.1 2.2
Control Del: 8.0 25.9
LOS by Move: A D
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: 526 547
SharedQueue: 0.0 0.2
Shrd ConDel: 7.8 10.5
Shared LOS: A B
ApproachDel: 10.5 25.7
ApproachLOS: B D

Note: Queue reported is the number of cars per lane.

Traffix 7.9.0415 (c) 2007 Dowling Assoc. Licensed to DRS ASSOC., PORTLAND, OR

2008 Total

Thu Oct 18, 2007 14:53:38

Page 4-1

Lone Ranch Transportation Impact Analysis
30th Highest Hour Volumes
2008 Total

Level of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #7 Highway 101/Rainbow Rock Access

Average Delay (sec/veh):	0.1		Worst Case Level Of Service: A[9.8]			
Approach:	North Bound	South Bound	East Bound	West Bound		
Movement:	L - T - R	L - T - R	L - T - R	L - T - R		
Control:	Uncontrolled	Uncontrolled	Stop Sign	Stop Sign		
Rights:	Include	Include	Include	Include		
Lanes:	0 1 0 0 0	0 0 1 0 0	0 0 0 0 1	0 0 0 0 0		

Volume Module: >> Count Date: 30 Sep 2007 <<						
Base Vol:	1 247	0	0 220	0	2	0 0 0 0
Growth Adj:	1.03 1.03 1.03	1.03 1.03 1.03	1.03 1.03 1.03	1.03 1.03 1.03	1.03 1.03 1.03	
Initial Bse:	1 254	0	0 225	0	2	0 0 0 0
Added Vol:	0 29	0	0 20	0	0	0 0 0 0
PasserByVol:	0 0	0	0 0	0	0	0 0 0 0
Initial Fut:	1 283	0	0 246	0	2	0 0 0 0
User Adj:	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	
PRF Adj:	0.85 0.85 0.85	0.85 0.85 0.85	0.85 0.85 0.85	0.85 0.85 0.85	0.85 0.85 0.85	
PRF Volume:	1 333	0	0 290	0	2	0 0 0 0
Reduct Vol:	0 0	0	0 0	0	0	0 0 0 0
Final Volume:	1 333	0	0 290	0	2	0 0 0 0

Critical Gap Module:

Critical Gap:	4.1	xxxx	xxxx	xxxx	xxxx	xxxx	6.2	xxxx	xxxx	xxxx
FollowUpTim:	2.2	xxxx	xxxx	xxxx	xxxx	xxxx	3.3	xxxx	xxxx	xxxx

Capacity Module:

Conflict Vol:	290	xxxx	xxxx	xxxx	xxxx	xxxx	290	xxxx	xxxx	xxxx
Potent Cap.:	1284	xxxx	xxxx	xxxx	xxxx	xxxx	754	xxxx	xxxx	xxxx
Move Cap.:	1284	xxxx	xxxx	xxxx	xxxx	xxxx	754	xxxx	xxxx	xxxx
Volume/Cap:	0.00	xxxx	xxxx	xxxx	xxxx	xxxx	0.00	xxxx	xxxx	xxxx

Level of Service Module:

2Way95thQ:	0.0	xxxx	xxxx	xxxx	xxxx	xxxx	0.0	xxxx	xxxx	xxxx
Control Del:	7.8	xxxx	xxxx	xxxx	xxxx	xxxx	9.8	xxxx	xxxx	xxxx
LOS by Move:	A	+	+	+	+	+	A	+	+	+
Movement:	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT				
Shared Cap.:	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx
Shared Queue:	0.0	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx
Shrd ConDel:	7.8	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx
Shared LOS:	A	+	+	+	+	+				
ApproachDel:	xxxx	xxxx	xxxx	xxxx	xxxx	9.8	xxxx	xxxx	xxxx	xxxx
ApproachLOS:	+	+	+	+	+	A	+	+	+	+

Note: Queue reported is the number of cars per lane.

Lone Ranch SWOCC Transportation Impact Study

2008 Total Traffic

Right Turn Lane Warrant Analysis

No.	Intersection	Mvmnt	2-lane (1), Multi-lane (2)	Posted Speed	Va	RT Volume	NCHRP RT Volume	Taper Warrant	RT Lane Warrant	NCHRP Taper?	NCHRP RT Lane?	ODOT RT Lane Warrant	ODOT RT Lane?	RT Lane Recommended?
	HWY 101/South Access	NB RT	1	55	283	29	29	42	83	No	No	662.5	No	No

Left Turn Lane Warrant Analysis

No.	Intersection	Mvmnt	Advancing Lanes	Opposing Lanes	Speed	PHF	Va	LT Volume	Vo	LT %	Warrant Factor	5% Warrant Va	Va Warrant Threshold	HRB Warrant Met?	ODOT Volume	ODOT Criteria Met?
	HWY 101/South Access	SB LT	1	1	55	0.85	229	3	283	0	1.9167587	416.37344	798.0874082	No	512	No



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
SouthWest Area Office
307 Highway 42E
Coquille, Oregon 97423
(541) 396-3707
FAX (541) 396-5321

June 27, 2008

FILE CODE:

Crow/Clay & Associates
Attn: Mike Crow
125 W. Central Ave.
Coos Bay, OR 97420

Re: DKS Traffic Study for the Lone Ranch/SOCC project

Dear Mike:

ODOT has reviewed the Transportation Impact Study from DKS Associates. ODOT has no issues regarding the study that was submitted.

ODOT has also received the application for the new access for SOCC, which is processed at this time.

If you have any questions feel free to contact me at 541-396-1151.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Waddington".

Jeff Waddington
Permit Specialist

Modifications and Clarifications to Findings

Please note the following modifications and/or clarifications to the Southwestern Oregon Community College Detailed Development Plan submitted information, the Land Divisions Findings of Fact.

Compliance with Conditions of Approval

Condition 8, Amend as Follows: The applicant is proposing a phased development of the south entry road as it is becoming apparent that the college campus will likely occur prior to other development on the site. DKS (the traffic engineering firm that completed the original study for Lone Ranch Master Plan) has conducted an additional study of generated trips at the south access Highway 101 intersection considering only the college development. The study was reviewed and approved by ODOT. The study concludes that the initial college entrance road is adequate as a two lane road (one lane ingress and one lane egress) with the additional improvements as recommended in the Master Plan being completed with any additional development. The proposed street leading to the College entrance will have a 70' right-of-way. The entry road is a urban residential collector (curbed as indicated in Exhibit 7 of the Lone Ranch Master Plan) with the addition of a swale along the north side, outside of the curb line. The engineers are proposing the swale in order to maintain a more metered flow and sediment free water to the wetlands at either end of the entry road area. See Stormwater Management Plan tab. Details will be submitted with construction documents. The multiuse path will be located on the south side of the street.

Stormwater Management Plan

Clarification. The Lone Ranch Rock study refers to a large quantity of excavation on the site approximately 130,000 cubic yards. The calculation for the larger quantity referred excavations down to an elevation of 234'. The college is intending to excavate down to an elevation of 250' (15' higher than the Lone Ranch Study) which results in approximately 45,000 cubic yards of total excavation.

Part C Narrative Requirements

Number 2. Please amend the first paragraph as follows: Entry road work, utilities installation and site preparation is anticipated to occur in the summer of 2009. Construction of the facility and its associated site development work is expected to be completed in late 2010.

Revised Findings of Fact for Land Division

Item 6. The street is to be dedicated to the City upon completion of improvements contained within this DDP.

PROPOSED CONDITIONS OF APPROVAL

Southwest Oregon Community College
Detailed Development Plan
DDP-1-08General Conditions

1. The final plat shall be in substantial conformance with the submitted preliminary plat as amended herein and as approved by the Planning Commission. Substantial changes to the approved preliminary plat require re-approval by the Planning Commission.
2. Approval of this preliminary plat will expire two (2) years from approval unless the final plat is approved and recorded or unless an extension of time is requested and approved. The extension of time may be granted by the Planning Commission with good cause and will not exceed two (2) additional years. Should the applicant wish to proceed with the subdivision following expiration of the two (2) year extension, the preliminary plat process must be re-initiated and resubmitted to the Planning Commission for review and approval.
3. Approval of this Detailed Development Plan will expire three (3) years from the date of initial approval unless the final plat has been recorded in a timely manner and construction has begun. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed two additional years per extension.
3. The subject property shall conform to the provisions of the Master Plan Development/ Public/ Open Space Zones, and to all other applicable provisions of the Land Development Code.
4. Plans for utility improvements and/ or plans to meet Chap. 17.100, BMC, Hazardous Building Site Protection Hillside Development Standards shall not be commenced until the City Engineer has reviewed and approved construction plans for adequacy.
5. All costs of plans checks and inspections by the City Engineer shall be paid by the applicant to the city.
6. Information on the construction plans shall be pursuant to the Public Works document, "General Engineering and Standard Specifications and other requirements found elsewhere in these Conditions of Approval.
7. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor and a telephone number where the contractor can be reached.
8. The Applicant must follow the recommendations from the State of Oregon Parks and Recreation Department, State Historic Preservation Office, letter dated June 12, 2008 and provide written documentation to the City that this Department's concerns have been satisfied prior to final plat approval. All development shall comply with the State regulations regarding cultural resources, specifically, ORS 358.905 to 358.961, ORS 390.235 to 390.240, and ORS 97.740 to 97.760 to the extent possible.
9. The plat must clearly delineate the 4.97 acres of required open space located on the 10 acre parcel. A statement dedicating this open space must be shown on the plat.
10. The Applicant must provide a copy of the Oregon Department of Environmental Quality (DEQ) 1200C Erosion Control permit prior to any construction on the site.

11. A final landscape/ irrigation plan must be submitted and approved by the City's Site Plan Committee prior to issuing a building permit.

Street Conditions

1. The public street, Lone Ranch Parkway, shall be dedicated to the City of Brookings on the plat.
2. A copy of the Road Approach Permit issued by the Oregon Department of Transportation (ODOT) approving the access point for Lone Ranch Parkway at it's intersection with Highway 101 must be submitted to the City prior to final plat approval.
2. Lone Ranch Parkway shall be constructed as proposed with a 70 ft. right-of-way, 28 ft. 2 land paved road surface, curb and 10 ft. multi-path on the south side and bioswale on the north side.
3. Lone Ranch Parkway shall be plated to the furthest northeast corner of the subject property and constructed to within 175ft. of the northeast corner. A Deferred Improvement Agreement must be recorded stating the property owner will participate by paying a proportionate cost of the extension of the street to the northeast corner of the subject property at such time as additional development needs access from the street.
4. Prior to any construction or grading for the street the Applicant shall submit four (4) copies of street construction plans for review and approval by the City Engineer. The Applicant shall provide a geologic report related to the construction of the street if required by the City Engineer.
5. A "STOP" sign shall be placed on Lone Ranch Parkway at the intersection with Highway 101. The siting of the sign shall be in compliance with ODOT requirements.
6. Street lights shall be placed at the intersection of the driveway to the College and at the intersection of Lone Ranch Parkway and Highway 101as shown on the preliminary plat map, and pursuant to the provisions of the Pubic Works document, "General Engineering Requirements and Standard Specifications."
7. A street name sign shall be placed at the intersection of Lone Ranch Parkway and Highway 101. The siting of the sign shall be in compliance with ODOT requirements.
8. A Deferred Improvement Agreement (DIA) for the 10 ft. multi-use path shown on the plat must be recorded. The DIA will stipulate that the path must be constructed when the connecting, adjacent path is approved and constructed. Statements dedicating the future path to the public and specifying that the college will accept maintenance responsibilities, once the path is constructed, must be shown on the plat.

Sanitary Sewer

1. The Applicant shall obtain and submit a copy of the Oregon Department of Environmental Quality (DEQ) permit to utilize a temporary holding tank to provide on-site septic system. Once installed written documentation of the approval shall be provided. The Applicant shall record a Deferred Improvement Agreement (DIA) agreeing to connect to City sewer when mains become available.

Storm Drain Conditions

1. Prior to construction of the proposed storm drainage system, the Applicant shall submit four (4) copies of construction plans for review and approval by the City engineer. Plans considering all drainage from the

subject property, including roof drains, shall be prepared by an engineer, licensed in the State of Oregon, to address on-site and of-site impacts in a manner that protects down stream properties from water flow greater than currently exists as shown in the Applicant's preliminary plans.

2. All storm drains shall be installed pursuant to the provisions of the Pubic Works document, "General Engineering Requirements and Standard Specifications."
3. Additional geologic reports may be needed for final detention pond design, if required by the City Engineer.
4. The plat must state the on-site storm drainage facilities will be owned and maintained by the property owner.
5. Bio-swailes adjacent to the subject property must also be maintained by the College. The proposed "Swale Maintenance Covenant" must be amended to include all required language as found in Condition of Approval # 29 of the Lone Ranch Master Plan Final Order. This Covenant must then be recorded and a copy provided to the City.
6. The Applicant must submit documentation from the Department of State Lands (DSL) and the US Army Corps of Engineers approving the filling of the wetland adjacent to the entrance street prior to any construction in that area.
7. The City Engineer has reviewed the preliminary drainage plan and stated, in writing, that the plan will protect the Rainbow Rock Service Association's surface water system and water supply system from adverse impacts. The Applicant must construct and maintain the storm drainage facilities to continuously provide this protection.

Water System Conditions

1. The subject property shall be served by the City domestic water supply system.
2. The Applicant shall extend water mains into the public street. The Applicant shall also extend service laterals to the College site.
3. All water lines, booster pumps, and reservoirs shall be installed pursuant to the provisions set forth in the OAR Chapter 33, Sections 42-200 through 42-243, by the Oregon State Health Division and the Pubic Works document, "General Engineering Requirements and Standard Specifications."
4. Prior to construction of the proposed water system, the Applicant shall submit four (4) copies of construction plans for review and approval by the City Engineer. The Applicant shall provide a geologic report related to the construction of the water system if required by the City Engineer
5. A fire hydrant shall be located in the parking lot, as shown on the plat, and one at the entrance to the college site.
6. The college building must be constructed with a fire suppression sprinkler system.
7. Fire equipment must have access to within 150 ft. of the back of the building.
8. A ladder must be permanently attached to the outside of the building. The Applicant must confer with the City Fire Chief regarding the specifications for this ladder.

Utilities

1. All utility lines, including but not limited to, electric, communication, street lighting, and cable television shall be placed underground in the street and college site.
2. All utility easements shall be clearly defined as to their scope, purpose and term and clearly shown in dashed lines on the plat including the size and locations as required by the affected utilities, public agencies and service companies.
3. A continuous five (5) foot Public Utility Easement "PUE" adjacent to the right-of-way on Lone Ranch Parkway shall be shown on the plat and provided to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).
4. The applicant shall be responsible to coordinate final acceptance of all proposed "PUE's" with the affected utilities, public agencies and service companies prior to final plat approval.
5. The applicant shall coordinate the placement of mailboxes with the U. S. Postal Service (USPS). Mailboxes shall be placed in a manner that leaves at least 48" of unobstructed sidewalk area. A completed and signed copy of the USPS "Mode of Delivery Agreement" form must be provided prior to receiving final plat approval.

Restrictive Covenants

1. In order for retaining walls, fences, etc, to be constructed within the remaining public right-of-way in back of and abutting the sidewalks the applicant shall incorporate in the covenants a "hold harmless" clause absolving the city and/or utilities of any liability or responsibility for the replacement of such appurtenances within the right-of-way should it be necessary to remove same to make repairs to existing facilities or install new facilities therein.

Bond and Agreement

1. Prior to the Planning Commission certification of the final plat, the applicant shall install the required improvements.
2. If the Applicant wants to postpone construction of some of the components of the infrastructure, Brookings Municipal Code (BMC) 17.80.080, Security and the Secured Improvement Process, describes the process.
3. When all improvements have been constructed, inspected, and approved by the City, the Applicant shall provide a warranty bond as described in BMC 17.80.090, Warranty of Public Improvements.

EXHIBIT B

Materials submitted before Planning Commission meeting on
August 5, 2008 for File No. DDP-1-08

EXHIBIT B:	DATE:	TO:	FROM:	DOCUMENTS:
B-1	7-23-08	Delos Devine Stewardship Forester ODF-Coos District 63612 Fifth Rd. Coos Bay, OR 97420	Robin Richards Architecture & Planning Crow/Clay & Assocs, Inc 125 W. Central Ave. Coos Bay, OR 97420	E:mail Correspondence
	7-28-08	Forwarded to Dianne Morris, Planning Director from Robin Richards	"	
B-2	7-28-08	Forwarded to D. Morris from Robin Richards	Ben Mundie-DOGAMI 229 Broadalbin Albany, OR 97321	E:mail Correspondence
B-3	7-28-08	Forwarded to D. Morris from Robin Richards	Susan Lynn White, RPA Asst.State Archaeologist State Historic Preservation Ofc 725 Summer St. NE Ste.C Salem, OR. 97301	E:mail Correspondence
B-4	7-28-08	Forwarded to D. Morris from Robin Richards	Lori Warner-Dickason Western Reg. Mgr. Dept. of State Lands-Wetland & Waterway Conservation Div. 775 Summer St. NE St.100 Salem, OR 97301-1279	E:mail Correspondence
B-5	7-30-08	Planning Commission	Dennis Boyle Director of Land, Americas 8051 E. Maplewood Ave. Greenwood Village, CO 80111	letter
B-6	7-30-08	Forwarded to Planning Director Morris from Robin Richards	Dennis Griffin-Lead Archaeologist Parks & Rec-Heritage- Conservation Div. 725 Summer St. NE Ste.C Salem, OR 97301-1271	E:mail Correspondence
B-7	7-31-08	Forwarded to Planning Director Morris from Mike Crow, Architecture & Planning for SWOCC	Craig Tuss, US Fish & Wildlife Service 2900 NW Stewart Parkway Roseburg, OR 97471	2-pg letter
B-8	8-1-08	To Planning Director Morris	Allan Haddox, Chairman of Rainbow Rock Condo Assoc. Pacific Vista Condo Assoc. 17744 N. Hwy.101 #100 Brookings, OR 97415	2-pg letter

EXHIBIT B:	DATE:	TO:	FROM:	DOCUMENTS: Page 2
B-9	8-4-08	Planning Commission	Pete Chasar 935 Marina Heights Brookings	1 page
B-10	8-4-08	Mr. Crow	EGR & Associates Engineers, Geologists, Surveyors 2535-B Prairie Road Eugene, OR 97402	5-pages
B-11	8-5-08	Planning Commission	Pat Sherman P. O. Box 1140 Brookings, OR 97415	9 pages
B-12	8-5-08	Planning Commission	CRAG Law Center James Brown, On behalf of Oregon Shores and Catherine Wiley 917 SW Oak St. Ste. 417 Portland, OR 97205	20 Pages
B-13	8-5-08	E:mail to D. Morris	Bill & Cate Yocum P. O. Box 4910 Brookings, OR 97415	1 page
B-14	8-5-08	E:mail to D. Morris	Michelle McCormick P. O. Box 2552 Harbor, OR 97415	1 page
B-15	8-5-08	E:mail to D.Morris	Steve Major Dyer Partnership 1320 Teakwood Coos Bay, OR 97420	1 page

Exhibit B-1

Dianne Morris

From: robin [robin@crowclay.com]
Sent: Monday, July 28, 2008 1:46 PM
To: Dianne Morris
Subject: OR Dept of Forestry

RECEIVED
JUL 29 2008
CITY OF BROOKINGS

Ms. Robin Richards
Executive Assistant
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420
(541) 269-9388
(541) 267-6187 FAX
www.crowclay.com

-----Original Message-----

From: DEVINE Delos G [mailto:Delos.G.Devine@state.or.us]
Sent: Friday, July 25, 2008 2:11 PM
To: robin
Subject: RE: SOCC - 26 T40S R14W

I have reviewed the Stormwater Management Plan dated July 14, 2008. The Oregon Department of Forestry will except the plan, as is, providing it meets other local, state, and federal agencies (if required) approval for development.

If you have any questions please contact me.

Delos Devine
Stewardship Forester
ODF - Coos District
541-267-1752

From: robin [mailto:robin@crowclay.com]
Sent: Wednesday, July 23, 2008 3:50 PM
To: 'DEVINE Delos G'
Subject: RE: SOCC - 26 T40S R14W

I understand. Thank you.

Ms. Robin Richards
Executive Assistant
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420
(541) 269-9388
(541) 267-6187 FAX
www.crowclay.com

-----Original Message-----

From: DEVINE Delos G [mailto:Delos.G.Devine@state.or.us]
Sent: Wednesday, July 23, 2008 3:48 PM

To: robin
Subject: RE: SOCC - 26 T40S R14W

Yes, I have received it. Due to a family emergency I have been out of the office for the last couple of weeks. I am currently going through mail and messages etc. I have not reviewed the plan but will do so this week.

From: robin [mailto:robin@crowclay.com]
Sent: Wednesday, July 23, 2008 11:02 AM
To: DEVINE Delos G
Subject: SOCC - 26 T40S R14W

Good morning. On July 14, 2008 we sent you a copy of the Stormwater Management Plan for the SOCC property in Brookings, Oregon. Did you receive it? We sent you this plan to comply with the City of Brookings DDP compliance conditions. See below:

"A hydrologic study shall be provided with each Detailed Development Plan (DDP) and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. Each successive hydrologic study will cumulatively incorporate and consider information provided in the previously prepared hydrologic studies. The City will review the agency comments regarding the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of wetlands and western lilies. At the time of the DDP review, the City shall require changes to the DDP that it determines are needed to comply with applicable standards and to protect wetlands and western lilies."

If this does not pertain to your agency or you have comments or concerns, please respond in writing before August 5. Thank you for your time. Robin

Ms. Robin Richards
Executive Assistant
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420
(541) 269-9388
(541) 267-6187 FAX
www.crowclay.com

Exhibit B-2

Dianne Morris

From: robin [robin@crowclay.com]
Sent: Monday, July 28, 2008 1:46 PM
To: Dianne Morris
Subject: DOGAMI

RECEIVED
JUL 29 2008
CITY OF BROOKINGS

Ms. Robin Richards
Executive Assistant
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420
(541) 269-9388
(541) 267-6187 FAX
www.crowclay.com

-----Original Message-----

From: Ben A. Mundie [mailto:Ben.A.Mundie@mlrr.oregongeology.com]
Sent: Friday, July 25, 2008 8:48 AM
To: robin
Subject: Re: Southwestern Oregon Community College

Good morning Robin - DOGAMI did receive the Stormwater Plan and do not have any comments.

Thanks for the opportunity to review this project.

Ben Mundie
DOGAMI
541-967-2149

Dianne Morris

From: robin [robin@crowclay.com]
Sent: Monday, July 28, 2008 1:47 PM
To: Dianne Morris
Subject: SHPO #08-1211

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JUL 29 2008
CITY OF BROOKINGS

Ms. Robin Richards
Executive Assistant
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420
(541) 269-9388
(541) 267-6187 FAX
www.crowclay.com

-----Original Message-----

From: Susan White [mailto:Susan.White@state.or.us]
Sent: Wednesday, July 23, 2008 8:32 PM
To: robin
Subject: Re: SHPO #08-1211

Ms. Richards,

Dr. Griffin did reply to the inquiry with the SHPO case 08-1211. However, since we deal with cultural resources, i.e., archaeological resources and historic structures, it would not be pertinent or appropriate for our office to comment on a stormwater management plan that deals with natural resources.

I believe with the initial inquiry under SHPO case 08-1211, Dr. Griffin recommended that a cultural resource assessment survey be conducted for the project area since its location is in close proximity to a known archaeological site.

Please let me know if you have any further questions or concerns. Thanks very much,

Susan Lynn White, RPA
Assistant State Archaeologist
State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, Oregon 97301
503-986-0675
503-986-0793 FAX
Susan.White@state.or.us
www.oregonheritage.org

>>> "robin" <robin@crowclay.com> 7/23/2008 11:16 AM >>>

Good morning. On July 14, 2008 we sent Dennis Griffin a copy of the Stormwater Management Plan for the Southwestern Oregon Community College property in Brookings, Oregon. Do you know if he received it? We sent this plan to Dennis to comply with the City of Brookings Detailed Development Plan compliance conditions. See below:

"A hydrologic study shall be provided with each Detailed Development Plan

(DDP) and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. Each successive hydrologic study will cumulatively incorporate and consider information provided in the previously prepared hydrologic studies. The City will review the agency comments regarding the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of wetlands and western lilies. At the time of the DDP review, the City shall require changes to the DDP that it determines are needed to comply with applicable standards and to protect wetlands and western lilies."

Would you be able to determine if this pertains to your agency and if so, can someone review it for comments or concerns in writing before August 5?
Let me know if we have to wait for Dennis to return. Thank you for your time. Robin

Ms. Robin Richards

Executive Assistant

Crow/Clay & Associates Inc.

Architecture and Planning

125 W Central Avenue, Ste. 400

Coos Bay, Oregon 97420

(541) 269-9388

(541) 267-6187 FAX

www.crowclay.com

Dianne Morris

From: robin [robin@crowclay.com]
Sent: Monday, July 28, 2008 1:48 PM
To: Dianne Morris
Subject: DSL #41037

RECEIVED
JUL 29 2008
CITY OF BROOKINGS

Ms. Robin Richards
Executive Assistant
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420
(541) 269-9388
(541) 267-6187 FAX
www.crowclay.com

-----Original Message-----

From: WARNER-DICKASON Lori [mailto:Lori.Warner-Dickason@state.or.us]
Sent: Wednesday, July 23, 2008 3:45 PM
To: robin
Subject: RE: DSL #41037

Hi Robin,
Please work directly with Bob Lobdell for the DSL permit. Thanks.

Lori Warner-Dickason
Western Region Manager
Wetland and Waterway Conservation Division
Department of State Lands
775 Summer St. NE Suite 100
Salem, OR 97301-1279
(503)986-5271
(503)378-4844 (fax)
lori.warner-dickason@state.or.us

From: robin [mailto:robin@crowclay.com]
Sent: Wednesday, July 23, 2008 2:38 PM
To: WARNER-DICKASON Lori
Subject: DSL #41037

Good Afternoon. On July 14, 2008 we sent you a copy of the Stormwater Management Plan for the Southwestern Oregon Community College property in Brookings, Oregon. Did you receive it? We sent you this plan to comply with the City of Brookings Detailed Development Plan compliance conditions. See below:

"A hydrologic study shall be provided with each Detailed Development Plan (DDP) and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. Each successive hydrologic study will cumulatively incorporate and consider information provided in the previously prepared hydrologic studies. The City will review the agency comments regarding the hydrologic study to determine compliance with applicable standards relating to storm drainage and

to determine compliance with standards relating to the protection of wetlands and western lilies. At the time of the DDP review, the City shall require changes to the DDP that it determines are needed to comply with applicable standards and to protect wetlands and western lilies."

If this does not pertain to your agency or you have comments or concerns, please respond in writing before August 5. Thank you for your time. Robin

Ms. Robin Richards
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JUL 30 2008

CITY OF BROOKINGS

Dennis M. Boyle
Director of Land, Americas

VIA OVERNIGHT MAIL

Planning Commission
City of Brookings
898 Elk Drive
Brookings, OR 97415

July 29, 2008

Re: DDP-1-08

Dear Chair Markham and Members of the Commission:

Rio Tinto Minerals and its affiliate, U.S. Borax Inc., encourage you to approve the Detailed Development Plan submitted by Southwestern Oregon Community College (SOCC), which we have reviewed and found to be consistent with the approved Master Plan of Development for the Lone Ranch property.

Also, please be advised that under the terms of the Donation Agreement between U.S. Borax and SOCC, the actual transfer of title will not be completed until SOCC's Detailed Development Plan has been approved by the City of Brookings. Accordingly, we urge your approval of the SOCC application at the public hearing on August 5, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis M. Boyle", with a stylized flourish at the end.

Dennis M. Boyle
Director of Land, Americas

cc: Michael R. Crow, Crow/Clay & Associates Inc.
Burton Weast

Dianne Morris

From: robin [robin@crowclay.com]
Sent: Wednesday, July 30, 2008 11:23 AM
To: Dianne Morris
Subject: FW: SHPO #08-1211

FYI.

Ms. Robin Richards
Executive Assistant
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420
(541) 269-9388
(541) 267-6187 FAX
www.crowclay.com

-----Original Message-----

From: Dennis Griffin [mailto:Dennis.Griffin@state.or.us]
Sent: Wednesday, July 30, 2008 11:19 AM
To: robin
Subject: Re: SHPO #08-1211

Robin,

Our office did receive the management plan that you refer to in your email. Since I had earlier commented on the results of the previous cultural resource survey of the larger Borax area and the college property, recently, I did not think it important to send an additional reply at this time. My earlier letters stressed the high potential for the area to have buried significant cultural resources. Oral history information has highlighted the importance of this general area to area native peoples through time. A previous archaeological survey discovered a number of sites in the area but complained that ground visibility throughout the larger area was literally zero. The author recommended that subsurface testing in areas of high probability be completed prior to ground disturbing activities. Our office supports this recommendation.

Prior to development of the proposed college area subsurface probing is recommended in areas of high probability to insure that buried significant cultural sites are not adversely affected by the proposed project. Our office recommends that the applicant contact an archaeologist to see what area within the current project area should be probed.

\ Dennis /

Dennis Griffin, Ph.D., RPA
SHPO State Archaeologist
(503) 986-0674
(503) 986-0793, fax
dennis.griffin@state.or.us

>>> "robin" <robin@crowclay.com> 7/23/2008 11:03 AM >>>

Good morning. On July 14, 2008 we sent you a copy of the Stormwater Management Plan for the Southwestern Oregon Community College property in Brookings, Oregon. Did you receive it? We sent you this plan to comply with the City of Brookings Detailed Development Plan compliance conditions.
See below:

"A hydrologic study shall be provided with each Detailed Development Plan (DDP) and any such study must be provided to federal and state agencies responsible for

wetlands and endangered species protection. Each successive hydrologic study will cumulatively incorporate and consider information provided in the previously prepared hydrologic studies. The City will review the agency comments regarding the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of wetlands and western lilies. At the time of the DDP review, the City shall require changes to the DDP that it determines are needed to comply with applicable standards and to protect wetlands and western lilies."

If this does not pertain to your agency or you have comments or concerns, please respond in writing before August 5. Thank you for your time. Robin

Ms. Robin Richards

Executive Assistant

Crow/Clay & Associates Inc.

Architecture and Planning

125 W Central Avenue, Ste. 400

Coos Bay, Oregon 97420

(541) 269-9388

(541) 267-6187 FAX

www.crowclay.com



United States Department of the Interior



Exhibit B-7

FISH AND WILDLIFE SERVICE
Roseburg Field Office
2900 NW Stewart Parkway
Roseburg, OR 97470
Phone: (541) 957-3474 FAX: (541) 957-3475

Reply To: 8330.TA0080(08)
File Name: SWOCC_Storm_Letter.doc
TS Number: 08-1716
TAILS: 13420-2008-TA-0080
Doc Type: Final

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JUL 31 2008

July 30, 2008

Mike Crow
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420

CITY OF BROOKINGS

Subject: Review of the proposed Southwestern Oregon Community College (SOCC) campus
Stormwater Management Plan and hydrology study at the U.S. Borax Property
north of Brookings.

Mike.
Dear Mr. Crow,

We received the Stormwater Management Plan from Crow/Clay & Associates Inc. on July 16, 2008 requesting review of the SOCC campus hydrology study (study). You requested our comments of the study by August 5, 2008.

The study includes a description of the stormwater filtration and containment system that will be used to contain runoff from construction disturbance and impervious surfaces. The system will utilize vegetated filter strips, vegetated swales, and a detention pond to intercept surface water runoff before it enters down-gradient wetlands. The study also describes how the drainage patterns of the surface flow from the project area to the down-gradient wetlands and beyond to the culvert under Highway 101.

Our latest survey information, from July 2005, indicates that currently, western lily does not occur within the location of the proposed project footprint or in down-gradient wetlands. Our analysis of the water flow patterns at the project area is consistent with the hydrology study. We anticipate that the stormwater plan, if built as described, will adequately protect wetland resources down-gradient from the proposed SOCC construction activities. We anticipate that the stormwater system will significantly reduce contaminants, excess sediment, and excess water from entering into the down-gradient wetlands if the stormwater management system is maintained as described in the study.

We are also aware that the college desires to introduce western lily to down-gradient wetlands as part of a potential classroom research project. In order to enhance the protection and maintain

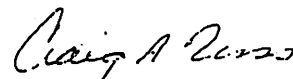
the integrity of the down-gradient wetlands and improve conditions for western lily introduction we further recommend:

- 1) Vegetated filtration strips, vegetated swales, and the detention pond water barriers are inspected at least on a quarterly basis by the college in order to catch early indication of possible problems with the filtration systems.
- 2) Filtration strips, vegetated swales, and the detention pond water barriers are inspected after each heavy storm event (at least 5 inches of rain within a 24 hour period).
- 3) Soil moisture and water levels in down-gradient wetlands are monitored quarterly using a soil moisture sensor and a peizometer to ensure that conditions are stable for the potential introduction of western lily. Information from the soil moisture data can help determine if the hydrology is consistent with western lily suitable habitat and if the location is adequate to introduce western lily.

These recommendations should enable the college to better preserve and protect the underlying habitat conditions that support the western lily and further increase the likelihood western lily introduction will be successful.

Thank you for the opportunity to provide assistance with the proposed project. If you have further questions or require additional assistance please contact Dave Imper at 707-825-5112, Sam Friedman at 541-957-3478, or me at 541-957-3470.

Sincerely,



Craig A. Tuss
Field Supervisor

cc: Diane Morris, City of Brookings, Brookings, OR (e)
Dave Imper, USFWS, Arcata, CA (e)
Laura Todd, USFWS, Newport, OR (e)
Office Files, FWS-OFWO, Portland, OR (e)

Exhibit B-8

Allan F. Haddox
Rainbow Rock Condominium
17744 N. Hwy 101 #100
Brookings, OR 97415

August 1, 2008

Dianne Morris, Planning Director
City of Brookings
898 Elk Drive
Brookings, OR 97415

Re:
Southwest Oregon Community College
Detailed Development Plan (DDP-1-08)

Dear Dianne Morris;

I appreciate receiving the notice of the August 5, 2008, Public Hearing regarding the approval of a Detailed Development Plan on a 10 acre site with APN 40-14-00.

May 21 2003, the Department of Environmental Quality (DEQ) and the Oregon Department of Human Services (DHS) prepared a Source Water Assessment Summary Brochure. This summary was prepared to identify the surface areas that supply water to Rainbow Rock Condominiums' public water system intake and to inventory the potential contaminant sources that may impact the water supply. The assessment was prepared under the requirements and guidelines of the Federal Safe Drinking Water Act.

The DEQ/DHS summary states that the forestlands within the drinking water protection area are identified as "sensitive areas", and pose a relatively higher risk to the drinking water. The sensitive areas within the Rainbow Rock PWS #4101361 drinking water protection area include areas within high soil permeability, high soil erosion potential, high runoff potential, and areas within 1000' from the river/stream.

The Stormwater Management Plan for Southwestern Oregon Community College, prepared by EGR & Associates, Inc., is based on the sensitivity of the area as being moderate. The design analysis assumed basic run-off design assumptions with silting and settlement control, and run-off detention. The stated preferred Best Management Practices treatment for this site is vegetated swales, but only 39% of the necessary treatment area is provided. Approximately 2400 sf of treatment area is proposed, but approximately 6100 sf is needed. Grassy swale would be appropriate for use on this site, but was rejected because they were not willing to provide the required space.

Primary consideration in this management plan should be based on the fact that this is a Public Water System Watershed, and no quantitative provisions are included to remove water contaminants from the applicants proposed development. Provisions are needed for the removal of nitrates, phosphates, and potassium from the landscaped areas; and petrochemicals and automobile coolant from the parking lots, and contaminants quantified for treatment projections. Monitoring facilities will be required to identify intrusion of contaminants into the stream that serves the PWS #4101361.

Condition No. 23 of the Conditions of Approval of the Lone Ranch Master Plan provides:

"Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRSA) surface water supply system, the applicant shall demonstrate how the water and water supply system will not be negatively affected. Each DDP (Detailed Development Plan) shall evaluate the impact of the development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system."

The design will need to be modified or expanded to quantify any residue contamination and demonstrates how the RRSA water and water supply system will not be negatively affected. The Special Provisions within the Stormwater Management Plan in the sections identified as: Selected Treatment BMP Facilities, Selected Operation and Maintenance Procedures, Selected Landscape Guidelines, and Outfall Design Guidelines, should be incorporated in any approval process for the site.

A Wastewater Holding tank is proposed for this site. The holding tank should be placed so as to not provide any risk to the Rainbow Rock PWS. The approval of such a holding tank should conform to OAR 340-071-0340. The Planning Commission should make specific findings that the design, construction, and installation conforms to the Provisions of OAR 340-071-0340, and that the City of Brookings is committed to extend a community sewerage system, with expansion of the treatment facilities, within five years from the date of the application.

Contrary to testimony by Borax representatives, because of construction of a geo-technical investigation access road built by Borax within the project site in 2004, two years before any work on the oak tree removal which began in 2006, erosion from a Borax install culvert washed out an area approximately 5-feet wide, 3-feet deep, and 150-feet long. This erosion deposited a large amount of silt into our inlet pond that needed to be removed by RRSA. Rainbow Rock found it necessary to acquire equipment to monitor the turbidity and amount of suspended solids in our incoming water. Run-off from the watershed area into our water source pond will be compared with the water quality history these monitors provide.

For more than twenty years, the residents of Rainbow Rock Condominiums have enjoyed the beautiful, natural environment in and around Brookings. We want to protect and continue this wonderful lifestyle, and look forward to continue being a part of the Greater Brookings community.

I appreciate this opportunity to submit my comments for your consideration.

Respectfully submitted,



Al Haddox, P.E.

August 4, 2008

RECEIVED

Brookings Planning Commission
CITY OF BROOKINGS
898 Elk Drive
Brookings, OR 97415

AUG 4 2008

CITY OF BROOKINGS

Dear Madam Chair & Commissioners:

Regarding approval of File No. DDP-I-08, we are not taking a position in support or in opposition to this request, but rather, offering the following cautions and suggestions:

General Condition No. 1

The word "substantial" used here is troublesome. It is far too vague and open to broad interpretation. For example, would a 20 percent increase in the area devoted to either parking or the building footprint be considered "substantial." How about 50 percent? The word substantial needs to be replaced with a specific measure of some kind. Unless it is made specific, this condition is meaningless, perhaps even unenforceable.

General Condition No. 2

The phrase "good cause" in the second sentence of this condition is also troublesome. What constitutes good cause? Like the vagueness of "substantial" in Condition No. 1, "good cause" is open to broad interpretation, and gives future planning commissions a blank check to grant an extension for almost any imaginable reason. Is this sound planning?

General Condition No. 3

This condition not only gives a future planning commission broad powers to extend the DDP's approval schedule, it allows the extension to be granted without a public hearing. Under Goal 1, the Brookings Planning Commission serves as the City's Citizens' Involvement Committee. But if the Commission can grant an extension without a public hearing, then the Goal 1 objective of citizen involvement is not being met. The phrase "without a public hearing" should be stricken.

Holding tank

Also needing revision or deletion is the provision for a temporary holding tank for sewerage, particularly the language that appears to obligate the City to extend a sewer line at its expense, if after five years neither the applicant nor Borax extend that line. This is not prudent fiscal policy nor good planning. Please revise this provision and put the financial risk where it belongs: on the applicant and the property owner.

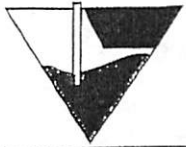
Sincerely,



Peter Chasar



Diana Chasar



EGR & Associates, Inc.

Engineers, Geologists and Surveyors

2535B Prairie Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-8087

Exhibit 10

August 4, 2008

Michael Crow, A.I.A.
Crow/Clay Associates, Inc.
125 W. Central Avenue, Ste. 400
Coos Bay, OR 97420

RECEIVED

AUG 4 2008

CITY OF BROOKINGS

RE: SOCC Detailed Development Plan (DDP 1-08)

Dear Mr. Crow:

This letter is in response to written testimony submitted by Allan Haddox on August 1, 2008 regarding the above referenced Detailed Development Plan (DDP). In general, Mr. Haddox's written testimony does not present any technical argument that refutes our work nor does he specifically address the review criteria for determining compliance with master plan development, as contained in Brookings Municipal Code 17.70.170. Our responses below follow the order of Mr. Haddox's letter.

Paragraphs 2 and 3

In the second and third paragraphs of Mr. Haddox's letter, reference is made to a Source Water Assessment Summary Brochure prepared jointly by the Department of Environmental Quality (DEQ) and the Oregon Department of Human Services (DHS) for the Rainbow Rock Condominiums (RRC) public water system. In the third paragraph Mr. Haddox states:

The DEQ/DHS summary states that the forestlands within the drinking water protection area are identified as "sensitive areas", and pose a relatively higher risk to the drinking water. The sensitive areas within the Rainbow Rock PWS #4101361 drinking water protection area include areas within high soil permeability, high soil erosion potential, high runoff potential, and areas within 1000' from the river/stream.

We are not sure of the point Mr. Haddox makes with his statements and how it relates to the review criteria, but we have reviewed the referenced DEQ/DHS brochure and surmise that Mr. Haddox is merely pointing out that the watershed serving the RRC water supply contains sensitive areas. The DEQ/DHS brochure states that the "sensitive areas are those where the potential contamination sources, if present, have a greater potential to impact the water supply." The proposed college campus site is not located in an area with high soil permeability, high soil erosion potential, and will not consist of managed forestlands. A proposed stormwater detention pond will be located on the campus site so that peak discharges from the site do not exceed historical discharge rates.

We acknowledged the sensitive nature of this watershed in our Stormwater Management Plan (SWMP) dated May 16, 2008, of which a copy was included with the DDP application. On page 5 of the SWMP, we state that because the watershed lying southerly from the campus site serves as a water source for the RRC collected stormwater from the site that discharges into this

watershed will first be routed through surface treatment, such as biofiltration swales and/or ponds. This is consistent with the approved Lone Ranch master plan of development. Careful management of runoff from the campus site, as recommend in our SWMP Plan, will help insure pollution reduction of runoff from the site so that the proposed development does not adversely impact the RRC water supply.

The proposed college campus site represents a relatively small area of the total watershed size. The DEQ/DHS brochure states that the size of the watershed serving the RRC water supply is 0.24 square miles, or approximately 154-acres. The portion of the campus site located within the watershed that is being developed is approximately 1.2-acres in size, which represents approximately 0.8-percent of the total watershed area. One option for stormwater management that was considered (but not discussed in the SWMP) is to discharge collected runoff from the 1.2-acre area of the campus site into the watershed to the northwest, thus eliminating the potential for discharging pollutants into the RRC watershed, but this option was rejected due to an apparent need to maintain hydrologic control for wetland areas located downstream from the site.

Paragraph 4

In the fourth paragraph of Mr. Haddox's letter, reference is made to our Stormwater Management Plan. Once again, we are not sure of the point Mr. Haddox makes with his statements and how it relates to the review criteria, but Mr. Haddox makes two misleading comments that beg a response. With respect to the first misleading comment, Mr. Haddox states that:

The stated preferred Best Management Practices treatment for this site is vegetated swales, but only 39% of the necessary treatment area is provided. Approximately 2400 sf of treatment area is proposed, but approximately 6100 sf is needed.

Beginning on Page 9 of our SWMP, we discuss stormwater best management practices (BMP) that were selected for both treatment and detention of collected runoff from impervious surfaces. For purposes of selecting and designing water quality BMP facilities for this site, the SWMP follows the procedures outlined in the City of Portland's Stormwater Management Manual, Environmental Services City of Portland, September 2004 (Portland Manual). Because development of the site involves leveling the hilltop to create a relatively flat area for the campus building and associated parking, space is limited. There are two areas adjacent to the parking lot in which a biofiltration system, such as a vegetated swale, can be constructed, but the surface area provided at these two locations alone will not provide the necessary overall treatment area needed for the given impervious area of the campus site. We note on Page 5 of the SWMP that vegetated swales in these two areas will provide for approximately 39-percent of the total needed treatment area, from which Mr. Haddox apparently derived his comment quoted above. Whether intentional or not, Mr. Haddox fails to note that further on down the page, we wrote that an additional 49-percent of the needed treatment area will be obtained by constructing a vegetated swale in the bottom of the proposed detention pond and that vegetated filter strips strategically

placed adjacent to parking areas will provide the remaining 12-percent of the needed treatment area.

With respect to the second misleading statement made by Mr. Haddox, he states in the same paragraph that:

Grassy swale would be appropriate for use on this site, but was rejected because they were not willing to provide the required space.

Page 10 of the SWMP includes a summary of our BMP selection and rationale (Table 4). As indicated in Table 4, numerous BMP facilities would be appropriate for use on the site, but only a few were selected because of the development nature of the site and the limited space as discussed above. Following the procedures of the Portland Manual, vegetated swales are more efficient than grassy swales at removing potential pollutants, thus a relatively smaller area of a vegetated swale is needed than that of a grassy swale to treat the same area of impervious surface. This was discussed in the SWMP as a sizing factor that represents the ratio of treatment area to the impervious area being managed. Because of the space limitations as discussed above, a vegetated swale with a lower sizing factor was selected over a grassy swale with a higher sizing factor, not because of any unwillingness to provide the required space as implied by Mr. Haddox.

Paragraph 5

In the fifth paragraph Mr. Haddox states in part:

Provisions are needed for the removal of nitrates, phosphorous, and potassium from the landscaped areas; and petrochemicals and automobile coolant from the parking lots, and contaminants quantified for treatment projections. Monitoring facilities will be required to identify intrusion of contaminants into the stream that services the PWS #4101361.

As stated above, BMP selection and sizing follows the procedures outlined in the Portland Manual to address water quality of stormwater runoff from the site. As stated in this manual, facilities designed in accordance with the Portland's sizing and design requirements are presumed to comply with the City's pollution reduction and flow control requirements. The landscape will be designed in a manner that limits or avoids the need for fertilizers, thus the presence of nutrients from fertilizers, such as nitrates, phosphorous and potassium, will be limited or nonexistent. Incidental leaks from automobiles will be retained on-site within catch basins that will utilize a baffled outlet, spill control manholes and retention in vegetated filter strips and swales. As discussed below in response to Paragraph 9, the RRC currently monitors water quality in the watershed.

Paragraph 6

The sixth paragraph of Mr. Haddox's letter is a quote of Condition No. 23 of the Conditions of Approval of the Lone Ranch Master Plan requiring that each DDP of the Lone Ranch development evaluate the impact of the development on the existing RRC water system.

It is our professional opinion that potential impacts to the water quality of runoff entering the RRC watershed from the campus site can be mitigated by following the recommendations of the SWMP that we have prepared for the proposed project. As discussed above, potential impacts can be eliminated if collected runoff were allowed to discharge into the watershed to the northwest.

Paragraph 7

The seventh paragraph of Mr. Haddox's letter states:

The design will need to be modified or expanded to quantify any residue contamination and demonstrates how the RRSA water and water supply system will not be negatively affected. The Special Provisions within the Stormwater Management Plan in the sections identified as: Selected Treatment BMP Facilities, Selected Operation and Maintenance Procures, Selected Landscape Guidelines, and Outfall Design Guidelines, should be incorporated in any approval process for the site.

We agree that the recommendations contained in the SWMP should be followed for development of the site. This includes development of detailed construction plans for site grading, and for the stormwater collection, treatment, detention and discharge system following approval of the DDP. In accordance with Brookings Municipal Code, detailed construction plans will be submitted to the City for review and approval prior to constructing these facilities. BMP sizes may increase or decrease based on the final site design and grading, and final design of the BMP facilities. Other locations for BMP facilities may also be evaluated and incorporated into the treatment system, such as an approximate 200-foot long area on the north side of the main road leading to the site. This area is located in a saddle between the two hills and is relatively flat, so it could be used for additional biofiltration treatment of stormwater prior to discharge into the RRC watershed.

Paragraph 8

The eighth paragraph of Mr. Haddox's letter addresses location restrictions of the wastewater holding tank and that approval of a holding tank should conform to OAR 340-071-0340.

We agree with this comment.

August 4, 2008
Mike Crow
Page 5 of 5

Paragraph 9

The ninth paragraph of Mr. Haddox's letter comments on previous erosion from the Borax site and subsequent utilization of monitoring equipment by the RRC to monitor turbidity and suspended solids of incoming water. Run-off from the watershed and into the RRC source pond will be compared with the water quality history that these monitors provide.

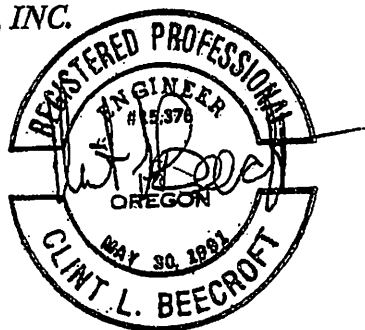
We are not sure of the point Mr. Haddox makes with this statement and how it relates to the review criteria, other than the RRC will continue to monitor the quality of incoming water into their supply system. As a public water system, the RRC must by state law provide water quality monitoring, therefore we generally agree with Mr. Haddox's comment.

If you have any questions or need further information please give us a call at (541) 688-8322.

Sincerely,

EGR & ASSOCIATES, INC.

Clint Beecroft, P.E.
Civil Engineer



RENEWS 1-1-10

RECEIVED

AUG 5 2008 cm

CITY OF BROOKINGS

Pat Sherman
PO Box 1140
Brookings, OR 97415

August 5, 2008

City of Brookings Planning Commission
898 Elk Drive
Brookings, OR 97415

RE: File No: DDP-1-08
Detail Development Plan for Southwest Oregon Community College

Madam Chair and Commissioners:

Please include this letter and attachments in the record for this quasi-judicial hearing.

The Detailed Development Plan proposes the use of a temporary on-site Holding Tank for sewage until a public sewer is available. In a letter to Mr. Mike Crow, (Packet p. 21) Del Cline, On-Site Wastewater Specialist for Department of Environmental Quality (DEQ) refers to Oregon Administrative Rule (OAR) 340-071-0340 (1) (b) (A) & (B) that lists the criteria for allowing the installation of a temporary holding tank within an area-wide sewerage district.

OAR 340-071-0340 (1) (b) (A) states in its entirety:

(A) The application for permit includes a copy of a legal commitment from the legal entity to extend a community or area-wide sewerage system meeting the requirements of this division to the property covered by the application within five years from the date of the application

What this means, of course, is that before the holding tank application is issued, the City must make a legal commitment to install the entire needed sewer within five years from the date the application is approved. The legal commitment will not be with the applicant or any future applicant; it will be with the City.

Prior to and without the requirement for a legal commitment to install the sewer by a date certain, the plan for phasing of the installation of the sewer mains and pump station to serve Lone Ranch had been dependent on market conditions. The new requirement for a legal commitment does not offer relief to the City in the event of adverse market conditions; the sewer must be installed by the city within five years. This would be inconsistent with Brookings Municipal Code (BMC) Sections 13.10.280 and 17.168.130 and 17.168.140 (as they were in force at the time of the MPoD approval) because doing so would shift the burden for installing sewer from the applicant or future applicants to the city. (E) According to BMC, changes to zoning ordinances, policies and standards adopted after the date of approval of a Master Plan shall not apply to the development during the duration of the Master Plan. (BMC 17.70.110) (E)

The missing links in the sewer main include a section from Carpenterville Road to Parkview Drive, a section from Crissey Circle to Moore Street, and a section from the end of Rowland Lane to the Mill Beach Pump Station. Also needed is a pump station at Taylor Creek.

The Crissey/Moore and Rowland/Mill Beach segments have been over capacity in high rain events for many years and have needed replacement for quite a while.

But, except for the requirement for a legal commitment to install *all* sewer within five years, there would be no need at the present time to install the Carpenterville/Parkview segment or the Taylor Creek pump station unless market conditions for the Lone Ranch project so required.

As you are no doubt aware, the housing and real estate market is in a slump. However, you may not realize how severe the housing decline is or how long it is expected to last. I have attached three charts.

The first chart, Case-Shiller/Standard & Poor's Current Data, lists price data from regional markets throughout the country and shows average national decline in house prices of 16.2% percent through May 2008. (A)

The second chart, from the California Realtors Association, lists price changes in various regional markets in California through June, 2008. As you can see, the realtors list an average price decline of 38.38% in California. (B)

The third chart, Case- Shiller/Standard & Poors Futures Data, forecasts future trends. As you can see from the chart, prices in San Francisco and Los Angeles markets are not expected to reach their bottom until May 2011, at which time the total anticipated price decline from the peak will be 41% and 44.5% respectively. (C)

After prices reach the bottom, experts predict that prices will level off for a couple years and then will gradually begin to increase. Simple arithmetic gets us to 2013 before we can expect a recovery from the meltdown in the housing market.

Generally, the anticipated buyers of new homes in the Brookings Harbor area are expected to be retirees from the baby boom generation- many coming from California. As you can see from the data in the charts, the collapse of the housing market is catastrophic; the equity of the homeowners, including baby boomers, is being diminished or wiped out altogether; and the forecast is bleak.

It does not seem realistic to expect a company that is in a profit-making business to commit to spending money- in Brookings' case what would be millions of dollars- to install sewer infrastructure unless and until there is a demand for houses. But, with the new five year legal commitment associated with the holding tank permit requirement, the City- not the developer- would be legally obligated to do exactly that, including the sewers and the pump station for which there is no current need.

The DEQ regulation for a temporary holding tank permit will require the City to make a financial commitment in the near future that will have a material impact on the City and its ratepayers. City staff did not disclose this requirement to the Planning Commission, which must make a decision, and to the public, who will have to pay the bills. As the June 3, 2008 letter from the City Manager to DEQ shows, it seems that staff is aware of the requirement. (D) It is regrettable that the information about this DEQ requirement is being brought into the public record at this late date and in this manner.

Like many in the community I recognize and support the need for a new college campus. But it would not seem right to make the decision about the college plan without giving consideration to the impacts of the legal commitment associated with the holding tank permit that is herein disclosed.

Sincerely,



Pat Sherman

Attachments A, B, C, D, E

Housing article if you are interested:

http://online.wsj.com/article/SB121727861946290899.html?mod=googlenews_wsj

CASE-SHILLER CURRENT DATA					
Region	Peak Month	Peak Price	May 2008	% Chg	\$ Chg
San Francisco	May 2006	\$910,026	\$678,029	-25.5%	-\$231,997
Los Angeles	Sep 2006	\$607,639	\$440,501	-27.5%	-\$167,137
San Diego	Nov 2005	\$619,707	\$440,706	-28.9%	-\$179,001
Miami	Dec 2006	\$428,808	\$294,946	-31.2%	-\$133,862
Las Vegas	Aug 2006	\$343,344	\$235,506	-31.4%	-\$107,838
Washington DC	May 2006	\$459,073	\$364,285	-20.6%	-\$94,788
New York	Jun 2006	\$540,206	\$485,267	-10.2%	-\$54,939
Boston	Sep 2005	\$410,956	\$361,177	-12.1%	-\$49,779
Chicago	Sep 2006	\$279,935	\$249,102	-11.0%	-\$30,833
Denver	Aug 2006	\$246,020	\$227,516	-7.5%	-\$18,504
Atlanta	Jul 2007	\$168,847	\$153,926	-8.8%	-\$14,921
Charlotte	Aug 2007	\$199,088	\$195,103	-2.0%	-\$3,985
Cleveland	Jul 2006	\$118,477	\$104,460	-11.8%	-\$14,017
Dallas	Jun 2007	\$151,325	\$145,499	-3.9%	-\$5,827
Detroit	Dec 2005	\$163,947	\$119,505	-27.1%	-\$44,442
Minneapolis	Sep 2006	\$240,521	\$196,948	-18.1%	-\$43,573
Phoenix	Jun 2006	\$302,646	\$209,358	-30.8%	-\$93,288
Portland	Jul 2007	\$306,519	\$288,474	-5.9%	-\$18,045
Seattle	Aug 2007	\$401,555	\$373,094	-7.1%	-\$28,462
Tampa	Jul 2006	\$241,277	\$179,511	-25.6%	-\$61,766
10-city composite	Jun 2006	\$470,964	\$377,704	-19.8%	-\$93,260
20-city composite	Jul 2006	\$351,853	\$287,146	-18.4%	-\$64,707
National 2008:Q1	2006:Q2	\$234,221	\$196,300	-16.2%	-\$37,921

A.

Region - CAR data	Peak Month	Peak Price	Jun 2008	% Chg	\$ Chg
Monterey County	Aug 2007	\$799,500	\$359,900	-54.98%	-\$439,600
Santa Barbara County	Jun 2007	\$805,929	\$364,280	-54.80%	-\$441,649
High Desert	Apr 2006	\$334,860	\$180,570	-46.08%	-\$154,290
Sacramento	Aug 2005	\$394,450	\$220,630	-44.07%	-\$173,820
Monterey Region	Aug 2007	\$798,210	\$450,000	-43.62%	-\$348,210
No Santa Barbara County	Feb 2006	\$479,856	\$290,620	-39.44%	-\$189,236
Central Valley	Aug 2005	\$363,680	\$220,492	-39.37%	-\$143,188
Santa Barbara So Coast	Sep 2007	\$1,667,500	\$1,035,000	-37.93%	-\$632,500
Riverside/San Bernardino	Jan 2007	\$415,170	\$261,980	-36.90%	-\$153,190
Los Angeles	Feb 2007	\$616,230	\$396,560	-35.65%	-\$219,670
Northern Wine Country	Dec 2005	\$645,099	\$415,820	-35.54%	-\$229,279
Ventura	Aug 2006	\$711,115	\$480,430	-32.44%	-\$230,685
San Diego	May 2006	\$622,380	\$434,857	-30.13%	-\$187,523
Palm Springs/Lower Desert	Jun 2007	\$393,750	\$277,970	-29.40%	-\$115,780
Orange County	Apr 2007	\$747,260	\$560,900	-24.94%	-\$186,360
Santa Cruz County	Aug 2007	\$794,200	\$610,000	-23.19%	-\$184,200
Northern California	Aug 2005	\$441,661	\$341,400	-22.70%	-\$100,261
San Luis Obispo	Jun 2007	\$625,000	\$487,500	-22.00%	-\$137,500
San Francisco Bay	May 2007	\$853,910	\$676,740	-20.75%	-\$177,170
Santa Clara	Apr 2007	\$868,410	\$740,000	-14.79%	-\$128,410
California - CAR	Apr 2007	\$597,640	\$368,250	-38.38%	-\$229,390
California - DQNews	May 2007	\$484,000	\$328,000	-32.23%	-\$156,000

B

CASE-SHILLER FUTURES DATA					
Region	Trough Month	Trough Price	% Chg	\$ Chg	Add'l \$ Decl
San Francisco	May 2011	\$536,756	-41.0%	-\$373,270	-\$141,273
Los Angeles	May 2011	\$337,158	-44.5%	-\$270,481	-\$103,343
San Diego	Nov 2010	\$351,020	-43.4%	-\$268,687	-\$89,686
Miami	Nov 2010	\$239,694	-44.1%	-\$189,114	-\$55,252
Las Vegas	May 2011	\$182,508	-46.8%	-\$160,835	-\$52,998
Washington DC	May 2011	\$301,697	-34.3%	-\$157,376	-\$62,588
New York	May 2010	\$405,474	-24.9%	-\$134,732	-\$79,793
Boston	Nov 2012	\$331,107	-19.4%	-\$79,849	-\$30,070
Chicago	May 2010	\$207,543	-25.9%	-\$72,391	-\$41,558
Denver	Nov 2012	\$195,736	-20.4%	-\$50,284	-\$31,781
Atlanta	NA	NA	NA	NA	NA
Charlotte	NA	NA	NA	NA	NA
Cleveland	NA	NA	NA	NA	NA
Dallas	NA	NA	NA	NA	NA
Detroit	NA	NA	NA	NA	NA
Minneapolis	NA	NA	NA	NA	NA
Phoenix	NA	NA	NA	NA	NA
Portland	NA	NA	NA	NA	NA
Seattle	NA	NA	NA	NA	NA
Tampa	NA	NA	NA	NA	NA
10-city composite	May 2010	\$312,186	-33.7%	-\$158,778	-\$65,517
20-city composite	NA	NA	NA	NA	NA
National 2008:Q1	NA	NA	NA	NA	NA

C



City of Brookings

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umilliman@brookings.or.us

GARY MILLIMAN
City Manager

Del Kline
State of Oregon
Department of Environmental Quality
381 N. 2nd Street
Coos Bay, OR 97420

June 3, 2008

Dear Mr. Kline,

This letter is in reference to the proposal of South Western Oregon Community College to develop an education center on 10 acres of land generally located east of Highway 101 on property currently owned by U.S. Borax and generally known as the Lone Ranch Development.

Based upon our current discussions with representatives of U.S. Borax in the development of an infrastructure cost sharing agreement to fund the construction of sanitary sewer service facilities for this area of the City, we anticipate that sanitary sewer service will be available to the College site within the next five years.

Respectfully,

Gary Milliman
City Manager

telephone call from
architect

within city, county, state and public rights-of-way, within sanitary sewer line easements, and including connection to the public sewer main. All connections, including the building sewer, shall be made gastight and watertight. [Ord. 88-O-430 Art. IV § 13.]

13.10.240 Installation requirements.

All excavations for building sewer installation shall be made in a safe and workmanlike manner, adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city and to the state. Such restoration, if not properly completed by the owner, shall be completed by the city and all costs of such restoration shall be and become a lien against the property to be collected as provided by law. The property owner shall be responsible for obtaining all necessary permits required by the city and state for construction in rights-of-way. [Ord. 88-O-430 Art. IV § 14.]

13.10.250 As-constructed drawings required.

Prior to final connection to an existing public sewer, and before the public sewer is used, the property owner or his agent shall provide the city with written documented evidence that the city building and plumbing inspector has approved the building sewer plumbing on the building side to a point five feet outside the building line. Such evidence shall in all cases include as-constructed drawings bearing the seal and signature of a registered, professional engineer. [Ord. 88-O-430 Art. IV § 15.]

13.10.260 Responsibilities of owner.

The property owner or his agent shall be responsible for the operation, maintenance and condition of the entire building sewer, starting at the sewer main in the street or sewer easement right-of-way. The property owner shall install a clean-out at the street or sewer easement right-of-way line. [Ord. 88-O-430 Art. IV § 16.]

13.10.270 Connections outside city limits.

In order to assure required control by the city of connections and input to its sewage system and treatment plant in perpetuity, all persons initiating or renewing requests for sewer service outside the corporate limits of the city shall execute an agreement by and between the requesting property owner and the city to annex to the city at such

future time as all legal requirements for annexation have otherwise been met and at the discretion of the city. The said agreement shall be and become a covenant to run with the land so served. [Ord. 88-O-430 Art. IV § 17.]

13.10.280 Sewer main extensions.

A. Any person or persons desiring a city sewer line to be extended to their property for connection thereto shall be responsible for the costs of said construction and for the construction of the same according to the requirements hereof and to standard specifications and drawings submitted to and approved by the city.

B. All such sewer main line extensions, exclusive of service lines, shall become the property of the city upon completion of the same by the owner or contractor and inspection and acceptance by the city. The person or person constructing said sewer system shall provide and dedicate to the city an easement of a width and length required by the city for maintenance and operation of said sewer system prior to acceptance of the same by the city.

C. If the sewer line, as extended, provides sewer service or is capable of providing sewer service to other property in the city not previously connected with the city sewer system, then the person or persons constructing the sewer line shall file a verified statement of the total cost of construction of the sewer main line with the city. The city manager, after verifying said statement of costs, shall compute the proportionate cost of construction of said line per lot for each lot capable of being served by said line, said costs to be determined according to the proportionate number of square feet in each of said lots. Corner lots already served by existing sewer main shall be exempted from the calculation.

D. After computation of the proportionate costs attributable to each lot by the city manager, the city manager shall file with the city clerk a statement showing the costs of construction attributable to each lot. The city recorder/treasurer shall then maintain a certified list of the costs attributable to each lot owner who did not share in the cost of construction of the sewer main in the first instance.

E. Any person or persons owning a lot who did not share in the initial cost of construction of the sewer main line who desires to connect to the sewer main line shall first pay to the city recorder/treasurer the proportionate amount as computed by the city manager to be the cost per lot together with interest at the rate of eight percent per annum before said person or persons shall be allowed to connect to the sewer main line or before a building permit

A. Minimum/Maximum Approach Width, Drive Separation.

Use	Minimum Width	Optimum Width	Maximum Width	Separation Between Drives
Single- and two-family dwellings	10'	15'	24'*	5'
All other residential	15'	24'	32'	22'
Commercial	24'	24'	32'	22'
Industrial	24'	30'	48'	22'

*For up to two parking stalls. For each additional parking stall within a garage that faces the street from which it is accessed, an additional 12 feet of width may be added.

B. Distance from Intersection. Driveway approaches shall be positioned from the intersection of a residential street a distance of no less than 20 feet and 100 feet for collector and arterial streets; provided however, that such distances may be reduced by the city engineer where impractical due to lot configuration and/or width.

C. Number of Accesses Permitted. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe traffic circulation and carrying capacity of the street. Except as further restricted by this section, properties of less than 100 feet of frontage shall be limited to two access lanes per frontage which may be together or separate and properties exceeding 100 feet of frontage shall be limited to two access lanes per each 100 feet of frontage.

D. Double Frontage Properties. Properties which have frontage on more than one street may be restricted to access by the streets of a lower classification.

E. Joint Access Encouraged. Common accessways at a property line shall be encouraged and in some instances may be required in order to reduce the number of access points to streets. Construction of common accessways shall be preceded by recording of joint access and maintenance easements. [Ord. 94-O-446.S § 3; Ord. 89-O-446 § 1. Formerly 16.05.110.]

17.168.120 Underground utilities.

A. Utility lines, including, but not limited to, electricity, communications, street lighting and cable television shall be required to be placed underground. All such service and facilities shall be located in a public utility easement with a junction box designed to carry the service drops underground to each serviced building or structure for each lot of the development. The developer shall pay any necessary cost or make other arrangements with each of the public utility companies involved for the installation of the underground facilities and

for the relocation of existing overhead facilities on the property. All such installation shall be in conformance with the respective utility company's operating rules and regulations on file with and approved by the public utilities commission.

B. The following exceptions shall apply to the requirements of subsection (A) of this section:

1. Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be situated above ground if they are solely for the purpose of providing service within the development; and

2. Poles supporting electricity transmission lines may be situated above the surface of the ground if the voltage carried by such lines exceed 12 KV and such lines are not connected to any distribution line situated within the development and do not in any way serve any part of the development; and

3. Poles supporting street lights, and the electrical lines within said poles. [Ord. 89-O-446 § 1. Formerly 16.05.120.]

17.168.130 Service extension.

Within the city limits, and as a condition of development permit approval, basic urban services (water, sewer, storm drainage and streets) shall be extended along the full length of all portions of the subject property fronting a public right-of-way. Basic urban service extension shall be consistent with the requirements of this land development code. [Ord. 89-O-446 § 1. Formerly 16.05.130.]

17.168.140 Sanitary sewer system.

Sanitary sewers shall be installed by the developer in public street rights-of-way, private streets or public easements to serve each new development, and to connect the development to existing mains or install additional mains and laterals as necessary to adequately serve such development.

A. Sanitary Sewer Design. All sanitary sewer facilities shall be installed to grades, standards,

E

written statement of the city council decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline. A notice of decision shall also be mailed to persons who presented testimony orally or in writing at the public hearing. [Ord. 03-O-446.PP.]

17.70.110 Effective date and assurance.

The decision of the city council shall become effective 15 days from when the notice of decision is mailed.

Approval of the MPoD shall assure the applicant the right to proceed with the development in substantial conformity with the plan and approval of the DDP, subject to such modifications as may be authorized. Changes to zoning ordinances, policies and standards adopted after the date of approval of the plan shall not apply to the development during the duration of the plan. [Ord. 03-O-446.PP.]

17.70.120 Effective period of master plan of development (MPoD) approval.

If the applicant has not submitted a DDP for the planned development or the first phase within four years from the date of approval, the MPoD shall expire. Where the planning commission finds that conditions have not changed, the commission may, at its discretion, extend the period for two additional years per extension, subject to applicable hearing and notice requirements. If after the approval of the first DDP, construction has not been started or at any time construction has lapsed for a period of three years, the MPoD will expire. [Ord. 03-O-446.PP.]

17.70.130 Modification of a master plan of development (MPoD).

An applicant may request modification of an approved MPoD subject to the review criteria set forth above as applicable to the initial approval of the plan and subject to the following review procedures (all modifications within this chapter relating to a change in traffic trip generation shall be based on the most recent edition of the Institute of Transportation Engineers (ITE) manual):

A. A modification shall qualify for a minor review if the proposed modification request results in an increase in traffic generation trips equal to or less than 10 percent of the total peak hour trips anticipated in the MPoD, as approved. The city planner shall make the determination as to whether a proposed modification is major or minor. A minor modification may be approved conditionally, approved, or denied by the city planner. If the

city planner determines that the proposed minor modification has significant impacts of a magnitude equivalent to those of a major modification, the city planner may refer the matter to the site plan committee to determine if the application should be referred to the planning commission for decision. The following notice and appeal requirements apply to a decision by the city planner to allow, allow conditionally, or deny:

1. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all of the information required by BMC 17.70.140, modification of a MPoD.

2. Notice of a Request. Within seven days of receiving the complete application the city planner will mail a notice of the request to all property owners within 250 feet of the lot and to persons on record as interested parties.

3. Processing Time. A 20-calendar-day written comment period shall be provided from the time notice is mailed to provide interested persons with an opportunity to submit written comments about the proposed modification before the city planner makes a decision on the request.

4. Decision. Upon close of the comment period the city planner shall review all written comments actually received by the department within the comment period and the applicant's response to the comments. The city planner shall then issue a decision. The notice of decision shall be mailed to the applicant and those provided notice.

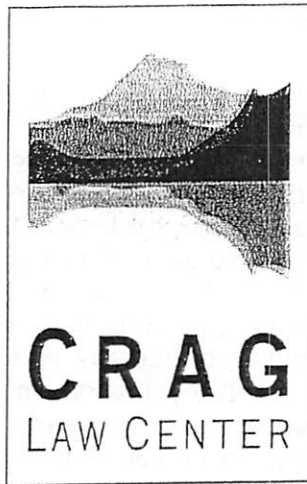
5. Appeal. The decision of the city planner shall be final. Within 15 days of the mailing of the notice of decision, an appeal may be made to the planning commission.

B. A modification shall qualify for a major review if the proposed modification results in an increase in traffic trips greater than 10 percent of the total peak hour trips anticipated in the approved MPoD. In reviewing a major modification request, the commission shall follow the procedures required for a MPoD submittal.

C. In all modifications, review shall be limited to the area proposed for modification and the impacts attributed to the proposed change. [Ord. 03-O-446.PP.]

17.70.140 Detailed development plan (DDP) review procedures.

The applicant can request that each phase or a portion of a phase be reviewed in accordance with the DDP review procedures, so long as each



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RECEIVED

AUG 5 2008

CITY OF BROOKINGS

James D. Brown
Staff Attorney
jd@crag.org

August 4, 2008

Via Hand Delivery

City of Brookings Planning Commission
898 Elk Drive
Brookings, Oregon 97415

Re: Detailed Development Plan for Southwest Oregon Community College (File No. DDP-1-08)

Planning Commissioners,

On behalf of the Oregon Shores Conservation Coalition and Catherine Wiley as an individual (collectively "Oregon Shores") our office provides the following comments on the Detailed Development Plan ("DDP") for the Southwest Oregon Community College ("SWOCC") campus on the Lone Ranch property. Please include these comments in the record for this matter.

Request for Seven Additional Days to Provide Comment

Pursuant to ORS 197.763(6), Oregon Shores requests a continuance of the hearing, or that the record be left open, in order for members of the public to provide additional comments on the DDP application and to respond to new information that may arise during the hearing.

The DDP materials were made available to the public a little more than a week before this hearing. Given the short period of time to review the materials and the complex nature of the materials, it will be beneficial to the public to have extra time to provide additional comment if needed.

///

Background

The DDP is the first detailed development plan submitted to undertake construction pursuant to the terms and conditions of the Lone Ranch Master Plan of Development ("MPoD"), which was approved by the City on October 25, 2004 and sets forth a plan for development of 540 single family detached homes, 150 single family attached homes, a commercial area and college campus.

Prior to construction of any phase of the MPoD or the issuance of any building permits, the City must approve a DDP. Brookings Municipal Code ("BMC") 17.70.020. The BMC sets forth several specific graphic and narrative requirements for a DDP application, which include a general incorporation of the requirements that an applicant must address when submitting the MPoD. BMC 17.70.140. The BMC sets forth review criteria for the City to consider in reviewing a DDP. BMC 17.70.170. The overarching requirement is that the DDP must be "in substantial conformance with the MPoD."

Approval of the DDP would extend the life of the MPoD. BMC 17.70.120. The first condition of the MPoD approval states:

1. Approval of this Master Plan will expire in 15 years or in four (4) years from approval, unless a Detailed Development Plan (DDP) pursuant to Section 70, Master Plan Development District, of the Land Development Code, is submitted and approved by the Planning Commission and construction of the DDP shall start within three years of approval. Each subsequent DDP must be filed within four (4) years of the completion of the previously approved DDP, or the Master plan will expire. If the conditions at the time warrant, the Planning Commission may extend the 15 year Master Plan permit or the four (4) year DDP permit period for an additional two-year period at the request of the applicant.

The Applicant in its narrative incorrectly states that the condition is satisfied with only the submission of the DDP. As the condition makes clear, the DDP must be approved by the County before the MPoD has prolonged viability.

Comments

Oregon Shores has the below specific comments regarding the terms of the DDP and the compatibility of the DDP with the terms and conditions of the MPoD.

(1) Sewer

The DDP proposes a temporary holding tank to serve the campus if a sewer line is not installed by the time the campus is ready for occupancy. A holding tank is not compatible with the terms or conditions of the MPoD. The MPoD states: "If the college develops before a sanitary sewer system is installed, it may be necessary to construct an on-site sanitary sewer system designed to accommodate the college. Options for serving the college may include an

on-site stand alone system or connection to the existing Rainbow Rock package plant." MPoD at 31.

The terms of the MPoD requiring an on-site sewer system are consistent with the requirements of the BMC. BMC 13.10.510 states: "Where a public sanitary sewer is not available under the provisions of BMC 13.10.020, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article." The BMC clarifies the required City approval process and states:

Before commencement of construction of any private sewage disposal system, the owner shall first obtain written approval from the city stating that because of topography, distance or other special factors, a public sewer cannot be supplied at the time and the city has no objection to the installation of a *subsurface disposal system*. The letter or a copy thereof will be presented to Oregon DEQ or its authorized agent when applying for a *subsurface disposal permit*.

BMC 13.10.520 (emphasis added). BMC 13.10.540 further clarifies that "[t]he DEQ or its authorized agent has the sole authority for the issuance of *subsurface disposal* permits." The Joint Management Agreement ("JMA") between the City and the County is consistent with the limitations of the BMC and also specifies that an "on-site sewage disposal system" is limited to a rural level of development. The City's Comprehensive Plan, specifically Comp Plan Goal 14, requires adherence to the terms the JMA. The section of the BMC relating to the approval of subdivisions, such as requested with the DDP, requires conformance with the Comp Plan, and applicable development standards of the BMC. BMC 172.070(B).

Accordingly, the BMC requires, in lieu of connection to a public sewer system, that the only option for the provision of sewer services is a subsurface disposal system. Oregon Department of Environmental Quality ("DEQ") administrative rules provide the following definitions of relevance to this application:

(82) "Holding Tank" means a watertight receptacle designed to receive and store sewage to facilitate treatment at another location.

(99) "Onsite Sewage Disposal System" means "onsite wastewater treatment system."

(100) "Onsite Wastewater Treatment System" means any existing or proposed subsurface onsite wastewater treatment and dispersal system including but not limited to a standard subsurface, alternative, experimental, or nonwater-carried sewage system. It does not include systems that are designed to treat and dispose of industrial waste as defined in OAR chapter 340, division 045.

(156) "Subsurface Absorption System" means the combination of a septic tank or other treatment unit and an effluent sewer and absorption facility.

(157) "Subsurface Sewage Disposal" means "subsurface wastewater treatment."

(158) "Subsurface Disposal System" means "subsurface absorption system."

(159) "Subsurface Wastewater Treatment" means the dispersal of wastewater from a septic tank or other treatment unit into the zone of aeration to be further treated through physical, chemical, or biological processes.

(160) "System" or "onsite system" means "onsite wastewater treatment system."

OAR 340-071-0100. As a result, there is a critical difference between an on-site treatment system or a subsurface absorption system, which treat sewage, and a holding tank, which merely stores sewage for treatment at another location. Moreover, a temporary holding tank requires a commitment *from the City* to provide sewer services to the site within five years:

(b) Temporary use: A holding tank may be installed in an area under the control of a city or other legal entity authorized to construct, operate, and maintain a community or area-wide sewerage system if:

(A) The application for permit includes a copy of a legal commitment from the legal entity to extend a community or area-wide sewerage system meeting the requirements of this division to the property covered by the application within five years from the date of the application;

OAR 340-071-0340(1)(b). Thus, by authorizing the use of the holding tank, the City would be obligating itself to provide a connection to the City's sewage system within five years. Thus, permitting the installation of the holding tank will shift the burden of providing actual sewer services away from the Applicant to the City.

The Applicant states that DEQ has stated a preference for a holding tank as opposed to a temporary on-site disposal method. The record does not reflect this statement. The only letter from DEQ in the record states that a temporary holding tank would require a Water Pollution Control Facilities ("WPCF") permit for the installation of the tank. There is also no confirmation in the record that the Brookings Public Works Department has approved the holding tank. The Staff Report incorrectly finds that the DDP complies with the terms and conditions of the MPoD by improperly characterizing the holding tank as a temporary on-site septic system. As set forth above, a holding tank is not in compliance with the terms of MPoD or the BMC and cannot be approved as an element of the DDP.

(2) Storm Water Management

Condition 23 of the MPoD states:

23. Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service

Association (RRS) surface water supply system, the applicant shall demonstrate how such adverse impacts will be mitigated or that RRSA can obtain an adequate alternative water supply. Each DDP shall evaluate the impact of development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system.

The condition addresses the requirements of BMC 17.70.070(D), which requires that "[t]he proposed MPoD will further demonstrate that existing utility services and water supplies for adjacent properties will not be negatively affected at each phase." The MPoD states that plans for storm water treatment plans will be addressed at the DDP stage and states that a water quality treatment facility is required prior to discharging storm water. MPoD at 31.

The Applicant indicates that submitted plans for storm water management will meet condition 23. However, the RRSA has already reported adverse impacts from preliminary construction activities. *See* Letter from Al Haddox, Chairman of RRSA, to Dean Peggy Goergen, dated March 8, 2007 (Attachment A). *See also generally* Letter from Pat Sherman to Mayor Larry Anderson and City Councilors, dated July 15, 2008 (Attachment C) (discussing impacts to RRSA drinking water as one change in condition precluding extension of time for MPoD). The storm water management plan must demonstrate that proposed mitigation is sufficient to protect the drinking water source as required by Condition 23 of the MPoD.

(3) Water Services

Condition 9 of the MPoD states:

9. Prior to any construction within the project area, the applicant shall submit four (4) copies of water system construction plans providing service to the construction site, for review and approval of the City Engineer and an application for a DDP for the water system construction for review and approval by the Planning Commission.

The DDP provides a general discussion of plans for the provision of water services but includes no construction plans. The Applicant proposes a condition of approval for the DDP that incorporates the first part of this condition but does not require an application for a DDP for construction of the water system for public review and approval by the Planning Commission. Staff Report, Attachment P. Applicant's findings addressing condition 9 indicate that the plans for the construction of a water line from Highway 101 to the campus are included in this DDP submission, although the details regarding construction will come at some later point. If the City is to approve construction plans as an element of the DDP, the actual plans must be part of the public process and available for review as part of the DDP.

The Applicant's findings addressing condition 9 state that the water system is in the process of being turned over to the City. Comments from the Public Works Department indicate that the City has not accepted the infrastructure as part of its water system. Staff Report, Attachment D. As of September 2007, the City's Public Works Director informed the City

Manager that City water services are limited and inadequate to supply sufficient water to prepare infrastructure leading to the Lone Ranch site for connection to the City's system. *See* Memo from John Cowan to Gary Milliman, dated September 12, 2007 (Attachment B) (stating concern regarding adequate flow within City system to flush waterline in preparation for connection to City system). *See also* Attachment C (setting forth changes in conditions regarding availability of water services). Approval of the DDP should await the actual provision of water services as set forth in the proposed DDP.

(4) Transportation

Approval of the MPoD was conditioned upon transportation improvements. A Transportation Impact Study prepared for the MPoD demonstrated that the proposed development would cause adverse impacts to transportation facilities and, thus, specific improvements were required for each phase of the proposed development.

The Applicant proposes to undertake no improvements for the proposed project because the DDP involves only construction of the college campus. In support of this request, the Applicant has submitted a new study to demonstrate that at least one existing intersection, currently operating a grade of C, will decline to a tipping point of D but not completely fail requirements. As recognized by the MPoD, most urban communities set D as the minimum acceptable level of service for peak hours, but plan for a C level of service for all other times of day. MPoD at 17. The Applicant's study does not distinguish between the level of service at peak and non-peak hours. The City should consider carefully whether mitigation for transportation impacts from this first stage of the larger development is warranted.

The Applicant proposes to delay the construction of a multipath, which was included as an element of street design in the MPoD. The Applicant requests delay until a connecting multipath is approved and constructed. This request violates conditions 8 and 19 of the MPoD, which states:

8. All streets shall be constructed in the manner and standards set forth in the approved Master Plan for that street segment. Any deviation from that of the approved Master Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the Master Plan document.

19. Each phase of development shall be complete within itself for access, water service, sewer service, storm drainage, and all utilities, and all streets, services and utilities shall be extended to the furthest limit of the phase to ensure connection to the next phase.

Since it is indeterminate when the next phase of the project will be undertaken, the Applicant is required by the terms of the MPoD to undertake all improvements to make each phase self-sufficient in accordance with the design as set forth in the MPoD.

The Applicant also proposes to only pay for a proportionate cost of onsite street improvements to complete the required streets. To the degree that the Applicant proposes that the public bear a portion of the costs to complete deferred road improvements, this conflicts with BMC 17.070.030, which requires that onsite improvements must be paid for by the developer.

(5) Open Space

The MPoD indicates that a 10 acre portion of the Lone Ranch property is dedicated to the development of the SWOCC campus. MPoD at 9. The MPoD indicated that no more than 5.03 acres of that area was dedicated to improvements associated with the development of the campus and the balance was to be left as open space. MPoD at 9. The DDP indicates that it will use only 2.25 acres of the 10 acre parcel for the campus. The DDP does not verify that the balance of the parcel will remain as open space. Instead the Applicant proposes that a specific 4.97 acres will be designated as open space. Approval of the campus should be conditioned on the entire balance of the 10 acre parcel remaining open space as was intended in the MPoD.

Conclusion

Oregon Shores requests that the Planning Commission not approve the DDP until the above issues are resolved.

Sincerely,



James D. Brown
On Behalf of Oregon Shores and Catherine Wiley

Al Haddox
17744 N. Hwy 101, #100
Brookings, OR 97415

March 8, 2007

Dean Peggy Goergen
Southwest Oregon Community College
420 Alder Street
Brookings, OR 97415
Via e-mail: pgoergen@socc.edu

Dear Dean Goergen,

Curry Coastal Pilot printed an article "College links deal for new Brookings campus" indicating SOCC is actively pursuing the development of the new campus for Southwestern Oregon on the Lone Ranch Development property. Last year, documentation was delivered to you by Rainbow Rock Condominiums that the Oregon Department of Environmental Quality had designated this area a Drinking Water Protection Area, PWS 4101361.

Rainbow Rock Condominiums has successfully operated its water system for over 20-years. The proposed site of the 10-acre parcel is located in a designated sensitive area posing a higher risk to the drinking water. It is reasonable to assume that any development within the designated site will contaminate the Rainbow Rock Condominium water supply. The Drinking Water Protection Area, PWS 47101361 has been identified in the Source Water Assessment, prepared by ODEQ, as high soil permeability, high soil erosion potential, high runoff potential, and within 1000-feet from streams.

Already, with the construction of preliminary roads for geotechnical investigation, substantial contamination of our water supply has already occurred. These occurrences have been reported to the Oregon DHS & DEQ. They have sent letters of violation to the property owners. The state agencies are aware of the sensitivity of the area and the impact disturbances will have on the designated Drinking Water Protection Area.

In October of 2004, Rainbow Rock proposed to dedicate all lands, water treatment and pumping facilities, 75,000 gallon water tank and site, and water rights to the City of Brookings in exchange for annexation and connection to the city system. With the current city fee structure, connection fees far exceed any benefit to Rainbow Rock. It is in our best interest to maintain our existing operating system, but we cannot permit it to be destroyed.

As I indicated last year in our telephone conversation, Rainbow Rock supports a new SOCC campus in Southwest Oregon. Having the campus located across the highway would add to local traffic, but would also add the convenience of educational programs close to the units. Rainbow Rock does not want to be seen as an obstruction to this new facility, but our existing water facility is vital to our existence. It must be protected.

The Lone Ranch Site could require SOCC to provide extensive mitigation measures to protect our water system, and the liability for any future contamination would be placed on SOCC. My request is that SOCC investigates other sites that can equally serve the community without destroying our water system or exposing SOCC to needless liability. Other sites would have less impact on designated sensitive areas, and would not impact an existing public water system.

Representatives of Rainbow Rock will be glad to meet with you to resolve this conflict.

Respectfully submitted


Al Haddox
Chairman,
Rainbow Rock Service Association

Cc: Pat Sherman, Mayor, City of Brookings, Fax: 541-469-3650
Christy Sewell, Oregon DEQ, sewell.christy@deq.state.or.us
Scott Curry, Oregon DHS, Scott.G.Curry@state.or.us
Mike Meszaros, Curry Health Dept., meszarosm@co.curry.or.us
Tom Hubka, Curry Coastal Pilot, thubka@currypilot.com
Jim Stigamire, Chairman, PVCA, jstigamire14@gmail.com

ATTACHMENT A

Copy to John Cowan

Memo

City of Brookings - Public Works Department
898 Elk Drive
Brookings, OR 97415
(541) 469- Fax: 469-3650
www.brookings.or.us



To: Gary Milliman
From: John Cowan, Public Works Director
Date: September 12, 2007
Re: SWOCC/Borax Water Line

I have been contacted by Mike Crow of Crow/Clay Architects Planners of Coos Bay. Mike is asking for a letter from the city to Borax (RIO TINTO) to facilitate Borax turning over ownership of the 16" water line from Carpenterville Road to the Borax property. Crow/Clay are the architects of record for the SWOCC campus project. In order for this to happen the water line would have to be pressure tested, flushed, chlorinated, flushed, and tested for bac-t, and accurate as-built plans would need to be provided as would associated easements. Mike is asking that a letter be drafted to Borax to start this process and that he be copied. Mike had mentioned that he had been in touch with Burton Weast and that Burton had stated that Borax would love to turn over ownership of the waterline to the City of Brookings.

The only drawback in this process at this time that I see is that it takes approximately 200,000 gallons of water each time we flush this line. Currently the flow in CFS of the Chetco River is below 100, if we have hot weather there is a possibility that the water treatment plant would not be able to keep up with demand caused by the flushing of this line. I would hope that the testing and acceptance of this line would take place sometime after the fall rains start.

What is your take on this issue? Did you want me to take the lead on this or would you be interested in pursuing this issue.

We should not proceed with testing until there is flow in the river
well above 100 CFS

[Signature] 9/20/07

ATTACHMENT B
11 1 1 0

Pat Sherman
PO Box 1140
Brookings, OR 97415
July 15, 2008

Mayor Larry Anderson and City Councilors
898 Elk Drive
Brookings, OR 97415

RE: Testimony for July 16, 2008 City Council appeal MPD-1-04 Extension

Mayor and Councilors,

I am submitting the following comments regarding the extension application for the Borax Lone Ranch Master Plan. Please include these comments and attachments in the record. These comments are in addition to my comments of June 3, 2008 which are included here by reference (Council packet pp. 167-171).

I have consistently supported the Lone Ranch Master Plan. I believe that this development is very important for the future of Brookings. I have also consistently expressed concerns related to the project's infrastructure.

The Brookings Municipal Code (BMC) lists two criteria that must be met for an extension to be granted. First, you must find that conditions have not changed since the Master Plan of Development (MPoD) was approved. After making a finding that conditions have not changed, then you can use your discretion as to whether or not you choose to grant the extension.

I have considered the current conditions in several areas and compared them to the conditions as they were when the MPoD was approved. I examined the facts available to me and arrived at a conclusion based on those facts. My comments focus on the topics of water, Rainbow Rock Condominiums, electricity, western lily and cost of infrastructure.

Water- Goal 16- Estuarine Resources and Change in Water Rights Law

Current Condition: Water will be supplied to the property, from the beginning, using the City's water system (Option 2 in the MPoD proposal). Oregon House Bill (HB) 3038 requires extension of municipal water right permits to be conditioned to protect listed fish species.

Prior Condition: Goal 16, Estuarine Resources, assessment in Master Plan application was based on initially having wells on the property, and only later connecting to the City's water supply (Option 3 in the MPoD proposal). When the MPoD was adopted, municipal water rights law did not provide for the protection of listed fish species.

Argument:

- The adopted Master Plan will use City water from the beginning (Option 2). This option was chosen during the Master Plan hearings. The Goal 16 analysis was completed prior to the Master Plan hearings based on Option 3. Option 2 has a greater impact on the Chetco than Option 3.
- Testimony submitted June 2, 2008, (Council Packet pp 129-136) Genc Emre, OTAK, the applicant's engineer, argues that there is no change in water source for the project. In support of his argument he submitted pp. 27-29 of the Master Plan application. The application states: "the Utility Analysis and Plan is based on the third option." The third option is described: "Lone Ranch would develop an onsite water system to serve the initial phases of development. When the City's water system is extended to the site, Lone Ranch's on-site system would be connected, providing the City's system with a back-up ground water system."
- By the applicant's own testimony, the analysis for water withdrawals from the Chetco- and thereby Goal 16- was based on the less demanding Option 3.

ATTACHMENT C

- In the same June 2, 2008 testimony, Mr. Emre included a statement made by the City Engineer, Richard Nored, on July 6, 2004, about the adequacy of the plan for water. As was argued in my testimony of June 3, 2008, (Council Packet pp 167-171) the City engineer's testimony was based on selection of the less demanding Option 3, the same as the applicant's Goal 16 analysis.
- As I also argued in my June 3 letter, Mr. Nored was not asked for his opinion concerning the change from Option 3 to Option 2 during the MPoD hearing process. In fact, Mr. Nored in an October 31, 2006 e-mail (Council Packet p. 39) described the water system initially based on wells. He stated that the Lone Ranch site was not included in the 2000 Water Master Plan and he stated that including Lone Ranch will place an additional demand on the water system, specifically 583 gallons per minute (gpm) for Lone Ranch domestic use and 53.5 gpm for Rainbow Rock- a total of 646 gpm or 1.44 cubic feet per second (cfs).
- In his testimony Mr. Emre implies that, since the City's Water Master Plan was updated in 2007 to include the Lone Ranch site, the problem of Goal 16 not being addressed in the Lone Ranch Master Plan is solved.
- In the staff report the Planning Director seems to agree with Mr. Emre.
- But, the City's Water Master Plan and the Lone Ranch Master Plan are two different products developed for two different reasons.
- The fact that the City updated its Water Master Plan in 2007 does not correct the deficiency in the Lone Ranch Master Plan regarding Goal 16 analysis.
- During the Land Use Board of Appeals (LUBA) appeal the deficiency in Goal 16 was more or less acknowledged, and the opinion was that the deficiency was harmless.
- What changes the Goal 16 deficiency in the Lone Ranch Master Plan from 'harmless' to important is the new water rights law, HB 3038, which became effective June 29, 2005.
- Now, the City finds itself in the position that, upon application for extension of its water right permit, the extension will be conditioned on preservation of listed fish species. And the Chetco has two- Pacific Lamprey Eel and the Coast Coho.
- Mr. Richard Allan, the applicant's attorney, argues in a June 2, 2008 letter (Council Packet p 134) that HB 3038 is an improvement in municipal water rights law. He submitted a comment from League of Oregon Cities in support of his statement. All agree that increasing the length of extension from 5 to 20 years is an improvement.
- But the improvement in the length of time an extension is good for came with a compromise; and the compromise was that the extension will be conditioned on preservation of listed fish, and the compromise has a direct effect on Brookings and its Chetco River water right.
- At this point in time the City is in the process of obtaining an extension for its 10 cfs water right on the Chetco. When the extension is granted, by law it will be conditioned. And whatever those conditions are, the City will be stuck with them for at least 20 years.
- The City is interested in not having conditions on its water right that restrict the withdrawals from the Chetco beyond the voluntary restriction of 5.1 cfs during periods of low flow that the City has already agreed to.
- What better way to send a message to the people responsible for making the decision about any possible restrictions (Fish and Wildlife Service), and to the watchdog groups (Water Watch), than for the City to demonstrate its sincere commitment to its stewardship of the Chetco River resource by requiring the completion of Goal 16 analysis in the Lone Ranch Master Plan.
- The Lone Ranch area will require 1.44 cfs of water from the Chetco.
- Mr. Tim Ramis, the applicant's attorney, in oral testimony at June 3, 2008 Planning Commission hearing, argued that HB 3038 could not be considered a change in condition because it became law on June 29, 2008, and *that* date was before the remand hearing on August 22, 2008. Mr. Ramis is incorrect. The change in the law occurred after the approval of the MPoD. The remand hearing was limited in scope and did not address this issue. So the only important date is October 25, 2004, the date the MPoD was approved. The LUBA opinion was issued April 20, 2005.

Summary: Requiring the completion of Goal 16 analysis is the right thing to do because the Lone Ranch Master Plan is deficient in this area, and because we care about our Chetco River water resource. Requiring the completion of Goal 16 analysis is also the smart thing to do if the City intends to send the right message to the agencies involved with permitting and to the watchdog groups.

Rainbow Rock Condominiums

Current Condition: Construction activities have already taken place on the Borax property. Prior to the construction activities, Borax failed to demonstrate how the Rainbow Rock Service Association (RRSA) water supply system would not be negatively affected, as required by MPoD Condition of Approval #23. Borax' construction activities have had an adverse effect on the quality and quantity of the water available through the RRSA water supply system. RRSA complained to the City about the problem on May 1, 2006. The City failed to review the applicant's permit, as required by Condition of Approval #2.

Prior Condition: Prior to the problems related to the construction activities, the RRSA water treatment plant and system had been working fine.

Argument:

- BMC states: "The proposed MPoD will further demonstrate that existing utility services and water supplies for adjacent properties will not be negatively affected at each phase."
- Lone Ranch Findings #41f states: "Rainbow Rock Condominiums (RRC) water system....will be able to connect to the City's water system at the time it is extended to serve the Lone Ranch project and before any adverse impacts occur."
- Condition of Approval #23 states: *Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing RRSA surface water supply system, the applicant shall demonstrate how the water and water supply system will not be negatively affected. Each Detailed Development Plan (DDP) shall evaluate the impact of development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system.*
- The extension of the water pipes to the Borax property line was completed in 2005-2006. RRC water system has not been connected to the City's water system primarily due to the cost. According to a complaint filed with the City on May 1, 2006, adverse impacts have already occurred as a result of construction activities by Borax. (Attachment A)
- In oral rebuttal on June 3, 2008, Mr. Tim Ramis argued that the adverse impacts were not the result of construction work done by Borax. He claimed that the adverse impacts may have been a result of Sudden Oak Death (SOD) remediation efforts carried out by Oregon Department of Agriculture (ODA). In a June 23, 2008 e-mail (with accompanying map), Alan Kanaskie, Forest Pathologist, Oregon Department of Forestry (ODF), stated: "The first SOD infestation on the US Borax property was discovered on July 25, 2006. So ODA/ODF did no work on the property prior to that time. There was some hand-cutting, piling and burning of trees done intermittently in November-December 2006. There is little or no soil disturbance during these activities. The first use of machinery for SOD eradication on the Borax site was not until February-March of 2007." (Attachment B) Since the discovery of SOD did not occur until after the adverse impacts had occurred, the SOD work could not have been the cause of the adverse impact. Mr. Ramis' argument is incorrect.
- In oral rebuttal on June 3, 2008 Mr. Ramis argued that Borax had a NPDES 1200-C permit for the construction activity, which is required for construction activities exceeding one acre when construction activities may discharge to surface waters of the state. I have no reason to doubt that Borax has obtained the permit. However, the construction permit was not obtained until after the construction activities had occurred. Further, the permit was obtained only after Borax received a warning letter from Department of Environmental Quality (DEQ), and also a follow-up letter from DEQ. It took two letters from DEQ before Borax applied for the permit. (Council packet p.89)
- Source Water Assessment Summary Brochure for Rainbow Rock Condominiums PWS #4101361 is included in the Council packet (pp. 85-87). The brochure maps the Drinking Water Protection Area and potential contamination sources. The Drinking Water Protection Area includes much of the

Borax property. Within the Drinking Water Protection Area, managed forest lands are identified as a potential contamination source and is rated at a relative risk level, "higher". Potential impacts are: "cutting and yarding of trees may contribute to increased erosion, resulting in turbidity and chemical changes in drinking water supply. Over-application or improper handling of pesticides or fertilizers may impact drinking water source."

- An additional possible future contamination source to the Rainbow Rock water system has been identified. According to a June 23, 2008 e-mail from Chuck Costanzo, Oregon DEQ and a June 27, 2008 e-mail from Del Cline, Oregon DEQ, Southern Oregon Community College (SOCC) intends to apply for a WPCF Holding Tank Permit to handle its sewage until they can raise enough money to pay the connection fee for the City of Brookings. The Del Cline e-mail states: "the primary option would be the use of a large holding tank. Holding tanks are site tested for water tightness and are required to be equipped with an alarm and a contract with a licensed pumper." (Attachment C) The problems with this kind of system are the problems related to power outages and human error. In a power outage, the alarm couldn't work. If the system is not maintained properly, or is not emptied often enough, or suffers a spill during transfer from the tank to a truck, the error could result in contamination of Rainbow Rock's water source.
- Staff Report states that Condition of Approval (#23) provides adequate assurance that Rainbow Rock Condominiums water source and water shed will be protected. But, since Borax has already ignored this condition, before a DDP has even been submitted, and the City has already failed to enforce the condition, the condition is obviously inadequate to protect the Rainbow Rock water system from existing and future threats.

Summary:

Nothing short of providing water to the Rainbow Rock Condominiums from the City water system will resolve this problem. The condition of approval needs to be amended so that it states that construction activity is prohibited unless and until Rainbow Rock Condominiums are hooked up to the City water system. All costs of hooking Rainbow Rock Condominiums up to City water must be paid by the developer. I can find nothing in the City Charter or City Ordinances that prohibits the City from providing water service outside its Urban Growth Boundary. It appears that a service contract between RRSA and the City would be needed.

Electricity

Current Condition: Coos Curry Electric Cooperative (CCEC) member-owners must either pay the cost of removing the power lines from the Borax property or pay the cost of installing electrical infrastructure on the property or pay some of both.

Prior Condition: In its Annexation Application the applicant stated the developer would pay these costs. Finding #42 for the MPoD links the MPoD approval to the annexation document concerning utilities.

Argument:

- The U.S. Borax *Annexation Application*, page 18, states: "Electricity- according to CCEC, there is electrical service adjacent to the Property within the U.S. 101 right-of-way....The developer will pay the costs to connect to these utilities." (Attachment D)
- Section 17.70.070.C BMC states: "the proposed MPoD will demonstrate that adequate utilities and infrastructure are available or can reasonably be made available at each phase."
- The MPoD ordinance does not specifically mention electrical utilities and other dry utilities, but the ordinance does not specifically exclude electrical utilities and other dry utilities. Since electrical utilities and other dry utilities continue to be infrastructure, it appears that the omission is an error of omission.
- Absent any specific comment in the Master Plan about the electric utility, the default comment would be the comment in the annexation application. MPoD Finding #42 links the master plan to the annexation concerning utilities.

- Finding #42 for the Master Plan states: "Based on the Lone Ranch Master Plan Utilities Report, the City's Public Facilities Plan, the testimony and evidence provided, and the approval of the annexation, public services are adequate or will be adequate during course of Lone Ranch." (Attachment E)
- The omission in the Master Plan would not necessarily be significant except for a change in conditions that was revealed in 2007. I describe the situation below.
- There are two electric transmission lines that run from Thomas Creek to Brookings Harbor. One is the old "T" line that needs to be replaced as soon as possible. The other one runs through the Borax property.
- During a 2007 CCEC controversy unrelated to the Borax Master Plan, an old 1977 lease was discovered. (Council Packet pp.91-94) The 99-year lease between Borax (lessor) and CCEC (lessee) states: "In consideration of the lease rights herein granted by lessor, lessee agrees to construct, operate and maintain electrical distribution lines to any and all buildings that may hereinafter be constructed by lessor, its successors and assigns, during the period of this lease, on any property now owned by lessor in Sections 14, 23 and 26 of Township 40 South of Range 14 West of the Willamette Meridian, Curry County, Oregon." Further, it states: "In the event that the premises herein leased are not used by lessee, its successors and assigns for a continuous period of one (1) year for the purposes set forth, then and in such event, this lease and all rights of lessee hereunder shall immediately revert to lessor, its successors and assigns."
- In other words, as long as the electric transmission lines remain on the Borax property, and for up to one year after the utility lines are removed from the property, the property owner is entitled to free electrical infrastructure.
- The U.S. Borax Master Plan application is silent about the electrical infrastructure. But, since this old lease has been brought into the open in 2007, it appears to be a significant and costly omission.
- I do not have access to cost estimates from CCEC, but I found the following two cost estimates in the Borax files. For the sake of making this particular argument, these estimates seem to be reasonable.
- The U.S. Borax Annexation Application, Page 18, Table 5, On-site Cost Estimates for Installation of Services, states: "Electrical, TV, Fiber Optic, Telephone (dry utilities) equals \$2,000,000." There is no break out for each utility. (Attachment D)
- In a letter from Otak to Burton Weast, June 20, 2001, an estimate given for "Power Line Relocation to Eastern Property Line is \$875,000." (Attachment F)
- I do not have access to Engineer News Record (ENR) Construction Cost indexes for all dates. But by using ENR indexes that are pretty close in time to the dates when the above reports were made, I came up with ball park estimates of what these costs would be adjusted for inflation. The ENR Construction Cost Index, July, 2008 is 8293. ENR in November, 2001 was 6395.
- Adjusted for inflation, the estimated cost to install dry utilities today is \$2.6 million. To avoid having CCEC member-owners pay the cost, the electrical transmission lines must be removed from the Borax property.
- Adjusted for inflation, the estimated cost to move the lines is \$1.3 million. The lines cannot be removed from the Borax property until the old "T" line is upgraded.
- According to "State of the Cooperative": "The planning stages for the completion of the transmission line upgrade from the Thomas Creek area to Brookings Harbor is progressing on schedule. While we have some property easement issues to resolve, we may be able to begin construction later this year." (Council packet p. 161) Councilor Kitchen, who also is on the CCEC Board, may have an idea of the total time estimate to upgrade the old "T" line and then remove the Borax line.
- The upgrade of the old "T" transmission line is essential. The removal of the lines on the Borax property is not essential at this time, but for the need to avoid having the CCEC member-owners pay the cost of installation of electrical utilities on the Borax property.
- Simply, if the transmission lines are left on the Borax property, the CCEC member-owners get to pay estimated \$2.6 million to install the utility. If the lines are removed from the property, the CCEC member-owners get to pay an estimated \$1.3 million to move the line. Either way, the CCEC member-owners lose.

- Upon annexation the statement was that "the developer will pay the costs." We now know that, at a minimum, the CCEC member-owners will have to subsidize the cost of removing the lines from the property, about \$1.3 million, and, if construction begins sooner than one year after the power lines are removed from the property, there may be additional unknown costs to CCEC member-owners to install some of the electricity infrastructure. This is a significant change in conditions.
- Staff report about electric lines does not address the issue of who pays for electricity infrastructure.

Summary:

Borax Annexation Application says developer will pay for electric utility infrastructure.

There were no City Findings in MPoD concerning electricity infrastructure, an error of omission.

The change in conditions is that now CCEC member owners must either pay the cost of electric infrastructure or pay the cost of moving the lines or pay some of both.

Western Lily

Current Condition: There are deficiencies in the conceptual MPD design and available information pertaining to the natural resources of the project area that could affect the ability to meet the development goals stated in the MPD.

Prior Condition: Deficiencies in the conceptual MPD design pertaining to natural resources of the project area had not been identified.

Argument:

- In his May, 30, 2008 letter Craig Tuss, US Dept of Interior (USDI)/Fish and Wildlife Service (FWS) identified issues that needed to be addressed IF the extension was granted. (Council packet p.173) Generally the issues raised are: Raedeke Associates survey report, 2006, did not show the full extent of the lily population; the FWS had concerns about the accuracy of the wetland delineations; the wetland buffers were inadequate.
- Mr. Tuss also stated: "We believe it is important for all interested parties to recognize that each of the above **deficiencies in the conceptual MPD design** and available information pertaining to the natural resources of the project area could affect the ability to meet the development goals stated in the MPD. Based on our partial inspection of the property in July, 2005, it appears that the **MPD overly estimates the development potential of the site**, with regards to the stated objective (LUBA remand order) to 'protect the wetlands and western lily'."
- Previous comments by FWS, including comments made at the August 22, 2005 remand hearing, (Attachment G) generally focused on: threats to the lily, storm drainage, buffers, and wetland delineation.
- Previous response to FWS comments by the applicant has generally been that the MPoD is a conceptual plan, and that the specific issues concerning the western lily would be deferred until a DDP is submitted, at which time the applicant will be required to obtain joint permits through Corps of Engineers and Division of State Lands.
- As an additional safeguard, Condition of Approval #28, which basically requires a cumulative hydrologic study to be performed with each DDP, was added to the MPoD.
- What is different now is that, having done a preliminary survey in July, 2005 and having reviewed the Raedeke report dated 2006, FWS now describes the shortcomings as deficiencies in the MPD design with respect to the western lily. Basically the MPoD concept is flawed.
- Specifically, FWS believes that the MPoD overstates the development potential of the site with respect to the lilies. FWS does not quantify or qualify how the development potential is overstated. But it seems reasonable to conclude that there would be an impact on many elements of the master plan- number of dwelling units, roads, infrastructure, walkways- and, subsequently, whatever those impacts might entail.
- While FWS affirms their commitment to work with the applicant if the extension is granted, it seems clear that if the basic concept of the MPoD is flawed with regard to the western lily, the appropriate

action would be to redesign the conceptual plan. In other words, the Master Plan needs to be amended.

- Staff report states: "A letter was received after the Planning Commission hearing on June 3 from USDI discussing the need to coordinate with any applicant submitting a DDP. Once DDPs are known it is then possible to determine appropriate care and protection of the lilies and wetlands....etc."
- Staff report does not discuss the salient points raised in the Tuss letter.

Summary: The change in condition described in the Tuss letter seems to require an amendment to the Master Plan.

Cost of Infrastructure

Current Condition: Adequate utilities and infrastructure are not available and cannot reasonably be made available because the cost is prohibitive. In 2006 documents that describe the off-site infrastructure needed to serve Lone Ranch were discovered by the mayor during a review of the Borax file. The information about the extent and cost of the needed off-site infrastructure to serve Lone Ranch had been available before and during the time of the MPoD approval, and the information had been freely discussed among certain City staff, Borax representatives and the City's contract Engineer before the time of the MPoD approval. But the information about the cost and extent of the needed off-site infrastructure was withheld from the Planning Commission, the City Council, and the public before and during the time of the MPoD approval. The information was and is critical information.

Prior Condition: MPoD Findings concluded that utilities and infrastructure are or can reasonably be made available

Argument:

The argument has three sections. **Section 1** shows that information about the cost of the off-site infrastructure was available at the time of the MPoD hearing, and that it was withheld from the decision makers. **Section 2** argues that the cost of off-site infrastructure needed to serve Lone Ranch is prohibitive relative to funds available or reasonably likely to become available in a timely way. **Section 3** argues that, when evaluating the feasibility of a project the size of Borax relative to the size of the City, failure to consider the cost of the project is unreasonable, and further, failure to provide the decision makers with the critical information about the costs, when the information was readily available, was negligent. Before an extension is granted, the oversight should be corrected.

Section 1:

- In November, 2001 HGE Inc, the City's contract engineer, prepared a report for the City of Brookings entitled "Water and wastewater facilities plan to serve Borax development and surrounding areas." (report)
- The information that was in the report was a topic of discussion in letters from HGE dated February 16, 2004 (Council Packet, p. 64) and April 22, 2004 (Council Packet p. 54) to various City staff.
- The information in the report was a topic of discussion between Richard Nored, HGE, the City's engineer, and Genc Emre, Otak, the applicant's engineer, on April 8, 2004 (Attachment H)
- Neither the report nor information included in the report was included in testimony submitted for the MPoD hearing.
- The report was mentioned by title in testimony submitted for the MPoD hearing by Richard Nored, (Council Packet p. 22)
- The response by the City Manager to a pointed question posed by Councilor Anderson during the MPoD hearing about the off-site infrastructure was incomplete and erroneous. (Council Packet pp. 170, 53 and the tape of the meeting)
- In a related matter, during development and adoption of the 2004-2005 Fiscal Year budget, the Budget Officer, Finance Director Paul Hughes, was not aware that Richard Nored had advised anyone

of a fair cost sharing split with Borax on the Crissey- Parkview sewer project when the budget was adopted. (Attachment I) The project is one of many needed for the Lone Ranch project. The cost sharing split for this project was specifically addressed in the April 22, 2004 letter from Mr. Nored to the City: "projected costs that the City has authorized for replacement of the sewer system from Crissey Circle to Parkview Drive have not been addressed in this analysis. Lone Ranch costs for this project total \$601,560." Further, according to Mr. Hughes, he was unaware of the fair cost sharing during the project construction and he didn't become aware of Mr. Nored's opinion until some time later. Incidentally, the contract for the Crissey Parkview project was awarded at the October 11, 2004, the same meeting as the MPoD hearing.

Conclusion: The information about the cost of infrastructure was known at the time of the MPoD hearing, had been discussed between the applicant and the City, but was withheld from the decision makers.

Section 2:

Cost of Project

- The HGE report was revised in November, 2006. (Attachment J) The information in the report is also included in the City's Water Master Plan and Wastewater Master Plan that were adopted in 2007. I am using data from the November, 2006 report because that is what I have available.
- Using the 2006 report, the total cost for recommended water system expansion for Lone Ranch is \$3,749,175. The total cost of needed collection system improvements is \$7,425,435. The ENR Construction cost index used when the report was prepared was 7883. The ENR index for July, 2008 is 8293. Adjusted for inflation the costs for water and sewer, respectively, are \$3,944,172 and \$7,811,637, or a total estimated cost of \$11,755,809.
- Recommended cost sharing between Borax and the City is described in a September 27, 2007 letter to the City from Richard Nored (Council Packet, p. 62): "WATER- Borax would provide all costs of water installation North of Carpenterville Rd. Borax and the City of Brookings would share recommended improvement costs South of Carpenterville on a 50-50 basis. SEWER- Borax would provide all costs of sewer installations North of Dawson Road. Borax and the City of Brookings would share recommended improvement costs from Dawson Rd. to Moore Street on a 50-50 basis. This work includes costs previously incurred by the City of Brookings from Crissey Circle to Parkview Dr. Borax and the City of Brookings would share recommended improvement costs from Moore St to the Wastewater Treatment Plant (WWTP) on 77% City, 23% Borax basis."
- Completed work includes extension of water and sewer mains from Carpenterville Rd and Dawson Rd., respectively, to the Borax property line and replacement of the Parkview-Crissey segment of the sewer main. The Taylor Creek pump station and all of the other water and sewer mains have not been constructed. The cost of the Crissey-Parkview project was \$793,714.81 (Attachment K)
- *Summary- The needed off-site infrastructure for Lone Ranch will be very expensive.*
- **Funds Available:**
- The City of Brookings 2008/2009 adopted budget is \$26.8 million. (Attachment L)
- Needed Capital Improvement Projects for the City of Brookings listed in the budget document, including street, water, wastewater, and storm water projects, and including projects needed for Borax, but excluding General Fund and Recreation projects, total \$42,863,278. (Attachment M) Unfunded projects- assuming the City is awarded \$4,000,000 loan for its Biosolids A upgrade- totals \$33,847,788. Shortfall of funds available for these projects, considering the cost of the projects less funds available but uncommitted in System Replacement and System Development Funds (SDF) is \$30,830,716.
- The City adopted Master Plans for Storm Water, Water, and Wastewater in 2007; therefore those items are up to date.
- *Summary- There are currently no funds available to pay for the needed infrastructure for Lone Ranch.*
- **Recent Funding History for Various Projects for Brookings:**
- In 2000 total System Development Charge (SDC) fees were approximately \$4500 per equivalent dwelling unit (EDU).

- In 2001 the City received a \$13,100,000 loan to fund improvements to the WWTP. Payment in FY 2008-2009 will be \$1,002,488. Funds for the loan payments come from Wastewater Fund and Wastewater SDF.
- After the WWTP loan was received total SDC fees were increased to approximately \$8,000 to pay the 'growth' portion of the WWTP loan.
- In 2006 the City increased the total SDCs to \$17,209 based on a study done by Dyer and Associates.
- Currently the City adjusts SDCs annually based on ENR Construction Cost Index. Current fees are \$17,776 per EDU.
- Single Family Dwelling (SFD) Permits have fallen sharply.

YEAR	SFD Permits
2004	48
2005	44
2006	41
2007	10
2008 YTD	7

- As reported in a June 25, 2008 *Pilot* article, "City Manager Gary Milliman expects to see development-related revenues drop by as much as 50 per cent, which will hamper its ability to pay off debt, particularly that used to make improvements to its waste water treatment plant several years ago." In the article Mr. Milliman is also quoted saying: "Due to the building decline, this growth rate (3%) is not being achieved. While we have sufficient funds to meet debt service requirements this year, the city may need to consider an additional sewer rate increase." (Attachment M)
- Next, the Westside Interceptor problem is described. At the February 27, 2006 meeting City Council voted to advertise for bids for replacement of the Westside Interceptor. At the April 24, 2006 meeting City Council voted to reject all bids for the interceptor because the bids were higher than the engineer's estimate of \$974,800. (Attachment N) On Christmas Day, 2006 the bottleneck problem in the Westside Interceptor, aggravated by a rain event, overflowed into the street and into the ocean. The Council later learned that this problem had occasionally been occurring during high rain events for eight years. The City has been attempting, so far unsuccessfully, to secure funds for this project. An appropriation request was made to Congress without success (Attachment O). In 2006 at least one and perhaps two meetings were had with Oregon Economic and Community Development Department (OECDD) to secure funds without success. In 2007 the City mitigated the problem by installing a bypass to handle excessive flows during heavy rain events. The effectiveness of the bypass has not been tested yet since there have been no rain events that challenged the system since the bypass was installed. In 2008 another attempt was made to secure funds for this project through OECDD with no success yet. (Council Packet, p 65)
- Next, the Biosolids A problem is described. In 2005 the City Council voted to construct a Biosolids A processing plant. Since that time (almost three years) the City has attempted in many different ways to obtain the funds (not grant funds, but a loan) to finance the project. During this entire time the ratepayers have been paying into the Wastewater Fund to pay for the project. The project is included in the current adopted budget and we are told that our prospects for getting the loan approved look good, but to my knowledge no deal has been finalized yet. The project cost is about \$4,000,000.
- In the City of Brookings 2000 Water Master Plan numerous needed capital projects were identified. In 2007 the City took action and finally requested and received \$5,000,000 loan to complete some of the needed projects. The specific projects that the money is being used for had been deferred since at least 2000. None of the projects are related to Lone Ranch.
- The City continues in its attempts to secure funding for its needed Capital Improvement Projects.
- In 2001 in its Annexation Application, Borax had proposed using an on-site sewage disposal system for the initial stages of the project because the cost of extending sewer lines was "cost prohibitive." (Attachment P)

- The Lone Ranch project will be phased, and the entire infrastructure does not need to be installed immediately. But paying for the infrastructure needed for the first phase of the project appears to be a formidable obstacle. Some of the sewer line has been installed but much more needs to be installed.
- Currently, SOCC is exploring the use of a Holding Tank as a way to avoid the cost of the needed sewer improvements for the first phase. (Attachment C)
- Staff Report (Council Packet, p.7) states that the applicant (Borax) and the City are working on a cost sharing agreement. The fact is that Borax and the City have been in discussions about cost sharing agreements since at least April, 2003 (Attachment Q). As yet none has been consummated. Likewise, Rainbow Rock Condominiums had been in discussions with Borax since October, 2004 (Attachment A) about an agreement to resolve Rainbow Rock's issues and, likewise, no agreement has been consummated. While it is encouraging to hear that the City's discussions with Borax in this matter are making progress, it is clear that the promise of an agreement is not the same as an actual agreement.
- *Summary: The City's ability to secure funds for capital projects has been spotty and there is no reason to believe that the situation will change. The City has an extensive backlog of needed capital improvement projects. Funding requests for Lone Ranch-related projects must be considered along with all other requests for other city-wide projects. The City anticipates decline in revenues due to economic downturn. The developer has expressed concern about the cost of off-site infrastructure since 2001. SOCC is seeking ways to avoid the costs of the infrastructure.*

Conclusion: The cost of off-site infrastructure needed to serve Lone Ranch is prohibitive relative to funds available or reasonably likely to become available in a timely way.

Section 3:

Size is important. Relative size is important. The need for the city to consider financial conditions as an element in determining whether or not infrastructure is or can reasonably be made available depends on the size of the project and the size and resources of the city. For a small or moderately sized development proposal the cost of the infrastructure probably doesn't need to be considered. The Borax project is an enormous project for a city the size of Brookings. The cost of the infrastructure has been one of the biggest obstacles preventing the project from moving forward. Knowing what we now know about the cost of the off-site infrastructure, ANY reasonable person would consider cost of the infrastructure as one important element when evaluating whether or not infrastructure is or can reasonably be made available. Further, knowing what we know now about the cost of the project, any reasonable person who would NOT consider cost of infrastructure would be failing in the performance of his basic fiduciary responsibilities.

Staff did not provide the decision makers with the appropriate information regarding these issues in the MPoD hearing in 2004. This omission was not discovered until 2006. In this particular case, the information about the cost of the infrastructure is critically important to a decision about whether or not infrastructure can reasonably be made available. In fact, I think it is so important, that, had the cost been known at the time of the MPoD hearing, the approval of the MPoD may have been at risk. I think that city staff may have withheld the information precisely to avoid that risk.

Summary of Argument about Infrastructure:

The change in conditions relevant to the cost of needed off-site infrastructure to serve Lone Ranch has as much to do with the information that was withheld and later discovered, as it has to do with the fundamental facts of the matter. The omission and later discovery of the information is a change in conditions on its own merit. Considering the facts of the matter, and remembering that the standard is that the infrastructure can reasonably- as compared to possibly- be made available, a reasonable person would not conclude, without having further information, that infrastructure can reasonably be made available. Based on the information that is now available, a reasonable person would conclude that infrastructure cannot reasonably be made available in a timely way. That is a change in conditions related to the Findings.

Additional Comments

- It seems highly unusual for staff to recommend overturning the decision of the Planning Commission. It seems that if there were procedural or technical errors made by the Planning Commission during the Planning Commission hearing then there might be a good reason for staff to recommend overturning the decision based on those errors. But that does not seem to be the basis for making a recommendation to overturn the Planning Commission decision in this case. Rather, it appears that staff's recommendation is based solely on the fact that staff does not agree with the Planning Commission decision. That's not how the process usually works. How the process usually works is that staff makes a recommendation to the Planning Commission, the Planning Commission makes a decision, and if the decision is appealed to the City Council, the City Council takes measure of the Planning Commission decision and usually staff makes no further recommendation.
- It also seems highly unusual for staff to change definitions between Planning Commission and City Council hearings. In staff report for the Planning Commission, change in conditions was defined as: "no circumstances have changed that were fundamental to the findings which are the basis for approval of the MPoD." (Council packet p. 10) In the staff report for the City Council, staff uses a definition of: "none of the above stated concerns results in changes to the Conditions used in reviewing and approving the original Master Plan." (Council packet p. 7)
- Staff report states on several occasions in its comments concerning Review Criteria that "no request for a change to the Plan is being made." If the applicant were seeking a modification to the Plan he would need to submit an application for a modification of MPoD under Section 17.70.130 of the BMC. The applicant is seeking an extension to the MPoD under section 17.20.120. Staff comments seem to be off the point.

Based on the above changes in conditions, I believe that the City Council cannot make a finding that "conditions have not changed." In particular, I believe that the changes in conditions related to electricity, western lily, and cost of infrastructure are profound changes that require an amendment to the Master Plan. I request that the City Council deny the request for an extension, and that the City Council make a recommendation that the applicant submit an amendment to the MPoD under Section 17.70.130 of the BMC to address the substantial changes that have occurred since the MPoD was approved.

Sincerely,



Pat Sherman

Exhibit B-13

Dianne Morris

From: Bill Yocum [byocum@hughes.net]
Sent: Tuesday, August 05, 2008 10:20 AM
To: Dianne Morris
Cc: Dave Pratt; Cherie J. Mitchell; Roger Thompson; dic818@wildblue.net; Ted Freeman; Larry Anderson; Michelle McCormick
Subject: DDP for Southwestern Oregon Community College: Letter of Support

TO: Brookings Planning Department/Commission
FROM: Bill & Cate Yocum, PO Box 4910, Brookings, OR 97415
SUBJECT: Letter of Support for DDP of SW Oregon Community College

We are in support of the DDP being presented to the Brookings Planning Commission for the Curry Campus.. The new Curry Campus will provide a full Associate Degree program, as well as distance connectivity for Associate Degree Nursing programming and baccalaureate programs through the Southwestern University Center.

The community of Brookings Harbor is in need of;

- Higher education,
- Additional trained individuals in the medical field,
- Diversity of an educated workforce and
- Increased employment opportunities.

The Curry Campus will assist in meeting the above needs. We urge the Brookings Planning Commission to expedite the process for approving the needed Curry Campus. Thank you for this opportunity to give support for improving our Community.

Sincerely,

Bill & Cate Yocum
PO Box 4910
Brookings, OR 97415
541-661-4576

Exhibit B-14

Dianne Morris

From: mlpmccormick [mlpmccormick@hughes.net]
Sent: Tuesday, August 05, 2008 11:14 AM
To: Dianne Morris
Subject: Re: DDP for Southwestern Oregon Community College: Letter of Support

I am also in support of this.

Sincerely, Michelle McCormick, PO Box 2552, Harbor, OR 97415

----- Original Message -----

From: Bill Yocum
To: dmorris@brookings.or.us
Cc: Dave Pratt ; Cherie J. Mitchell ; Roger Thompson ; dic818@wildblue.net ; Ted Freeman ; Larry Anderson ; Michelle McCormick
Sent: Tuesday, August 05, 2008 10:19 AM
Subject: DDP for Southwestern Oregon Community College: Letter of Support

TO: Brookings Planning Department/Commission

FROM: Bill & Cate Yocum, PO Box 4910, Brookings, OR 97415

SUBJECT: Letter of Support for DDP of SW Oregon Community College

We are in support of the DDP being presented to the Brookings Planning Commission for the Curry Campus.. The new Curry Campus will provide a full Associate Degree program, as well as distance connectivity for Associate Degree Nursing programming and baccalaureate programs through the Southwestern University Center.

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- Diversity of an educated workforce and
- Increased employment opportunities.

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Sincerely,

Bill & Cate Yocum
 PO Box 4910
 Brookings, OR 97415
 541-661-4576

Dianne Morris

From: Steve Major [smajor@dyerpart.com]
Sent: Tuesday, August 05, 2008 11:58 AM
To: Dianne Morris
Subject: SOCC DDP

Dianne,

I have completed my review of the letters from Mr. Al Haddox, P.E., dated August 1, 2008 and EGR & Associates, Inc. dated August 4, 2004. Mr. Haddox's letter identifies six specific areas of concern with the submitted SWMP for the above referenced project. EGR's letter identifies where the SWMP addresses these concerns. I feel that the submitted SWMP adequately addresses the concerns presented in Mr. Haddox's letter. As stated in my July 23, 2008 Memorandum, the submitted DDP, which includes the SWMP, meets the requirements of Chapter 17.100 of the City's Land Development Code. If you have any further questions or concerns, please give me a call.

Steve Major, P.E.
City Engineer

EXHIBIT C

Materials submitted at August 5, 2008 hearing
DDP-1-08

Detailed Development Plan for SWOCC
(Southwestern Oregon Community College)

EXHIBIT C:	DATE:	FROM:	NUMBER OF PAGES:	DOCUMENTS:
C-1	8-5-08	Pat Sherman	3 pages	1-page letter 2 pages of Chapter 17.168 of the BMC

Pat Sherman
PO Box 1140
Brookings, OR 97415

August 5, 2008

Brookings Planning Commission
898 Elk Drive
Brookings, OR 97415

Madam Chair and Commissioners:

Please include this additional testimony in Case # DDP-1-08.

As noted in previous testimony, BMC Section 17.70.120 assures that policies and standards adopted after the date of approval of the plan shall not apply to the development during the duration of the plan. Attached is Chapter 17.168.010 that was in force when the Master Plan was approved. It describes general development standards and requirements that are applicable to the Master Plan and should be considered in conjunction with my previous testimony, and my previous testimony (page 1) should be amended to read as follows, with italics being the amendment:

This would be inconsistent with Brookings Municipal Code (BMC) Sections 13.10.280 and 17.168.130 and 17.168.140 *and Section 17.168.010* (as they were in force at the time of the MPoD approval) because doing so would shift the burden for installing sewer from the applicant or future applicants to the city. (E)
According to BMC, changes to zoning ordinances, policies and standards adopted after the date of approval of a Master Plan shall not apply to the development during the duration of the Master Plan. (BMC 17.70.110) (E)

Sincerely,



Pat Sherman

security fence. The planning commission may require additional landscaping as a condition of approval. [Ord. 99-O-446.GG § 1; Ord. 89-O-446 § 1.]

17.164.050 Abandoned towers.

A. Wireless telecommunication towers that do not have functioning antennas for a period of six months shall be considered to be abandoned and shall be removed by the operator within 60 days thereafter.

B. Upon written application, prior to the expiration of the six-month period, the planning commission may, in writing, grant a six-month time extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the planning commission subject to any conditions required to bring the project or facility into compliance with current regulation(s) and make it compatible with surrounding development. [Ord. 99-O-446.GG § 1; Ord. 89-O-446 § 1.]

Chapter 17.168

PUBLIC FACILITIES IMPROVEMENT STANDARDS AND CRITERIA

Sections:

- 17.168.010 General development standards and requirements.
- 17.168.020 Street standards.
- 17.168.030 Easements.
- 17.168.035 Shadow platting.
- 17.168.040 Neighborhood circulation plan.
- 17.168.050 Street lights.
- 17.168.060 Sidewalks.
- 17.168.065 Reimbursement procedures.
- 17.168.070 Street improvements, deferred.
- 17.168.080 Street names and signs.
- 17.168.090 Traffic impact report.
- 17.168.100 Bicycle routes.
- 17.168.110 Driveway approaches.
- 17.168.120 Underground utilities.
- 17.168.130 Service extension.
- 17.168.140 Sanitary sewer system.
- 17.168.150 Storm drain system.
- 17.168.160 Water system.
- 17.168.170 Improvement plans.
- 17.168.180 Performance bond and improvement agreement.
- 17.168.190 Public facilities construction standards.

17.168.010 General development standards and requirements.

A. The developer shall provide, pay for and install, or cause to be installed, including by way of example and not by way of limitation, water distribution systems, storm drain structures, sewer lines, pumps and appurtenant sewage disposal devices, curbs and gutters, sidewalks and pedestrian walkways, street base course and wearing course materials, bridges, electrical transformers and electrical distribution facilities, underground wiring, street lights, underground communications systems and wiring, gas distribution systems, underground cable TV wiring, fire hydrants, fire alarms, and other fire control devices, street signs, traffic control devices, the preservation or replacement of trees, shrubs, ground cover and other vegetation, structures and provisions to stabilize soil and to prevent erosion, culverts or other devices to enclose open ditches and inhibit access to them by children, devices for the removal of materials and wastes from sewage not amenable to or capable of treatment or reduction by the city's sewage treatment

processes or prohibited by state or federal laws or regulations, the reservation or dedication to the city of utilities easements along lot lines and easements for drainage purposes in order to accommodate expected runoffs as determined according to generally accepted drainage accommodation principles, pedestrian easements along boundaries contiguous to streets, vehicular turning and deceleration lanes and easements and the delay or phasing of development so as to ensure that the city can provide necessary municipal services and facilities, and those public improvements necessary to serve the development consistent with the comprehensive plan or any specific plan thereof, and such other improvements as required by this code, in accordance with the standards and criteria set forth herein, and shall thereafter warrant the materials and workmanship of said improvements for a period of one year from date of completion and acceptance by the city.

B. Such improvements as set forth herein shall be considered necessary for the general use of the property owner(s) of the development, the local neighborhood, and the citizens of the community as a whole.

C. All improvements' works shall be at the sole cost and expense of the developer unless otherwise provided in this code. [Ord. 89-O-446 § 1. Formerly 16.05.010.]

17.168.020 Street standards.

A. Prior to the issuance of a development permit, all parcels of land shown on any development proposal and intended for vehicular use shall have access to an improved street. An improved street shall be defined as a street having an improved paved section. All parcels of land intended for vehicular use by the general public shall be offered for dedication, except as otherwise provided in this code.

B. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use of the land to be served by the streets. Street determination shall be coordinated with any consideration of solar access to building sites and with need for utility locations. Street classification and location shall conform to the city comprehensive street improvement and traffic circulation plan, Section 4.1, as adopted and amended, or to an adopted neighborhood circulation plan. Where street classification or location is not shown in the comprehensive street improvement and traffic plan, the arrangement of public streets shall either:

1. Provide for the continuance or appropriate projection of existing streets in the surrounding area; or

2. Conform to a neighborhood circulation plan pursuant to BMC 17.168.040.

C. Standard Minimum Right-of-Way and Roadway Width. Unless otherwise indicated in the transportation element of the comprehensive plan, or in an adopted neighborhood circulation plan, the street right-of-way and roadway widths shall not be less than the minimums shown in the following table:

**Table 17.168.020-1
Standard Minimum Right-of-Way and
Roadway Width**

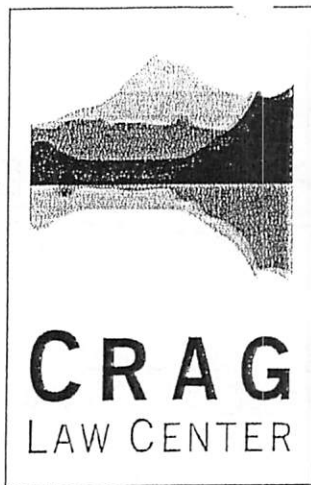
Type of Street	Minimum Right-of-Way Width (feet)	Minimum Roadway (curb face to face) Width (feet)
Major arterial (Highway 101)	100	
(a) With median and curbside parking		90
(b) Without median and curbside parking		70
Arterial	80	44
Residential (collector)	50	36
Residential (upon which a maximum of 20 dwelling units front and take access)	45	30
Cul-de-sac radius	45	36
Commercial/industrial	60 – 80	44
Alley	20	20

1. The planning commission may accept a narrower right-of-way width than those set forth in Table 17.168.020-1, where it can be shown by the developer, to the satisfaction of the commission, that the topography or the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased right-of-way and roadway width may be required where streets are to serve commercial property, or where probable traffic conditions warrant. Additional slope easements may be required for cuts and fills in areas of extreme topography or slopes. Approval or determination of street classification, right-of-way width and roadway width shall be made by the planning com-

SUPPLEMENTAL PACKET for DDP-1-08
Detailed Development Plan for SWOCC

Materials submitted from Wednesday, August 6th, 2008, to **no later than 4:30 p.m., Tuesday, August 12th, 2008**, **anyone** who participated in the public hearing is allowed to submit **additional written testimony and/or evidence**. **No additional testimony** will be accepted **after** this time.

EXHIBIT D:	DATE:	FROM:	NUMBER OF PAGES:	DOCUMENTS:
D-1	August 11, 2008	James D. Brown, Attorney for CRAG On behalf of Oregon Shores and Catherine Wiley 917 SW Oak Street Ste. 417 Portland, OR 97205	3 pages	2-page letter + ORS 197.829
D-2	August 12, 2008	Pat Sherman P. O. Box 1140 Brookings, OR 97415	3 pages	One page letter- Sherman 2 page letter from Barbara Nysted 427 Buena Vista Loo
D-3	August 12, 2008	Michael Crow, A.I.A. Agent for SWOCC 125 W. Central Ave. Ste. 400 Coos Bay, OR 97420	19 pages	3-page letter + 18 pg. attachments
D-4	August 12, 2008	Suntayea Steinruck For Smith River Rancheria 140 Rowdy Creek Road Smith River, CA 95567-9525	1 page	1 page letter



917 SW Oak. St.
Suite 417
Portland, Oregon 97205
Telephone (503) 525-2725
Fax (503) 296-5454
www.crag.org

Exhibit D-1

RECEIVED

AUG 11 2008 3:30 PM
CITY OF BROOKINGS

James D. Brown
Staff Attorney
jd@crag.org

August 11, 2008

Via Hand Delivery

City of Brookings Planning Commission
898 Elk Drive
Brookings, Oregon 97415

Re: Detailed Development Plan for Southwest Oregon Community College (File No. DDP-1-08)

Planning Commissioners,

On behalf of the Oregon Shores Conservation Coalition and Catherine Wiley as an individual (collectively "Oregon Shores") our office provides the following additional comments on the Detailed Development Plan ("DDP") for the Southwest Oregon Community College ("SWOCC") campus on the Lone Ranch property. Please include these comments in the record for this matter.

City Law Precludes Use of Temporary Sewage Holding Tank

As stated in our first comment letter, the terms of the Lone Ranch Master Plan of Development ("MPoD") require sewer services to be provided by either connecting to the City's system or the existing Rainbow Rock package plant, or by creating an on-site stand alone system. The terms of the MPoD are consistent with City law, which prohibits the adoption of a holding tank to provide sewage services. BMC 13.10.510 states: "Where a public sanitary sewer is not available under the provisions of BMC 13.10.020, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article." The BMC clarifies the required City approval process and states that in lieu of public sewer services, if certain administrative approvals are obtained, a private "subsurface disposal system" can be installed. BMC 13.10.520. Oregon Department of Environmental Quality ("DEQ") administrative rules define "Subsurface Disposal System" to mean "subsurface absorption system", which in turn is defined to mean the combination of a septic tank or other treatment unit

and an effluent sewer and absorption facility. OAR 340-071-0100. In contrast, DEQ regulations define "Holding Tank" to mean a watertight receptacle designed to receive and store sewage to facilitate treatment at another location. *Id.* Accordingly, the BMC states, in lieu of connection to a public sewer system, that the only option for the provision of sewer services is a subsurface disposal system, which is defined by DEQ regulations as requiring on-site treatment of sewage.

The Applicant states that DEQ has stated a preference for a holding tank as opposed to a temporary on-site disposal method. As demonstrated above, regardless of whether the Applicant has accurately stated DEQ's preference, City law prohibits the use of a holding tank and the DDP cannot be approved in its present form.

Approval of DDP Cannot Be Conditioned Upon Waiver of State Law Requiring Connection to City Sewage System Within Five Years

As discussed at the Planning Commission hearing, the use of a holding tank would commit the City to providing a connection to the City's sewage system within five years. OAR 340-071-0340(1)(b) requires:

(b) Temporary use: A holding tank may be installed in an area under the control of a city or other legal entity authorized to construct, operate, and maintain a community or area-wide sewerage system if:

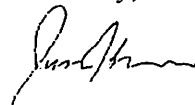
(A) The application for permit includes a copy of a legal commitment from the legal entity to extend a community or area-wide sewerage system meeting the requirements of this division to the property covered by the application within five years from the date of the application;

Thus, by authorizing the use of the holding tank, the City would be obligating itself to provide a connection to the City's sewage system within five years. During the Planning Commission hearing, there was discussion of conditioning approval of the DDP application based on a waiver of the five year requirement. As OAR 340-071-0340 is state law, the Planning Commission has no authority to waive the law and receives no deference in its interpretation of the law's requirements. *See* ORS 197.829(1)(d).

Conclusion

The Planning Commission cannot approve the DDP as presently proposed with the inclusion of a temporary sewage holding tank. The Planning Commission additionally cannot condition approval based on a waiver of state law.

Sincerely,



James D. Brown
On Behalf of Oregon Shores and Catherine Wiley

ORS 197.829 Board to affirm certain local government interpretations. (1) The Land Use Board of Appeals shall affirm a local government's interpretation of its comprehensive plan and land use regulations, unless the board determines that the local government's interpretation:

- (a) Is inconsistent with the express language of the comprehensive plan or land use regulation;
- (b) Is inconsistent with the purpose for the comprehensive plan or land use regulation;
- (c) Is inconsistent with the underlying policy that provides the basis for the comprehensive plan or land use regulation; or
- (d) Is contrary to a state statute, land use goal or rule that the comprehensive plan provision or land use regulation implements.

(2) If a local government fails to interpret a provision of its comprehensive plan or land use regulations, or if such interpretation is inadequate for review, the board may make its own determination of whether the local government decision is correct. [1993 c.792 §43; 1995 c.595 §4]

Pat Sherman
PO Box 1140
Brookings, OR 97415

August 12, 2008

RECEIVED
AUG 12 2008 9:45 AM
CITY OF BROOKINGS CM

City of Brookings Planning Commission
898 Elk Drive
Brookings, OR 97415

Madam Chair and Commissioners:

ORS 197.763 (6) (a) states that "prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application." Thus, making the request for the opportunity to present additional evidence is limited to those who participated in the hearing.

However, once the time is extended, ORS 197.763 (6) (b) and (c) do not explicitly limit the opportunity to provide additional testimony within the first seven days to those people who participated in the initial hearing.

Apparently Ms. Nysted had been told by planning staff that her testimony would not be accepted because she had not testified in the initial hearing. John Trew had consistently advised me that when there is uncertainty it is more prudent to allow additional testimony than not.

Accordingly, I am submitting Ms. Nysted's letter as testimony in Case # DDP-1-08 in the form of an attachment to this letter. Since I participated in the initial hearing there can be no doubt that I have standing in the hearing.

I have no opinion about the contents of the letter.

Sincerely,



Pat Sherman

Attached: 2 pages

Pumpkin Ink
Barbara A. Nysted
427 Buena Vista Loop
Brookings, OR 97415
Home Phone (541) 469-3711
Email pumpkin5@charter.net

August 08, 2008

City of Brookings Planning Commission
898 Elk Drive
Brookings, OR 97415

Planning Commissioners,

I am not going to mitigate the amount of disgust and frustration I have been experiencing for ~~how certain~~ public servants have been conducting business at City Hall and thus, this testimony ~~will contain~~ what may be considered harsh judgements based upon my observations of what ~~perhaps could~~ be considered dishonest conduct of city officials and outside special interests.

I am appealing to this commission on behalf of the many citizens of this community that could suffer the financial hardships as the result of this duplicitous conduct. The costs of providing infrastructure for new development has already proven to be a burden on the existing taxpayers and in saying this, I point out the fact that continuously during negotiations with Borax, they insisted there would be no financial burden to the city for the cost of development when in fact, cost sharing was always the plan and even that, appears was not part of any legal contract between Borax and the City of Brookings which came to light after the city was unable to collect the Borax share of costs for extending infrastructure to the Borax property. Many of these 'wink and a handshake' deals were formulated during the tenure of then city manager Leroy Blodgett. This is the same Leroy Blodgett who has brought us HW3!

Having read testimony submitted by Pat Sherman to this commission dated June 3, 2008 and August 5, 2008, and testimony from J.D. Brown of the CRAG Law Center dated July 11, 2008 and August 4, 2008, I am greatly concerned for the integrity of the current City Manager and Planning staff which for all outward appearances, indicates at a minimum a lack of ethical conduct.

At this time, of the many concerns I and many others have, this rush to adopt the DDP-1-08 is by far most significant unless of course one considers the attempt to slip a 'DRAFT' copy of the flawed CSWMP into an adopted city document! However, I choose to focus this testimony on the current DDP-1-08 which is before you for approval.

I believe that Pat Sherman once again has done her homework thoroughly and in a forward looking manner whereas she points out what all economic indicators conclude and that is that this housing market decline is not a little blip on the screen, but is here for the duration which

has been forecast as far out as 2013 for full recovery. She makes a case for how no thinking developer would commit to investing in infrastructure if there is no demand for housing.

Which brings us to the major flaw with regard to approving DDP-1-08 and the ramifications of the proposed use of a "temporary on-site Holding Tank for sewerage until a public sewer is available." The 'gotcha' is of course OAR 340-071-0340 (1) (b) (A) which basically is a legal contract with DEQ that requires the City of Brookings to install the entire needed sewer within five years after the date of application for the temporary Holding Tank. The legal entity required to perform per the contract with DEQ is the City of Brookings, not Borax nor the college or any future developer, which is pointed out by Pat Sherman in her testimony.

I share Pat Sherman's concern for just why city staff failed to reveal this requirement to the Planning Commission and have personally concluded that this failure was no mistake, but just another example of duplicitous behavior on the part of city management and planning staff.

In my opinion, this Planning Commission is by far the best group of citizen advocates I have experienced in the sixteen years I have been a resident of Brookings. I feel city management and the planning staff insults the intelligence of this commission and yet, at the same time, it appears that planning staff felt compelled to withhold this crucial information concerning the ramifications of DDP-1-08 and the Holding tank issue in the hopes it would go unnoticed. It also perplexes me how this issue could escape the approval of the Director of Public Works, John Cowan or perhaps it is standard procedure for Planning to usurp the authority of the Public Works Director.

I fully recognize the burden of responsibility you face because the college 'trump card' has been played and who wants to be the impediment to having a college. Clearly, do we really want a college at the expense of ignoring laws and regulations? We can follow the law and make certain that existing homeowners and citizens do not pick up the tab for development, or we can choose to ignore blatant disregard for the law and likewise, disregard for the unknowing citizens who trust that city government is acting in their best interest. I think this commission will agree that if it is a simple choice of having a college or following the law, the latter is the only choice.

It is my hope that this Planning Commission has already weighed the issues and perhaps has concluded that there is financial risk to the city. Attaching Conditions of Approval is one possible way of making certain that the legal entity responsible for any required sewer improvements associated with the DEQ application for the temporary Holding Tank is not the City of Brookings.

Thank you for your time and attention to this matter of great importance to this community.

Sincerely,
Barbara Nysted





CROW/CLAY & ASSOCIATES INC.
ARCHITECTURE AND PLANNING
LAND USE AND INTERIORS

August 12, 2008

Brookings Planning Commission
898 Elk Drive
Brookings, Oregon 97415

**RE: Southwestern Oregon Community College
Detailed Development Plan - Additional Information
City File DDP-1-08**

RECEIVED
AUG 12 2008
CITY OF BROOKINGS
e-mail 4:15 pm
cm

Dear Commissioners:

Please include the following comments and additional information into the file for the above referenced DDP submittal.

Sewer

The "Holding Tank" is an approved disposal method by the Department of Environmental Quality (D. E. Q.) for either a permanent or temporary system. D. E. Q. prefers the "holding tank" instead of a "traditional" subsurface disposal method as a temporary measure until such time as the public sewer system is installed as they would prefer not to decommission an in ground on-site system.

If the Planning Commission or the Brookings Municipal Code requires a different method of disposal, that is also D. E. Q. approved, please make it a condition of approval. We request that consideration be given to the holding tank proposal. The College must rely on the D. E. Q. as the approving authority for the disposal method selected, but are willing to ask D. E. Q. to consider and review another method of disposal.

Please also note that D. E. Q. is not interpreting the City of Brookings Letter to D. E. Q. on the timing of possible sewer line improvements as an obligation to provide those services. See the attached letter from D. E. Q.

Stormwater

Southwestern Oregon Community College has initiated no construction activities on site other than foot traffic by the design engineers. The stormwater management plans were prepared by E. G. R. and Associates based upon current conditions at the site. E. G. R. responded to the concerns raised in Mr. Haddox's letter to the planning commission dated August 1, 2008. Their response, as well as the original stormwater management plans passed a peer review by the City's consulting engineer, Steve Major. See E. G. R.'s letter dated August 4, 2008 and Steve Major's email of August 5, 2008, all attached.

Water Service

Condition #9 of the MPoD as can be interpreted in several ways. The water system from Carpenterville road intersection of Highway 101 to the south entrance of the Lone Ranch site has been designed and installed. Southwestern Oregon Community College believes that this was the intent of Condition #9. We do not believe that it was intended to ask for a separate design for 300' of water line from Highway 101 to the College site prior to DDP approval. Complete plans and specifications for the water line (and other utilities) extending from Highway 101 to the end of the site (within 75' of the wetlands at the east end of the site) with laterals to the College will be submitted to the City for review upon approval of the DDP.

Transportation

ODOT mobility standards require a volume to capacity ratio, V/C ratio, at the 30th highest hour not exceed .75. The DKS Traffic Study, reviewed and approved by ODOT shows a V/C ratio of .46, well within ODOT requirements. Said another way, ODOT will not allow traffic in excess of 75% of volume to capacity. The Carpenterville intersection (with the College in place) will be operating at 46% of volume to capacity. An additional 29% volume to capacity is still available.

Multi-Use Path

The multi-use path along the street is proposed to be completed with the street improvements. The multi-use path through the site is being proposed as a deferred improvement as it would be a pathway that connects to nothing but both ends. We would prefer to complete it when we know that it will have a connection and be a usable pathway.

Street Costs

The College and future developers fully intend to pay for the cost of all street improvements. By proportionate cost the College was inferring that the other adjacent properties, that may be developed, also bear a proportionate cost along with the College when future development occurs.

Open Space

The College does not feel that the MpoD implies that an area that is undeveloped in excess of the 4.97 acres, in this DDP submittal be required to be open space.

Brookings Planning Commission
August 12, 2008
Page 3

Responses to Other Issues

A number of issues raised at the hearing or alluded to in written comments are similar to issues in File No. App-1-08. The proposed finding submitted by Mr. Timothy Ramis (Exhibit L) on behalf of U. S. Borax are public record and are hereby requested to be included as additional information for this DDP-1-08. More specifically please include responses:

5. City Water Service
7. Adverse impacts to Rainbow Rock Condominium water
8. Electric Infrastructure
9. Western Lily/Wetland Concerns
10. Archeological
11. Overall Economic Concerns.

Sincerely,

CROW/CLAY & ASSOCIATES INC.

A handwritten signature in black ink, appearing to read "Michael R. Crow". The signature is stylized with a large initial "M" and a long horizontal stroke at the end.

Michael R. Crow, A. I. A.
Principal

Enclosures

MRC/r/07346-Brookings Planning Commission Ltt.wpd



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality
Western Region Coos Bay Office
381 N Second Street
Coos Bay, OR 97420
(541) 269-2721
FAX (541) 269-7984

August 12, 2008

Michael R. Crow/RR
Crow/Clay & Associates, Inc.
125 W. Central Ave., Suite 400

RE: Southwestern Oregon Community College Annex
Brookings, OR

Dear Mr. Crow:

A "holding tank" is defined in Oregon Administrative Rule (OAR) 340-071-0100 (82) & (83) as an approvable on-site septic system for the proposed building at the Southwestern Oregon Community College site in Brookings. It is approvable as a temporary or permanent on-site system to serve the College's needs.

The letter from the City of Brookings as to the possible timing of the sewer line along Highway 101, does not obligate the City to install the sewer line to serve the college.

The college may, in the future, look at other DEQ approved "on-site" treatment and dispersal methods if desired, or if City services do not become available.

Sincerely,

Del Cline, R.S.
On-Site Wastewater Specialist

340-071-0360	Absorption Trenches in Saprolite.....	91
340-071-0400	Geographic Area Special Considerations.....	92
340-071-0410	Rural Area Consideration.....	98
340-071-0415	For Cause Variances.....	101
340-071-0420	Hardship Variances	100
340-071-0425	Variance Officers	100
340-071-0430	Variance Hearings and Decisions.....	101
340-071-0435	Variance Permit Issuance, Inspections, Certificate of Satisfactory Completion.....	101
340-071-0440	Variance Appeals	101
340-071-0445	Variance Administrative Review	102
340-071-0460	Moratorium Areas	102
340-071-0500	Community Systems.....	103
340-071-0520	Large Systems	103
340-071-0600	Sewage Disposal Service Licenses.....	104
340-071-0650	Training and Certification Requirements for System Installers and Maintenance Providers	110

**DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION 71
ONSITE WASTEWATER TREATMENT SYSTEMS**

General

340-071-0100

Definitions

As used in OAR 340, divisions 071 and 073, unless otherwise specified:

- (1) "Absorption Area" means the entire area used for underground dispersion of the liquid portion of sewage including the area designated for a future replacement system. It may consist of a seepage pit, absorption field, or combination of the two. It may also consist of a cesspool, seepage bed, bottomless sand filter, or evapotranspiration-absorption system.
- (2) "Absorption Facility" means a system of open-jointed or perforated piping, alternative distribution units, or other seepage systems for receiving the flow from septic tanks or other treatment facilities that are designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration.
- (3) "Absorption Field" means a system of absorption trenches, a seepage trench, or a system of seepage trenches.
- (4) "Absorption Trench" means a ditch or a trench installed into soil, permeable saprolite, or diggable bedrock, with vertical sides and a substantially flat bottom.
- (5) "Active Sand Dune" means wind-drifted ridges and intervening valleys, pockets, and swales of sand adjacent to the beach. The sand is grayish-brown with little or no horizon, color, or textural difference. Active dunes are either bare of vegetation or lack sufficient vegetation to prevent blowing of sand.

- (79) "Hardpan" means a hardened layer in soil caused by cementation of soil particles with silica, calcium carbonate, magnesium carbonate, iron, or organic matter. The hardness does not change appreciably with changes in moisture content. Hardpans impede movement of water and air and growth of plant roots.
- (80) "Header Pipe" means a tight-jointed part of the sewage drainage conduit that receives septic tank effluent from the distribution box, drop box, or effluent sewer and conveys it to the absorption area.
- (81) "Headwall" means a steep slope at the head or upper end of a land slump block or unstable landform.
- (82) "Holding Tank" means a watertight receptacle designed to receive and store sewage to facilitate treatment at another location.
- (83) "Holding Tank System" means an alternative system consisting the combination of a holding tank, service riser, and level indicator (alarm), designed to receive and store sewage for intermittent removal for treatment at another location.
- (84) "Hydrosplitter" or "hydrasplitter" means a hydraulic device to proportion flow under pressure by the use of one or more orifices.
- (85) "Incinerator Toilet Facility" means "combustion toilet facility."
- (86) "Individual System" means a system that is not a community system.
- (87) "Individual Water Supply" means a source of water and a distribution system that provides water for drinking, culinary, or household uses and is not a public water supply system.
- (88) "Industrial Waste" means any liquid, gaseous, radioactive, or solid waste or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.
- (89) "Intermittent Sand Filter" means a conventional sand filter.
- (90) "Intermittent Stream" means any public surface water or groundwater interceptor that continuously flows water for a period greater than two months in any one year but not continuously for that year.
- (91) "Invert" is the lowest portion of the internal cross section of a pipe or fitting.
- (92) "Large System" means any onsite system with a projected daily sewage flow greater than 2,500 gallons.
- (93) "Lateral Pipe" means "distribution pipe."
- (94) "Maintenance" means taking the actions necessary to keep onsite system components properly functioning as designed. Maintenance includes but is not limited to pump repair, replacement of screen or filter, and other component cleaning and replacement.
- (95) "Maintenance provider" means a person who performs maintenance of onsite systems and:

Allan F. Haddock
Rainbow Rock Condominium
17744 N. Hwy 101 #100
Brookings, OR 97415

August 1, 2008

Dianne Morris, Planning Director
City of Brookings
898 Elk Drive
Brookings, OR 97415

RECEIVED
AUG 1 2008
CITY OF BROOKINGS

Re:
Southwest Oregon Community College
Detailed Development Plan (DDP-1-08)

Dear Dianne Morris;

I appreciate receiving the notice of the August 5, 2008, Public Hearing regarding the approval of a Detailed Development Plan on a 10 acre site with APN 40-14-00.

May 21 2003, the Department of Environmental Quality (DEQ) and the Oregon Department of Human Services (DHS) prepared a Source Water Assessment Summary Brochure. This summary was prepared to identify the surface areas that supply water to Rainbow Rock Condominiums' public water system intake and to inventory the potential contaminant sources that may impact the water supply. The assessment was prepared under the requirements and guidelines of the Federal Safe Drinking Water Act.

The DEQ/DHS summary states that the forestlands within the drinking water protection area are identified as "sensitive areas", and pose a relatively higher risk to the drinking water. The sensitive areas within the Rainbow Rock PWS #4101361 drinking water protection area include areas within high soil permeability, high soil erosion potential, high runoff potential, and areas within 1000' from the river/stream.

The Stormwater Management Plan for Southwestern Oregon Community College, prepared by EGR & Associates, Inc., is based on the sensitivity of the area as being moderate. The design analysis assumed basic run-off design assumptions with silting and settlement control, and run-off detention. The stated preferred Best Management Practices treatment for this site is vegetated swales, but only 39% of the necessary treatment area is provided. Approximately 2400 sf of treatment area is proposed, but approximately 6100 sf is needed. Grassy swale would be appropriate for use on this site, but was rejected because they were not willing to provide the required space.

Primary consideration in this management plan should be based on the fact that this is a Public Water System Watershed, and no quantitative provisions are included to remove water contaminants from the applicants proposed development. Provisions are needed for the removal of nitrates, phosphates, and potassium from the landscaped areas; and petrochemicals and automobile coolant from the parking lots, and contaminants quantified for treatment projections. Monitoring facilities will be required to identify intrusion of contaminants into the stream that serves the PWS #4101361.

Condition No. 23 of the Conditions of Approval of the Lone Ranch Master Plan provides:

"Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRSA) surface water supply system, the applicant shall demonstrate how the water and water supply system will not be negatively affected. Each DDP (Detailed Development Plan) shall evaluate the impact of the development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system."

The design will need to be modified or expanded to quantify any residue contamination and demonstrates how the RRSA water and water supply system will not be negatively affected. The Special Provisions within the Stormwater Management Plan in the sections identified as: Selected Treatment BMP Facilities, Selected Operation and Maintenance Procedures, Selected Landscape Guidelines, and Outfall Design Guidelines, should be incorporated in any approval process for the site.

A Wastewater Holding tank is proposed for this site. The holding tank should be placed so as to not provide any risk to the Rainbow Rock PWS. The approval of such a holding tank should conform to OAR 340-071-0340. The Planning Commission should make specific findings that the design, construction, and installation conforms to the Provisions of OAR 340-071-0340, and that the City of Brookings is committed to extend a community sewerage system, with expansion of the treatment facilities, within five years from the date of the application.

Contrary to testimony by Borax representatives, because of construction of a geo-technical investigation access road built by Borax within the project site in 2004, two years before any work on the oak tree removal which began in 2006, erosion from a Borax install culvert washed out an area approximately 5-feet wide, 3-feet deep, and 150-feet long. This erosion deposited a large amount of silt into our inlet pond that needed to be removed by RRSA. Rainbow Rock found it necessary to acquire equipment to monitor the turbidity and amount of suspended solids in our incoming water. Run-off from the watershed area into our water source pond will be compared with the water quality history these monitors provide.

For more than twenty years, the residents of Rainbow Rock Condominiums have enjoyed the beautiful, natural environment in and around Brookings. We want to protect and continue this wonderful lifestyle, and look forward to continue being a part of the Greater Brookings community.

I appreciate this opportunity to submit my comments for your consideration.

Respectfully submitted,



Al Haddox, P.E.



EGR & Associates, Inc.

Engineers, Geologists and Surveyors

2535B Prairie Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-8087

August 4, 2008

Michael Crow, A.I.A.
Crow/Clay Associates, Inc.
125 W. Central Avenue, Ste. 400
Coos Bay, OR 97420

RE: SOCC Detailed Development Plan (DDP 1-08)

Dear Mr. Crow:

This letter is in response to written testimony submitted by Allan Haddox on August 1, 2008 regarding the above referenced Detailed Development Plan (DDP). In general, Mr. Haddox's written testimony does not present any technical argument that refutes our work nor does he specifically address the review criteria for determining compliance with master plan development, as contained in Brookings Municipal Code 17.70.170. Our responses below follow the order of Mr. Haddox's letter.

Paragraphs 2 and 3

In the second and third paragraphs of Mr. Haddox's letter, reference is made to a Source Water Assessment Summary Brochure prepared jointly by the Department of Environmental Quality (DEQ) and the Oregon Department of Human Services (DHS) for the Rainbow Rock Condominiums (RRC) public water system. In the third paragraph Mr. Haddox states:

The DEQ/DHS summary states that the forestlands within the drinking water protection area are identified as "sensitive areas", and pose a relatively higher risk to the drinking water. The sensitive areas within the Rainbow Rock PWS #4101361 drinking water protection area include areas within high soil permeability, high soil erosion potential, high runoff potential, and areas within 1000' from the river/stream.

We are not sure of the point Mr. Haddox makes with his statements and how it relates to the review criteria, but we have reviewed the referenced DEQ/DHS brochure and surmise that Mr. Haddox is merely pointing out that the watershed serving the RRC water supply contains sensitive areas. The DEQ/DHS brochure states that the "sensitive areas are those where the potential contamination sources, if present, have a greater potential to impact the water supply." The proposed college campus site is not located in an area with high soil permeability, high soil erosion potential, and will not consist of managed forestlands. A proposed stormwater detention pond will be located on the campus site so that peak discharges from the site do not exceed historical discharge rates.

We acknowledged the sensitive nature of this watershed in our Stormwater Management Plan (SWMP) dated May 16, 2008, of which a copy was included with the DDP application. On page 5 of the SWMP, we state that because the watershed lying southerly from the campus site serves as a water source for the RRC collected stormwater from the site that discharges into this

watershed will first be routed through surface treatment, such as biofiltration swales and/or ponds. This is consistent with the approved Lone Ranch master plan of development. Careful management of runoff from the campus site, as recommended in our SWMP Plan, will help insure pollution reduction of runoff from the site so that the proposed development does not adversely impact the RRC water supply.

The proposed college campus site represents a relatively small area of the total watershed size. The DEQ/DHS brochure states that the size of the watershed serving the RRC water supply is 0.24 square miles, or approximately 154-acres. The portion of the campus site located within the watershed that is being developed is approximately 1.2-acres in size, which represents approximately 0.8-percent of the total watershed area. One option for stormwater management that was considered (but not discussed in the SWMP) is to discharge collected runoff from the 1.2-acre area of the campus site into the watershed to the northwest, thus eliminating the potential for discharging pollutants into the RRC watershed, but this option was rejected due to an apparent need to maintain hydrologic control for wetland areas located downstream from the site.

Paragraph 4

In the fourth paragraph of Mr. Haddox's letter, reference is made to our Stormwater Management Plan. Once again, we are not sure of the point Mr. Haddox makes with his statements and how it relates to the review criteria, but Mr. Haddox makes two misleading comments that beg a response. With respect to the first misleading comment, Mr. Haddox states that:

The stated preferred Best Management Practices treatment for this site is vegetated swales, but only 39% of the necessary treatment area is provided. Approximately 2400 sf of treatment area is proposed, but approximately 6100 sf is needed.

Beginning on Page 9 of our SWMP, we discuss stormwater best management practices (BMP) that were selected for both treatment and detention of collected runoff from impervious surfaces. For purposes of selecting and designing water quality BMP facilities for this site, the SWMP follows the procedures outlined in the City of Portland's Stormwater Management Manual, Environmental Services City of Portland, September 2004 (Portland Manual). Because development of the site involves leveling the hilltop to create a relatively flat area for the campus building and associated parking, space is limited. There are two areas adjacent to the parking lot in which a biofiltration system, such as a vegetated swale, can be constructed, but the surface area provided at these two locations alone will not provide the necessary overall treatment area needed for the given impervious area of the campus site. We note on Page 5 of the SWMP that vegetated swales in these two areas will provide for approximately 39-percent of the total needed treatment area, from which Mr. Haddox apparently derived his comment quoted above. Whether intentional or not, Mr. Haddox fails to note that further on down the page, we wrote that an additional 49-percent of the needed treatment area will be obtained by constructing a vegetated swale in the bottom of the proposed detention pond and that vegetated filter strips strategically

placed adjacent to parking areas will provide the remaining 12-percent of the needed treatment area.

With respect to the second misleading statement made by Mr. Haddox, he states in the same paragraph that:

Grassy swale would be appropriate for use on this site, but was rejected because they were not willing to provide the required space. *3657 m*

Page 10 of the SWMP includes a summary of our BMP selection and rationale (Table 4). As indicated in Table 4, numerous BMP facilities would be appropriate for use on the site, but only a few were selected because of the development nature of the site and the limited space as discussed above. Following the procedures of the Portland Manual, vegetated swales are more efficient than grassy swales at removing potential pollutants, thus a relatively smaller area of a vegetated swale is needed than that of a grassy swale to treat the same area of impervious surface. This was discussed in the SWMP as a sizing factor that represents the ratio of treatment area to the impervious area being managed. Because of the space limitations as discussed above, a vegetated swale with a lower sizing factor was selected over a grassy swale with a higher sizing factor, not because of any unwillingness to provide the required space as implied by Mr. Haddox.

Paragraph 5

In the fifth paragraph Mr. Haddox states in part:

Provisions are needed for the removal of nitrates, phosphorous, and potassium from the landscaped areas; and petrochemicals and automobile coolant from the parking lots, and contaminants quantified for treatment projections. Monitoring facilities will be required to identify intrusion of contaminants into the stream that services the PWS #4101361.

As stated above, BMP selection and sizing follows the procedures outlined in the Portland Manual to address water quality of stormwater runoff from the site. As stated in this manual, facilities designed in accordance with the Portland's sizing and design requirements are presumed to comply with the City's pollution reduction and flow control requirements. The landscape will be designed in a manner that limits or avoids the need for fertilizers, thus the presence of nutrients from fertilizers, such as nitrates, phosphorous and potassium, will be limited or nonexistent. Incidental leaks from automobiles will be retained on-site within catch basins that will utilize a baffled outlet, spill control manholes and retention in vegetated filter strips and swales. As discussed below in response to Paragraph 9, the RRC currently monitors water quality in the watershed.

Paragraph 6

The sixth paragraph of Mr. Haddox's letter is a quote of Condition No. 23 of the Conditions of Approval of the Lone Ranch Master Plan requiring that each DDP of the Lone Ranch development evaluate the impact of the development on the existing RRC water system.

It is our professional opinion that potential impacts to the water quality of runoff entering the RRC watershed from the campus site can be mitigated by following the recommendations of the SWMP that we have prepared for the proposed project. As discussed above, potential impacts can be eliminated if collected runoff were allowed to discharge into the watershed to the northwest.

Paragraph 7

The seventh paragraph of Mr. Haddox's letter states:

The design will need to be modified or expanded to quantify any residue contamination and demonstrates how the RRSA water and water supply system will not be negatively affected. The Special Provisions within the Stormwater Management Plan in the sections identified as: Selected Treatment BMP Facilities, Selected Operation and Maintenance Procures, Selected Landscape Guidelines, and Outfall Design Guidelines, should be incorporated in any approval process for the site.

We agree that the recommendations contained in the SWMP should be followed for development of the site. This includes development of detailed construction plans for site grading, and for the stormwater collection, treatment, detention and discharge system following approval of the DDP. In accordance with Brookings Municipal Code, detailed construction plans will be submitted to the City for review and approval prior to constructing these facilities. BMP sizes may increase or decrease based on the final site design and grading, and final design of the BMP facilities. Other locations for BMP facilities may also be evaluated and incorporated into the treatment system, such as an approximate 200-foot long area on the north side of the main road leading to the site. This area is located in a saddle between the two hills and is relatively flat, so it could be used for additional biofiltration treatment of stormwater prior to discharge into the RRC watershed.

Paragraph 8

The eighth paragraph of Mr. Haddox's letter addresses location restrictions of the wastewater holding tank and that approval of a holding tank should conform to OAR 340-071-0340.

We agree with this comment.

August 4, 2008
Mike Crow
Page 5 of 5

Paragraph 9

The ninth paragraph of Mr. Haddox's letter comments on previous erosion from the Borax site and subsequent utilization of monitoring equipment by the RRC to monitor turbidity and suspended solids of incoming water. Run-off from the watershed and into the RRC source pond will be compared with the water quality history that these monitors provide.

We are not sure of the point Mr. Haddox makes with this statement and how it relates to the review criteria, other than the RRC will continue to monitor the quality of incoming water into their supply system. As a public water system, the RRC must by state law provide water quality monitoring, therefore we generally agree with Mr. Haddox's comment.

If you have any questions or need further information please give us a call at (541) 688-8322.

Sincerely,

EGR & ASSOCIATES, INC.

Clint Beecroft, P.E.
Civil Engineer



RENEWS 1-1-10

Dianne Morris

From: Steve Major [smajor@dyerpart.com]
Sent: Tuesday, August 05, 2008 11:58 AM
To: Dianne Morris
Subject: SOCC DDP

Dianne,

I have completed my review of the letters from Mr. Al Haddox, P.E., dated August 1, 2008 and EGR & Associates, Inc. dated August 4, 2004. Mr. Haddox's letter identifies six specific areas of concern with the submitted SWMP for the above referenced project. EGR's letter identifies where the SWMP addresses these concerns. I feel that the submitted SWMP adequately addresses the concerns presented in Mr. Haddox's letter. As stated in my July 23, 2008 Memorandum, the submitted DDP, which includes the SWMP, meets the requirements of Chapter 17.100 of the City's Land Development Code. If you have any further questions or concerns, please give me a call.

Steve Major, P.E.
City Engineer

5. CITY WATER SERVICES

Comment 1: The Lone Ranch Master Plan proposed to use on-site wells not City water and the water supply has now changed from on-site wells to City water.

Response and Findings:

There is testimony in the record from Pat Sherman (letters dated July 23, 2008; July 15, 2008; June 3, 2008 and May 28, 2008), Peter and Diana Chasar (letters dated July 22, 2008; July 14, 2008 and May 30, 2008) and CRAG (letter July 11, 2008) stating that the source of water supply has changed from on-site wells to City water. The City Council finds this to be factually incorrect.

The City Council finds that the water supply has not changed for the MPoD. The MPoD recognized that the water system would be part of the City's water system (Condition of Approval number 15). That is still a requirement and therefore nothing has changed.

It is true that during the hearing process on the MPoD proposal the method of providing water to the project was refined. Since the MPoD decision, however, there has been no change. As explained by the applicant's consultant, OTAK, in a letter dated June 2, 2008, the application for the MPoD provided several alternatives to serve the site. There were three options to provide water service put forth so that all alternatives could be analyzed. One of the identified options was to connect to the City's water system. It would therefore be incorrect to find that the MPoD was bound to use wells as the water source. The application recognized that there could be well water, City water or a combination of both to serve the project. The City ultimately determined that the project should be served by City water and the applicant did not object. Nothing has changed which alters that aspect of the MPoD decision.

We do not find that the record supports the contrary claims presented by Ms. Sherman. During the MPoD hearings process the City's consultant, HGE, Inc. reviewed all of the technical information, and provided a letter dated July 6, 2004 to the Community Development Director stating, "in general, Master Plan recommendations appear sound, and are provided in a manner that will benefit the development, the environment, and surrounding properties, and should not be a detriment to any public facilities. Coordination and cost sharing with the City of Brookings in developing off-site public infrastructure which benefits existing and future residents of the City appears to be fair and equitable for all parties."

Evidence that the applicant agreed to use City water is provided in letters dated September 21 and 24, 2004 entered into the record by the attorney for Borax, Tim Ramis, where he states the applicant understands the water system will be part of the City's water system. This was more than a month before the City Council made their decision on October 25, 2004 to approve the MPoD and almost a year before all the appeals had run their course and the City Council approved the remanded application on August 22, 2005.

The record demonstrates that the City provided water was one of the alternatives considered and that is the option chosen by the City Council. This has not changed.

Comment 2: The City lacks the capacity to provide water services to the MPoD.

Response and Findings:

There is testimony in the record from Pat Sherman (letters dated July 23, 2008; July 15, 2008; June 3, 2008 and May 28, 2008), Peter and Diana Chasar (letters dated July 22, 2008; July

14, 2008 and May 30, 2008) and CRAG (letter July 11, 2008) stating that the source of water supply has changed from on-site wells to City water and that the City lacks the capacity to provide water service to the MPoD.

The City Council finds, based on the expert testimony that the City has adequate water to provide water services to the MPoD. OTAK hired two independent consultants to evaluate the output of the on-site wells which were part of the original technical report for the MPoD. The testing was in compliance with the State of Oregon requirements to determine their output. There is no new technical evidence that there is a change in the capacity of the wells.

Additionally, the City conducted a thorough review and update to the City's Water System Master Plan. This update considered water service to all City residents and the Urban Growth Area north of the Chetco River, including the MPoD area. Given the improvements listed in this update, including increased storage capacity, which is also a component of the MPoD, the update concludes the City has the ability to serve these areas. The update was reviewed and approved by the City Council after several workshops and hearings in November 2007. There is evidence in the record provided by OTAK in its July 10, 2008 letter that the City can adequately supply water to the MPoD. We therefore conclude that conditions have not changed.

Comment 3: Municipal water rights were modified by HB 3038 and this change limits the ability of the City to secure water rights.

Response and Findings:

There is testimony in the record from Pat Sherman (letters dated July 23, 2008; July 15, 2008; June 3, 2008 and May 28, 2008), Peter and Diana Chasar (letters dated July 22, 2008; July 14, 2008 and May 30, 2008) and CRAG (letter July 11, 2008) stating that the adoption of HB 3038 modified municipal water rights and that this change in law will limit the ability of the City to secure water rights need to meet demands. The applicant provided testimony from its consultant OTAK (letters dated July 10, 2008 and June 2, 2008) as well as a memorandum dated July 10, 2008, from Richard Allen. CRAG has presented testimony that the Richard Allen memorandum is unpersuasive, stating that the memorandum fails to recognize that HB 3038 imposed additional restrictions on municipal water rights. CRAG states that HB 3038 extends the statutory five year time limit for use of municipal water rights to a period of twenty years, but also imposed an additional restriction that conditions municipal water rights on the protection of sensitive, threatened and endangered species if the development of water rights will lead to the extinction of a species. Finally, CRAG concludes, "HB 3038 therefore newly restricts the City's water rights if they will impact these species."

The City Council finds that the City's water rights have not changed since the MPoD was approved and that the adoption of HB 3038 is not a change in the facts relied upon in the MPoD approval. The City Council cites the memorandum by Richard Allen, a qualified expert on Oregon water rights, which addresses the issue and disagrees with other commentator's interpretation on the effect of HB 3038. In addition, the League of Oregon Cities released a press release explaining the HB 3038 was an improvement for cities. Moreover, the City Council relies on the agenda report stating that the Oregon Department of Fish and Wildlife has

7. ADVERSE IMPACTS TO RAINBOW ROCK CONDOMINIUM WATER SOURCE

Comment: *Need assurance that Rainbow Rock Condominium's water source and water shed will be protected.*

Response and Findings:

There is testimony in the record provided by CRAG (letter dated July 11, 2008) that the findings in support of the MPoD approval state before any adverse impacts occur to the drinking water source for the adjacent Rainbow Rock Condominiums community, the community will be able to connect to the City's water supply via the infrastructure put in place to serve the Lone Ranch site. CRAG argues that the Rainbow Rock community reports adverse impacts from ground clearing and development that has occurred on the Lone Ranch site and, therefore, conditions have changed.

The City Council finds that there are adequate assurances that the Rainbow Rock Condominiums water source and water shed will be protected through existing Condition of Approval number 23 that requires each phase of development to evaluate impacts and demonstrate that there will be no negative impact to the water source or water shed. The City Council further finds that all original conditions of approval will remain in effect upon extension

of the request and that the applicant is bound to comply with those conditions. In testimony the applicant has affirmed its commitment to honor the condition. We find nothing in the applicant's actions that is inconsistent with this statement.

The City Council also finds that CRAG overstates the meaning of the letter from Rainbow Rock community representatives. The Rainbow Rock letter dated May 30, 2008 states its hope that if any of the conditions of approval are reconsidered, that the Planning Commission will continue to enforce the protection of its water quality. The letter goes on to say that because the construction of a geo-technical investigation access road built by Borax within the project site in 2004 deposited a large amount of silt into Rainbow Rock's inlet pond, Rainbow Rock acquired equipment to monitor the turbidity and amount of suspended solids in its incoming water. In addition the letter states that run-off from the watershed area into our water source pond will be compared with the water quality history these monitors provide. There is no discussion of any results from the monitoring nor is there any evidence presented or allegation by Rainbow Rock that there have been adverse impacts to its water supply. This letter does not change our conclusion that the protective condition of approval remains in place and that the conditions have not changed.

8. ELECTRIC INFRASTRUCTURE

Comment: Coos-Curry Electric Co-op's plans to remove their transmission lines will allow new development. The cost of removing lines and developing an alternative will be costly. These increased costs are a change in conditions.

Response and Findings:

The City Council finds that the Coos-Curry Electric Co-op electrical lines are currently still in place and therefore there is no change in conditions. The City Council also finds that the Co-op has the right to remove its lines however, this will not automatically lead, as claimed by some witnesses, to more development. As indicated by the Planning Director, no additional development could take place without prior approval by the City which would require a new application with the City. The possibility of removal of the lines is therefore not a change in conditions.

Concerns have been raised that under the lease that allows the Co-op's electrical lines, the Co-op is required to provide electrical infrastructure at its expense and that this is a major change in costs. The City Council finds that the lease has been in place for decades and no aspect of the findings supporting the MPoD required any particular cost split for electrical infrastructure, this matter was not part of the approval. Therefore, we find no change in conditions.

9. WESTERN LILY/WETLAND CONCERNS

Comment: More consideration of these issues is needed.

Response and Findings:

There is testimony in record stating concerns about Western Lily and wetlands (Peter and Diana Chasar letters dated July 14, 2008 and May 30, 2008 and CRAG letter dated July 11, 2008). These cite to a letter from USFWS expressing concern that plans may endanger the lily. The witnesses maintain that the USFWS letter provides new information and is a change in condition. Specially the comment letters state: (1) the letter recounts that a March 2006 survey does not show the full extent of the lily on the property and (2) based on partial inspection of property in July 2005, USFWS has concerns on accuracy of wetland surveys in MPoD.

We read the letter from USFWS to be reiterating the importance of the western lily and wetlands protection. It also seeks to prevent future conflicts between development and the long term protection of these resources. The City Council finds that the USFWS letter does not make a recommendation for a denial of the extension request but rather calls for coordination with the USFWS to ensure that these resources are protected as the DDP are prepared and development takes place. The City Council finds that both the applicant and the USFWS have previously indicated that they will work on these resource issues during the DDP process and this has not changed. The City Council also finds that existing conditions of approval require further analysis for the DDP and the applicant is bound by Conditions of Approval numbers 6, 21, 22, and 28. Therefore there has been no change in conditions. We do not agree with those witnesses who characterize the letter as a change in the conditions relating to the MPoD. We consider the letter and the related testimony of the applicant, as an affirmation of the requirements of Condition of Approval number 28 of the MPoD decision.

10. ARCHEOLOGICAL CONCERNS

Comment: *A cultural resources survey has not been done.*

Response and Findings:

This issue was raised in a letter from Catherine Wiley dated May 31, 2008. Ms. Wiley stated that the City has no inventory of cultural sites as required under the Comprehensive Plan, and that a letter from the State Historic Preservation Office describing the lack of a cultural sites discussion in 2005 indicate a change in conditions under the extension approval standard.

As pointed out in the July 16, 2008 agenda report, a cultural resources survey has been submitted, but the State Historic Preservation Office does not release these to the public. In a letter dated October 18, 2006, the State Historic Preservation Officer states when the details of the first DDP are known he will confer with the applicants. Coordination with State and Federal agencies at the time of each DDP is a condition of approval (Condition of Approval number 13). Based on these facts, the City Council finds that the protection of any significant cultural resources on the site will be considered in detail through the DDP process as development of the site progresses, as expected under the approval standards for an MPoD. The applicant testified to its willingness to abide by the Condition of Approval number 13. We find that there has been no change in condition in this respect.

11. OVERALL ECONOMIC CONCERNS

Comment: *The overall economy is in decline constituting a change in conditions.*

Response and Findings:

This issue is set forth in a letter submitted by Diana and Peter Chasar on July 22, 2008, during open record period following the close of the public hearing. The letter claims that changes in overall economic conditions since 2004 are a reason for denial of this extension request because of the impact on the Master Plan of Development and the City's ability to fund infrastructure improvements. Exhibits to the letter include news articles from California and Arizona, and an economist's report describing the effect of high gasoline prices on the housing market in America. The applicant responded that there is no burden on an applicant for a Master Plan of Development in Brookings or an extension of an MPoD to address market conditions or other general economic factors.

The City did not consider the state of the nation's economy under the approval standards for this MPoD in 2004. The City Council agrees with the applicant in this case and finds that an applicant for an MPoD has no burden to address market conditions or other general economic factors as these factors are not in the approval criteria. An applicant for an extension request similarly has no burden to do so.



Smith River Rancheria

140 Rowdy Creek Rd, Smith River, CA 95567-9525
Ph: (707) 487-9255 Fax: (707) 487-0930

RECEIVED

AUG 11 2008

CITY OF BROOKING
4:30 p m R

August 11, 2008

Kara Brundin
Miller
Chairperson

City of Brookings
Brookings Planning Commission
898 Elk Drive
Brookings, OR 97415

Denise Padgett
Vice Chairperson

RE: File # DDP-1-08

Sharyne R. Harper
Council Secretary

Dear Brookings Planning Commission:

Joel Bravo
Treasurer

On behalf of the interests of the Smith River Rancheria (Tribe), we are submitting comments and concerns regarding the proposed project of the Curry Campus of Lone Ranch Community College in Brookings, OR. At this time, the Tribe would like to initiate a government-to-government relationship as defined in both federal laws, Section 106 and NHPA (National Historic Protection Act), to work to protect cultural, natural, and archaeological resources found within the area of potential effect (APE). It is of grave concern, of the Tribe, that a formal consultation process has not yet been formalized during the creation of this project and proper mitigation measures have not been discussed. The village site of Natlh-dee-nee-dvn is located within the APE of the proposed undertaking and although it would seem that the Tribe opposes the construction of such a facility this is not the case.

Marian Lopez
Council Member

Loren Bommelyn
Council Member

Joseph Giovannetti
Council Member

Our main concern is the need for a proper mitigation plan to be set in place prior to any ground disturbing activity; as we wish to be more proactive than reactive when it comes to protecting culturally significant areas. The high sensitivity of this particular area has invaluable value to our people and it is our goal that the integrity of this village is kept intact.

Russ Crabtree
Tribal
Administrator

At this time we are requesting a more detailed project description. Upon receipt and after thorough study we will be registering additional comment.

Thank you for your time and understanding in this matter. Should you have any questions or concerns please contact either Russ Crabtree, Tribal Administrator @ 707-487-9255 or Suntayea Steinruck, Tribal Historic Preservation Officer at extension 3180.

Sincerely,

Suntayea Steinruck
NAGPRA/THPO Officer

*Waa-saa-ghitlh-'a~ Wee-ni Naa-ch'aa-ghitlh-ni
Our Heritage Is Why We Are Strong*

SUPPLEMENTAL PACKET for DDP-1-08
Detailed Development Plan for SWOCC

Materials submitted from Wednesday, August 13th, 2008, to **no later than 4:30 p.m., Tuesday, August 19th, 2008**, **anyone** who participated in the public hearing is allowed to submit **written rebuttal** testimony and/or evidence.

EXHIBIT E:	DATE:	FROM:	NUMBER OF PAGES:	DOCUMENTS:
E-1	8-19-08 11:30	Pat Sherman P. O.Box 1140 Brookings	2	2-page letter

Pat Sherman
PO Box 1140
Brookings, OR 97415

August 18, 2008

Planning Commission
City of Brookings
898 Elk Drive
Brookings, OR 97415

RECEIVED
AUG 19 2008 11:30
CITY OF BROOKINGS
A.M.
cm

Madam Chair and Commissioners:

Please include this letter as additional testimony in Case #DDP-1-08

This letter responds to additional testimony submitted by Michael Crow in a letter dated August 12, 2008. Mr. Crow's testimony included a letter dated August 12, 2008 from Del Cline, Department of Environmental Quality (DEQ) On-Site Wastewater Specialist.

There are so many inconsistencies among Mr. Cline's statements, DEQ Oregon Administrative Rules (OAR), Lone Ranch Master Plan (LRMP), Brookings Municipal Code and Brookings Comprehensive Plan that it is difficult to know where to begin.

First, a temporary (or now possibly a permanent) holding tank being permitted by DEQ rules does not change what is required by the LRMP, the Brookings Municipal Code especially Title 13, or the Comprehensive Plan.

Second, in his letter Mr. Cline states "a 'holding tank' is defined in OAR 340-071-011 (82) & (83) as an approvable on-site septic system for the proposed building at SWOCC in Brookings." Mr. Cline attached the definitions he referenced. The DEQ definitions are not consistent with Mr. Cline's definition of a holding tank. The DEQ definitions are: (82) "Holding Tank" means a watertight receptacle designed to receive and store sewage to facilitate treatment at another location. (83) "Holding Tank System" means an alternative system consisting of the combination of a holding tank, service riser, and level indicator (alarm), designed to receive and store sewage for intermittent removal for treatment at another location." Additional relevant DEQ definitions had been submitted by CRAG in previous testimony.

Third, Mr. Cline states further: "It is approvable as a temporary or permanent on-site system to serve the College's needs." It appears that Mr. Cline is now saying that the intention may be to make the holding tank a permanent feature. OAR 340-071-0340 lists the following criteria for permanent use of a holding tank.

Criteria for approval. Except as provided in section (5) of this rule, installation of a holding tank system requires a construction-installation or WPCF permit. A construction-installation permit may be issued for sites that meet all the following conditions. (a) Permanent use. (A) The site cannot be approved for installation of a standard subsurface system. (B) No community or areawide sewerage system is available or expected to be available within five years. (C) The tank is intended to serve a small industrial or commercial building or an occasional use facility such as a county fair or a rodeo. (D) Unless otherwise allowed by the department, the projected daily sewage flow is not more than 200 gallons. (E) Setbacks required for septic tanks can be met.

So the problems with a permanent tank, in addition to inconsistency with LRMP and local law, are: rules for a permanent holding tank preclude possibility of future subsurface disposal system; the rule for temporary holding tank requiring sewer within five years conflicts with the rule for permanent tanks- either the sewer will be available within five years or it will not; the college could not be considered a small industrial or commercial building; projected daily flow will likely exceed 200 gallons.

Fourth, in previous testimony I had raised concerns about the financial liability that the City would incur if it approved the installation of a temporary holding tank for sewage, as follows:
Oregon Administrative Rule (OAR) 340-071-0340 (1) (b) (A) states in its entirety:


(A) The application for permit includes a copy of a legal commitment from the legal entity to extend a community or area-wide sewerage system meeting the requirements of this division to the property covered by the application within five years from the date of the application.

Mr. Cline states: "the letter from the City of Brookings as to the possible timing of the sewer line along Highway 101 does not obligate the City to install the sewer line to serve the college." The letter submitted by the City Manager to DEQ isn't the issue. What the issue is is that OAR would require the City, meaning the City Council, to make a legal commitment to extend the sewer as stated in the plain language of the OAR. The legal commitment would carry a financial liability along with it and the liability would be on the City.

Fifth, Mr. Cline further states: "The College may, in the future, look to other DEQ approved 'on-site' treatment and dispersal methods if desired, or if City services do not become available." As can be seen in OAR 340-071-0340 this option would be precluded by a holding tank.

Perhaps the best resolution of the issue would be to add a condition of approval that the sewage disposal method **shall be limited to those methods described in the express language of the Lone Ranch Master Plan, Brookings Municipal Code, the Comprehensive Plan and shall exclude use of a holding tank.** Doing so would be consistent with the law and would eliminate the need for the OAR legal commitment and any financial liability associated with the holding tank. As seen in their August 12, 2008 letters neither Mr. Cline nor Mr. Crow seem to object to this solution. Other proposed conditions of approval related to this issue would also need to be reconsidered.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Pat Sherman", followed by a horizontal flourish.

Pat Sherman

SUPPLEMENTAL PACKET for DDP-1-08
Detailed Development Plan for SWOCC

Materials submitted from Wednesday, August 20th, 2008, to **no later than 4:30 p.m., Tuesday, August 26th, 2008**, the **applicant** will be allowed to submit **final written argument** to the testimony and/or evidence submitted during the **first two seven day** periods. **No new evidence** may be submitted during this time.

EXHIBIT F:	DATE:	FROM:	NUMBER OF PAGES:	DOCUMENTS:
F-1	8-21-08	Michael Crow Crow/Clay & Associates, Inc 125 W. Central Avenue Ste.400 Coos Bay, OR 97420	1	One-page letter



CROW/CLAY & ASSOCIATES INC.
ARCHITECTURE AND PLANNING
LAND USE AND INTERIORS

Exhibit F-1

August 21, 2008

RECEIVED
AUG 21 2008
CITY OF BROOKINGS
3:00 P.M.
cm

Brookings Planning Commission
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

RE: Southwestern Oregon Community College
Detailed Development Plan - Additional Information
City File DDP-1-08

Dear Commissioners:

Much concern has been expressed about sewage disposal options for the new campus.

The Department of Environmental Quality (D. E. Q.) is the governing authority on this issue. The College will and is committed to following D. E. Q. regulations and requirements. We will put in a sewer system that the D. E. Q. recommends and approves for the conditions at the College site.

D. E. Q. considers the conditions specific to the site under consideration and will make decisions on the system options that are appropriate to the proposed Brookings campus.

Please make it a condition of approval that the College install a sewer system as required and approved by D. E. Q.

Sincerely,

CROW/CLAY & ASSOCIATES INC.

Michael R. Crow, A. I. A.
Principal

Enclosures

CITY OF BROOKINGS**PLANNING COMMISSION REPORT**

SUBJECT: Detail Development Plan for
Southwest Oregon
Community College

REPORT DATE: August 25, 2008
ITEM NO: 7.1

FILE NO: DDP-1-08

HEARING DATE: Sept. 2, 2008

Subject: A continuation of the hearing requesting approval of a Detailed Development Plan (DDP) for Southwest Oregon Community College (SWOCC) within the Lone Ranch Master Plan area.

Background/Discussion: The Planning Commission conducted a hearing on this matter on August 5, 2008 and continued the hearing until September 2, 2008 to allow time for further written comment and rebuttal. The staff report provided for the August 5th hearing dealt with the applicable criteria and responses to the comments. This report will discuss specific issues raised in the hearing and in written comments submitted as of the hearing date.

Issues:

- Open Space - Exhibit B-12 from Crag Law Center states SWOCC should dedicate more open space than was required in the approved Lone Ranch Master Plan (LRMP). The LRMP requires 4.97 acres to be designated open space and the applicant has met that requirement. Proposed Condition of Approval #9 requires the open space be dedicated and shown on the plat.
- Transportation - Exhibit B-12 from Crag Law Center states SWOCC should construct improvements on the State Highway. As explained in more detail in the August 5th staff report, the trigger for these improvements was approval of "Phase 1" which included 680 dwelling units, commercial area, and college site. Oregon Department of Transportation (ODOT), the State agency responsible for determining appropriate improvements for the State Highway system, has agreed with the Applicant's Engineer's analysis which does not require improvements to be constructed with this development.

Another stated concern related to the 175 ft of Lone Ranch Parkway, well beyond the entrance to the college site, that will be platted but not constructed until such time as additional development in the LRMP area is approved. Proposed Condition of Approval #16 requires SWOCC to pay a proportionate amount and future development that will utilize this section of street will pay the remainder amount of the construction costs. The public will not bear the cost as stated in Exhibit B-12.

The section of multi-use path that is the subject of a requested Deferred Improvement Agreement (DIA) is not a part of the street design as stated in Exhibit B-12. It is on the western boundary of the college site and will be used to connect to future development to the north and south of the subject property. The Applicant is not requesting a DIA for the multi-use path adjacent to Lone Ranch Parkway. That pathway will be constructed at the same time as the street.

- Water Service - Exhibit B-12 from Crag Law Center states LRMP Conditions of Approval requires SWOCC to submit water system construction plans together with their application for the DDP. That Condition of Approval is a two part requirement. Construction plans are to be approved by the City Engineer, and the DDP, which shows proposed locations and sizes of water lines, is to be approved by the Planning Commission. The detailed, engineered construction plans are to be submitted after approval of the DDP as stated in proposed Condition of Approval # 34.

Another concern is insufficient water to flush newly installed water lines within the Hwy. right-of-way adjacent to the property. The Public Works Department has verified the Applicant will be required to wait until there are adequate flows in the Chetco River before the flushing can be done.

- Septic Holding Tank - Exhibits B-11 and D-2 submitted by Pat Sherman, as well as Exhibits B-12 and D-1, submitted by Crag Law Center express concerns about using a septic holding tank. These exhibits reference a letter written by City Manager Gary Milliman dated June 3, 2008 (found in Ex. B-11, page 6) and state this letter commits the City to pay for any needed sewer lines to serve this development in .5 years if the lines have not already been installed. This letter does not commit the City to pay for installation of sewer lines. It states "...we anticipate that sanitary sewer service will be available to the College site within the next five years". Exhibit D-3, page 4, is a letter from the Department of Environmental Quality (DEQ), the State agency responsible for regulating sewage disposal systems, which states the City is not obligated to install a sewer line in the future.

The DEQ letter does not agree with Exhibits B-11, D-2, B-12, and D-1's interpretation of DEQ regulations. The City has written a proposed Condition of Approval # 22 requiring SWOCC to install an on-site sewage disposal system that is in compliance with DEQ regulations. The City has no authority to dictate what type of on-site septic system DEQ determines is required. The Applicant has agreed to this Condition of Approval. This same Condition of Approval also requires the Applicant to record a DIA stating the College will connect to City sewer when it becomes available.

- Storm Water Management - Exhibit B-12 from Crag Law Center states concerns about the adequacy of the Applicant's engineered storm water management plan. The plan, as well as written concerns in Exhibit B-8 submitted by Allan Haddox, Chairman of Rainbow Rock Condo Assoc., has been reviewed and addressed by the City Engineer in page 67 of the original staff report and Exhibit B-15. The City Engineer concludes the plan will adequately deal with storm water and protects the Rainbow Rock Condo's water source and water shed.
- Changes to Zoning Ordinances: Exhibit C-1 submitted by Pat Sherman references 17.70.110, Brookings Municipal Code, which states any changes to zoning ordinances, policies, or standards after the approval of a Master Plan will not be applicable to the approved development. The concerns related to whether the Applicant will be required to pay for all needed infrastructure. The Applicant has proposed to pay all development costs. To give additional assurance Staff has proposed Condition of Approval # 12 stating the Applicant shall pay for all utilities and improvements approved in this DDP.

One zoning ordinance provision has changed that effects the SWOCC application. At the time the LRMP was approved there was a provision that allowed bonding for underground infrastructure. Proposed Condition of Approval # 45 has been added to reflect this.

During your August 5th hearing the public testimony portion was closed. This continued hearing is Planning Commission deliberations based on all the materials you have received. No new evidence can be discussed and there can be no questions to the Applicant or the public. You may ask questions of Staff about materials in the record. If you have questions please feel free to call or come by and ask them as I will then have an opportunity to research the extensive record, if need be, to get you the most accurate response.

Summary: After reviewing all the materials submitted related to DDP-1-08, Staff finds the Applicant adequately addressed the criteria to approve this application. Staff recommends approval.

Attachment(s):

Attachment A – Proposed Conditions of Approval

PROPOSED CONDITIONS OF APPROVAL

Southwest Oregon Community College Detailed Development Plan DDP-1-08

Additional Proposed Conditions of Approval are *italicized*.
Text to be Removed has ~~Strikethroughs~~

General Conditions

1. The final plat shall be in substantial conformance with the submitted preliminary plat as amended herein and as approved by the Planning Commission. Substantial changes to the approved preliminary plat require re-approval by the Planning Commission.
2. Approval of this preliminary plat will expire two (2) years from approval unless the final plat is approved and recorded or unless an extension of time is requested and approved. The extension of time may be granted by the Planning Commission with good cause and will not exceed two (2) additional years. Should the applicant wish to proceed with the subdivision following expiration of the two (2) year extension, the preliminary plat process must be re-initiated and resubmitted to the Planning Commission for review and approval.
3. Approval of this Detailed Development Plan will expire three (3) years from the date of initial approval unless the final plat has been recorded in a timely manner and construction has begun. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed two additional years per extension.
3. The subject property shall conform to the provisions of the Master Plan Development/ Public/ Open Space Zones, and to all other applicable provisions of the Land Development Code.
4. Plans for utility improvements and/ or plans to meet Chap. 17.100, BMC, Hazardous Building Site Protection Hillside Development Standards shall not be commenced until the City Engineer has reviewed and approved construction plans for adequacy.
5. All costs of plans checks and inspections by the City Engineer shall be paid by the applicant to the city.
6. Information on the construction plans shall be pursuant to the Public Works document, "General Engineering and Standard Specifications and other requirements found elsewhere in these Conditions of Approval.
7. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor and a telephone number where the contractor can be reached.
8. The Applicant must follow the recommendations from the State of Oregon Parks and Recreation Department, State Historic Preservation Office, letter dated June 12, 2008 (Attachment A) and provide written documentation to the City that this Department's concerns have been satisfied prior to final plat approval *and prior to any disturbance, construction, or grading on the subject property*. All development shall comply with the State regulations regarding cultural resources, specifically, ORS 358.905 to 358.961, ORS 390.235 to 390.240, and ORS 97.740 to 97.760 to the extent possible.
9. The plat must clearly delineate the 4.97 acres of required open space located on the 10 acre parcel. A

statement dedicating this open space must be shown on the plat.

10. The Applicant must provide a copy of the Oregon Department of Environmental Quality (DEQ) 1200C Erosion Control permit prior to any construction on the site.
11. A final landscape/ irrigation plan must be submitted and approved by the City's Site Plan Committee prior to issuing a building permit.
12. *The Applicant shall provide, pay for and install, or cause to be installed all utilities and improvements approved in this Detailed Development Plan unless otherwise stated in this Final Order.*

Street Conditions

13. The public street, Lone Ranch Parkway, shall be dedicated to the City of Brookings on the plat.
14. A copy of the Road Approach Permit issued by the Oregon Department of Transportation (ODOT) approving the access point for Lone Ranch Parkway at its intersection with Highway 101 must be submitted to the City prior to final plat approval.
15. Lone Ranch Parkway shall be constructed as proposed with a 70 ft. right-of-way, 28 ft. 2 land paved road surface, curb and 10 ft. multi-path on the south side and bioswale on the north side.
16. Lone Ranch Parkway shall be plated to the furthest northeast corner of the subject property and constructed to within 175ft. of the northeast corner. A Deferred Improvement Agreement must be recorded stating the property owner will participate by paying a proportionate cost of the extension of the street to the northeast corner of the subject property at such time as additional development needs access from the street. *Other future developments utilizing this street will pay the remaining costs to construct the 175 ft. portion to the northeast corner of the subject property.*
17. Prior to any construction or grading for the street the Applicant shall submit four (4) copies of street construction plans for review and approval by the City Engineer. The Applicant shall provide a geologic report related to the construction of the street if required by the City Engineer.
18. A "STOP" sign shall be placed on Lone Ranch Parkway at the intersection with Highway 101. The siting of the sign shall be in compliance with ODOT requirements.
19. Street lights shall be placed at the intersection of the driveway to the College and at the intersection of Lone Ranch Parkway and Highway 101 as shown on the preliminary plat map, and pursuant to the provisions of the Pubic Works document, "General Engineering Requirements and Standard Specifications" and ODOT requirements.
20. A street name sign shall be placed at the intersection of Lone Ranch Parkway and Highway 101. The siting of the sign shall be in compliance with ODOT requirements.
21. A Deferred Improvement Agreement (DIA) for the 10 ft. multi-use path shown on the plat *adjacent to the western boundary of the subject property* must be recorded. The DIA will stipulate that the path must be constructed when the connecting, adjacent path is approved and constructed. Statements dedicating the future path to the public and specifying that the college will accept maintenance responsibilities, once the path is constructed, must be shown on the plat.

Sanitary Sewer

22. The Applicant shall obtain and submit a copy of the Oregon Department of Environmental Quality (DEQ) permit to ~~utilize a temporary holding tank to provide~~ *construct an on-site sewage disposal system prior to the issuance of a building permit.* Once installed written documentation of the approval shall be provided. The Applicant shall record a Deferred Improvement Agreement (DIA) agreeing to connect to City sewer when mains become available.

Storm Drain Conditions

23. Prior to construction of the proposed storm drainage system, the Applicant shall submit four (4) copies of construction plans for review and approval by the City engineer. Plans considering all drainage from the subject property, including roof drains, shall be prepared by an engineer, licensed in the State of Oregon, to address on-site and of-site impacts in a manner that protects down stream properties from water flow greater than currently exists as shown in the Applicant's preliminary plans.
24. *The Applicant must follow the recommendations as stated in the U.S. Fish and Wildlife letter dated July 30, 2008 (Attachment B) to protect and maintain the integrity of down-gradient wetlands and improve conditions for the potential introduction of western lilies.*
25. All storm drains shall be installed pursuant to the provisions of the Pubic Works document, "General Engineering Requirements and Standard Specifications."
26. Additional geologic reports may be needed for final detention pond design, if required by the City Engineer.
27. The plat must state the on-site storm drainage facilities will be owned and maintained by the property owner.
28. Bio-swailes adjacent to the subject property must also be maintained by the College. The proposed "Swale Maintenance Covenant" must be amended to include all required language as found in Condition of Approval # 29 of the Lone Ranch Master Plan Final Order. This Covenant must then be recorded and a copy provided to the City *prior to final approval of the plat.*
29. The Applicant must submit documentation from the Department of State Lands (DSL) and the US Army Corps of Engineers approving the filling of the wetland adjacent to the entrance street prior to any construction in that area.
30. The City Engineer has reviewed the preliminary drainage plan and stated, in writing, that the plan will protect the Rainbow Rock Service Association's surface water system and water supply system from adverse impacts. The Applicant must construct and maintain the storm drainage facilities to continuously provide this protection.

Water System Conditions

31. The subject property shall be served by the City domestic water supply system.
32. The Applicant shall extend water mains into the public street. The Applicant shall also extend service laterals

to the College site.

33. All water lines, booster pumps, and reservoirs shall be installed pursuant to the provisions set forth in the OAR Chapter 33, Sections 42-200 through 42-243, by the Oregon State Health Division and the Public Works document, "General Engineering Requirements and Standard Specifications."
34. Prior to construction of the proposed water system, the Applicant shall submit four (4) copies of construction plans for review and approval by the City Engineer. The Applicant shall provide a geologic report related to the construction of the water system if required by the City Engineer
35. A fire hydrant shall be located in the parking lot, as shown on the plat, and one at the entrance to the college site.
36. The college building must be constructed with a fire suppression sprinkler system.
37. Fire equipment must have access to within 150 ft. of the back of the building.
38. A ladder must be permanently attached to the outside of the building. The Applicant must confer with the City Fire Chief regarding the specifications for this ladder.

Utilities

39. All utility lines, including but not limited to, electric, communication, street lighting, and cable television shall be placed underground in the street and college site.
40. All utility easements shall be clearly defined as to their scope, purpose and term and clearly shown in dashed lines on the plat including the size and locations as required by the affected utilities, public agencies and service companies.
41. A continuous five (5) foot Public Utility Easement "PUE" adjacent to the right-of-way on Lone Ranch Parkway shall be shown on the plat and provided to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).
42. The applicant shall be responsible to coordinate final acceptance of all proposed "PUE's" with the affected utilities, public agencies and service companies prior to final plat approval.
43. The applicant shall coordinate the placement of mailboxes with the U. S. Postal Service (USPS). Mailboxes shall be placed in a manner that leaves at least 48" of unobstructed sidewalk area. A completed and signed copy of the USPS "Mode of Delivery Agreement" form must be provided prior to receiving final plat approval.

Restrictive Covenants

44. In order for retaining walls, fences, etc, to be constructed within the remaining public right-of-way in back of and abutting the sidewalks the applicant shall incorporate in the covenants a "hold harmless" clause absolving the city and/or utilities of any liability or responsibility for the replacement of such appurtenances within the right-of-way should it be necessary to remove same to make repairs to existing facilities or install new facilities therein.

Bond and Agreement

- ~~1. Prior to the Planning Commission certification of the final plat, the applicant shall install the required~~

improvements.

- ~~2. If the Applicant wants to postpone construction of some of the components of the infrastructure, Brookings Municipal Code (BMC) 17.80.080, Security and the Secured Improvement Process, describes the process.~~
- ~~3. When all improvements have been constructed, inspected, and approved by the City, the Applicant shall provide a warranty bond as described in BMC 17.80.090, Warranty of Public Improvements.~~
45. *If the Applicant requests final plat approval or issuance of a building permit prior to completion of all required utilities and improvements, an improvement agreement and security as described in 80.080, Land Development Code (in effect on October 25, 2004) will be required. When all utilities and improvements have been installed and approved the Applicant must provide a warranty for materials and workmanship as described in 172.180 and 80.080(B), Land Development Code (in effect on October 25, 2004).*



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department
State Historic Preservation
725 Summer Street
Salem, OR 97331
(503) 326-7300
FAX (503) 326-7301
www.hcd.org



June 12, 2008

Ms. Robin Richards
Crow/Clay & Associates
125 W Central St 400
Coos Bay, OR 97420

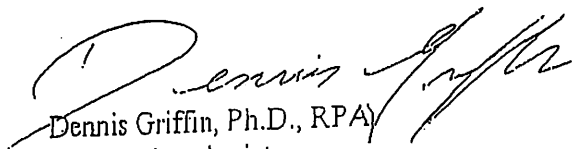
RE: SHPO Case No. 08-1211
Curry Campus of Lone Ranch Comm College
Campus construction
Crow/Clay & Assocs./Lone Ranch Comm College
40S 14W 26, Brookings, Curry County

Dear Ms. Richards:

Our office recently received a request to conduct a cultural resource review for the area of the project referenced above. In checking our statewide cultural resource database, I find that there has been a previous cultural survey of the lands surrounding and encompassing the proposed project and archaeological sites were identified. One of these sites (35CS225) lies within the larger area demarcated within the proposed SOCC campus but not within the area currently planned to be developed. Given that surface visibility in the area of the larger Borax property project was nonexistent and archaeological sites were found in those few areas where the ground surface was visible, and that subsurface visibility in the area of the proposed campus development was also zero, our office recommends that subsurface probes be conducted within the proposed project area (in area to be disturbed). The proposed campus structures are located on a landform generally perceived to have a high probability for possessing archaeological sites and buried human remains.

A list of possible archaeological consultants can be found on our web site (www.oregonheritage.org) by clicking on Archaeological Services web page and highlighting the section marked Archaeological Permits. State statutes (ORS 358.905 and ORS 97.740) provide protection for archaeological sites, objects, and human remains on both state public and private lands in Oregon. I hope that by providing the above-suggested archaeological survey, damage to any archaeological sites in the area of your proposed project can be avoided.

If you have any questions about the above comments or would like additional information, please feel to contact me at your convenience. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.


Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@state.or.us



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Roseburg Field Office

2900 NW Stewart Parkway

Roseburg, OR 97470

Phone: (541) 957-3474 FAX: (541) 957-3475

Reply To: 8330.TA0080(08)
File Name: SWOCC_Storm_Letter.doc
TS Number: 08-1716
TAILS: 13420-2008-TA-0080
Doc Type: Final

RECEIVED

JUL 31 2008

July 30, 2008

Mike Crow
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420

CITY OF BROOKINGS

Subject: Review of the proposed Southwestern Oregon Community College (SOCC) campus Stormwater Management Plan and hydrology study at the U.S. Borax Property north of Brookings.

Dear ^{Mike}~~Mr. Crow~~,

We received the Stormwater Management Plan from Crow/Clay & Associates Inc. on July 16, 2008 requesting review of the SOCC campus hydrology study (study). You requested our comments of the study by August 5, 2008.

The study includes a description of the stormwater filtration and containment system that will be used to contain runoff from construction disturbance and impervious surfaces. The system will utilize vegetated filter strips, vegetated swales, and a detention pond to intercept surface water runoff before it enters down-gradient wetlands. The study also describes how the drainage patterns of the surface flow from the project area to the down-gradient wetlands and beyond to the culvert under Highway 101.

Our latest survey information, from July 2005, indicates that currently, western lily does not occur within the location of the proposed project footprint or in down-gradient wetlands. Our analysis of the water flow patterns at the project area is consistent with the hydrology study. We anticipate that the stormwater plan, if built as described, will adequately protect wetland resources down-gradient from the proposed SOCC construction activities. We anticipate that the stormwater system will significantly reduce contaminants, excess sediment, and excess water from entering into the down-gradient wetlands if the stormwater management system is maintained as described in the study.

We are also aware that the college desires to introduce western lily to down-gradient wetlands as part of a potential classroom research project. In order to enhance the protection and maintain

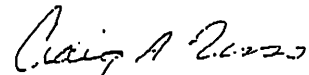
the integrity of the down-gradient wetlands and improve conditions for western lily introduction we further recommend:

- 1) Vegetated filtration strips, vegetated swales, and the detention pond water barriers are inspected at least on a quarterly basis by the college in order to catch early indication of possible problems with the filtration systems.
- 2) Filtration strips, vegetated swales, and the detention pond water barriers are inspected after each heavy storm event (at least 5 inches of rain within a 24 hour period).
- 3) Soil moisture and water levels in down-gradient wetlands are monitored quarterly using a soil moisture sensor and a peizometer to ensure that conditions are stable for the potential introduction of western lily. Information from the soil moisture data can help determine if the hydrology is consistent with western lily suitable habitat and if the location is adequate to introduce western lily.

These recommendations should enable the college to better preserve and protect the underlying habitat conditions that support the western lily and further increase the likelihood western lily introduction will be successful.

Thank you for the opportunity to provide assistance with the proposed project. If you have further questions or require additional assistance please contact Dave Imper at 707-825-5112, Sam Friedman at 541-957-3478, or me at 541-957-3470.

Sincerely,



Craig A. Tuss
Field Supervisor

cc: Diane Morris, City of Brookings, Brookings, OR (e)
Dave Imper, USFWS, Arcata, CA (e)
Laura Todd, USFWS, Newport, OR (e)
Office Files, FWS-OFWO, Portland, OR (e)

BEFORE THE PLANNING COMMISSION
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON

In the matter of Planning Commission File No. DDP-1-08; a request for approval of a Detailed Development Plan, SW. Oregon Community College, Applicant; Mike Crow, Agent.)	Final ORDER
)	and Findings of
)	Fact
)	
)	

ORDER approving a request for a Detailed Development Plan to site a college campus, create a ten acre parcel, and plat a street, Lone Ranch Parkway. The subject property is an 80 acre parcel of land located on the east side of Highway 101 within the Lone Ranch Master Plan area; Assessor's Map 40-14 & Index, Tax Lot 2400; zoned Master Plan of Development (MPD).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Chapter 17.70, Master Plan Development District; 17.100, Hazardous Building Site Protection; 17.172.070, Subdivisions; 17.168; Utilities; 17.170, Street Standards, Brookings Municipal Code (BMC). Land Development Code Sections 176.060, Subdivisions; 172, Public Facilities; 100, Hazardous Building Site Protection were in effect at the time of Master Plan approval and have since been revised. This application has been reviewed considering these Chapters and found to meet the criteria, as well as the criteria in the above referenced, unrevised BMC Chapters.
2. Such application is required to show evidence that the above referenced criteria have been met.
3. The Brookings Planning Commission duly considered the above described application on the agenda of a public hearing on August 5, 2008; and
4. At the public meeting on said application, evidence and testimony was presented by the Applicant and recommendations were received from and presented by the Planning Director in the form of a Staff Agenda Report, dated July 28, 2008, and oral presentation of same. The hearing was continued, allowing time for additional written comment and rebuttal, and on September 2, 2008 the Planning Commission deliberated; and
5. After consideration and discussion the Brookings Planning Commission, upon a motion duly seconded, approved the request for a Detailed Development Plan to site a college campus and directed staff to prepare a Final ORDER with the findings set forth therein for the approval of said application.

THEREFORE, LET IT BE HEREBY ORDERED that the application requesting an approval of a Detailed Development Plan to site a college campus on the subject parcel is approved. This approval is supported by the following findings and conclusions:

FINDINGS and CONCLUSIONS

Detailed Development Plan for Southwestern Oregon Community College

DDP-1-08

CITY OF BROOKINGS PLANNING COMMISSION

FINDINGS AND CONCLUSIONS OF LAW

The Planning Commission conducted a hearing on this matter on August 5, 2008, continued the hearing until September 2, 2008, and approved the proposed DDP on September 2, 2008. The DDP is the first submitted under the Lone Ranch Master Plan (LRMP) approved in 2005 (File MPD-1-04). The approved master plan is generally referred to in this document as the MPoD (Master Plan of Development).

The following findings explain the decision of the Planning Commission to approve the DDP and its determination of the issues raised in the case. Some of these issues raised by opponents were also raised by the same opponents in the application for extension of the MPoD (File APP-1-08). The approved MPoD is an essential component of this DDP. The record in this case includes the findings in the MPoD extension file, and the City Council has resolved the issues consistently in the two cases.

The Detailed Development Plan application is required to satisfy specific criteria under the Brookings Municipal Code (BMC) Title 17. The Staff Agenda Report dated July 28, 2008 includes analysis, findings and conclusions in response to the approval criteria. The Planning Commission hereby adopts the analysis, findings and conclusions presented on Pages 3-12 of the July 28, 2008 Staff Agenda Report (Attachment 1), based on and in response to information submitted by the applicant. The analysis and findings on those pages address the approval criteria found in BMC Chapter 17.70.140, Detailed Development Plan; Chapter 17.172.070(B), Subdivisions; Chapter 17.70, Streets; Chapter 17.168, Utilities; and Chapter 17/100, Hazardous Building Site Protection.

The following findings address the comments made in testimony during the hearings and comment periods regarding contested issues.

1. SEPTIC HOLDING TANK

Comment: *The use of a DEQ-approved holding tanks does not satisfy the requirements of the MPoD or the BMC, and it could lead to the City having to construct a sewer connection to the project site within five years.*

Determination:

The CRAG letters (Exhibits B-12 and D-1) assert that the proposed holding tank does not meet the sewer requirements of the MPoD and city code, which require sewer services be provided by either connecting to city sewer or the existing Rainbow Rock system, or by creating an on-site stand alone system. As quoted in the CRAG letter, the MPoD states that if the college develops before a sanitary sewer system is installed, "it may be necessary to construct an *on-site sanitary sewer system designed to accommodate the college.*" (Emphasis added.) The CRAG letter goes on to detail BMC requirements for providing a private sewage disposal system when a public sanitary sewer system is not available.

BMC 13. 10.510 states that where a public sanitary sewer is not available, "the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article." BMC 13.10.010 states: "Private sewer disposal system" shall mean a nonpublic sewer disposal system approved by the Oregon Department of Environmental Quality (DEQ), and operated and maintained in conformity with requirements of DEQ." The code requires that the owner must get a letter from the city stating that a sewer cannot be supplied and that the city does not object to the installation of a subsurface disposal permit. BMC 13.10.520 The same code section states that "[t]he installation of a private sewage disposal system shall neither commence nor proceed" without a DEQ permit. BMC 13.10.540 declares that DEQ has the sole authority for the issuance of subsurface disposal permits. BMC 13.10.580 states that "[n]o statement contained in this article shall be construed to interfere with any additional requirements that may be imposed" by DEQ. The CRAG letter goes on to detail the DEQ rules and definitions and attempts to distinguish subsurface disposal from the proposed holding tank system.

We interpret the MPoD and the code to mean that an applicant must have a system that complies with DEQ's regulations. The DEQ rules allow several types of on-site sewage disposal systems, as pointed out by the applicant (Exhibit D-3, pages 4-6) and by the CRAG

letter (Exhibit B-12). The applicant has been in touch with DEQ about the specifics of the college, and DEQ has indicated that it prefers the holding tank instead of the drainage field method as a temporary measure, until such time as the public sewer system is installed. The tank approach is preferable because DEQ does not favor decommissioning an in-ground on-site system. (Exhibit D-3, page 1) A letter from DEQ states: "A 'holding tank' is defined in Oregon Administrative Rule (OAR) 340-071-0100(82) & (83) as an approvable on-site septic system for the proposed building at the Southwestern Community College site in Brookings. It is approvable as a temporary or permanent on-site system to serve the College's needs." (Exhibit D-3, page 4) There is no intention in the LRMP conditions or the City code to eliminate any of the options available through DEQ. The City defers to DEQ in this matter.

The applicant worked with DEQ staff to find an on-site system that would satisfy the state regulators. The proposed holding tank is such a system. Because the DEQ has the sole authority for the issuance of permits under the city code, we believe that the code should be read to be consistent with DEQ policies.

Accordingly, the Planning Commission finds that the proposed holding tank is in compliance with intent of the MPoD and the city code, and with DEQ rules, and that there is convincing evidence in the record to find that the proposed holding tank on-site septic system as approved by DEQ will be satisfactory until the property can be connected to the city sewer system.

Exhibits B-11 and D-2 submitted by Pat Sherman, as well as Exhibits B-12 and D-1 submitted by Crag Law Center reference a letter written by City Manager Gary Milliman dated June 3, 2008 (found in Ex. B-11, page 6) and object that this letter commits the City to pay for any needed sewer lines to serve this development in 5 years if the lines have not already been installed. The letter states "...we anticipate that sanitary sewer service will be available to the College site within the next five years". The Planning Commission finds that this letter does not commit the City to pay for installation of sewer lines. Furthermore, we find that in Exhibit D-3, page 4, a letter from the Department of Environmental Quality (DEQ), the State agency responsible for regulating sewage disposal systems, states the City is not obligated to install a sewer line in the future. Finally, proposed Condition of Approval # 22 also requires SWOCC to record a Deferred Improvement Agreement (DIA) stating the College will connect to City sewer

when it becomes available. The Applicant has agreed to this Condition of Approval. This condition places the cost on SWOCC and not the City.

2. OPEN SPACE

Comment: *The proposed college development will not use the entire 5.03 acres intended for the college use, so the remainder from the 10-acre should all be open space.*

Determination:

Exhibit B-12 from Crag Law Center states SWOCC should dedicate more open space than was required in the approved Lone Ranch Master Plan (LRMP). In this proceeding the City is not considering amendments to the LRMP. The application instead presents the question of whether the proposal is consistent with the LRMP requirements. The LRMP required 4.97 acres to be designated open space and the applicant has met that requirement. Proposed Condition of Approval #9 requires the open space be dedicated and shown on the plat. For these reasons, we find that the proposed DDP complies with the LRMP's required open space on the college campus portion of the master plan.

3. TRANSPORTATION

Comment: *Transportation improvements called for in the MPoD should be constructed with this DDP.*

Determination:

Exhibit B-12 from Crag Law Center states SWOCC should construct improvements on the State Highway. As explained in more detail in the August 5th staff report, the trigger for these improvements was approval of "Phase 1" which included 680 dwelling units, commercial area, and college site. The application before us is more limited and therefore does not trigger construction of these improvements.

Oregon Department of Transportation (ODOT), the State agency responsible for determining appropriate improvements for the State Highway system, has agreed with the Applicant's engineer's analysis which demonstrates that adequate service does not require improvements to be constructed with this development. We agree with the applicant's engineer

and the state agency responsible for the highway and find that these improvements to the state highway are not required at this time.

Another stated concern is that improvements to 175 ft of Lone Ranch Parkway, well beyond the entrance to the college site, will be platted but not constructed until such time as additional development in the LRMP area is approved. Proposed Condition of Approval #16 requires SWOCC to pay a proportionate amount of the costs of road improvements. Future development that will utilize this section of street will pay the remainder amount of the construction costs. The public will not bear the cost as stated in Exhibit B-12. We find that the condition of approval addresses this concern.

There is also a concern that the path adjacent to the Lone Ranch Parkway will not be built at the same time as the street is constructed due to a Deferred Improvement Agreement. The staff reports that the section of multi-use path that is the subject of a requested Deferred Improvement Agreement (DIA) is not a part of the Lone Ranch Parkway street design as claimed in Exhibit B-12. It is instead on the western boundary of the college site and will be used to connect to future development to the north and south of the subject property. The Applicant is not requesting a DIA for the multi-use path adjacent to Lone Ranch Parkway. We find that that pathway will be constructed at the same time as the street.

4. WATER SERVICE

Comment: *Water system plans should be included with the DDP application.*

Determination:

Exhibit B-12 from Crag Law Center argues that LRMP Condition of Approval No. 9 requires SWOCC to submit water system construction plans together with their application for the DDP. That Condition of Approval is a two part requirement. Detailed construction plans are to be approved by the City Engineer, and the DDP, which shows proposed locations and sizes of water lines, is to be approved by the Planning Commission. The detailed, engineered construction plans are to be submitted after approval of the DDP as stated in proposed Condition of Approval # 34.

Another concern is the sufficiency of water to flush newly installed water lines within the Highway right-of-way adjacent to the property. The Public Works Department has verified the

Applicant will be required to wait until there are adequate flows in the Chetco River before the flushing can be done.

For this reason, the Planning Commission finds that the proposed water system, as conditioned by Condition of Approval #34, will satisfy Condition of Approval No. 9 in the MPoD.

5. ISSUES PREVIOUSLY RESOLVED IN MASTER PLAN PROCEEDINGS

Several issues raised at the hearings and in written comments repeated the issues raised in Case File No. APP-1-08 (appeal on the request to extend the Lone Ranch Master Plan MPD-1-04). The applicant in this case submitted a copy of a portion of the APP-1-08 findings into this record (Exhibit D-3, pages 15-19). Opponents have also resubmitted some of the testimony from APP-1-08. The Planning Commission finds that these matters were previously determined by the City Council's findings in the APP-1-08 case.

CITY WATER SERVICES

Comment 1: *The Lone Ranch Master Plan proposed to use on-site wells not City water and the water supply has now changed from on-site wells to City water.*

Comment 2: *The City lacks the capacity to provide water services to the MPoD.*

Comment 3: *Municipal water rights were modified by HB 3038 and this change limits the ability of the City to secure water rights.*

Determination:

These matters are outside of the scope of the Planning Commission's review of a DDP. Moreover, they have been heard and resolved by the City Council.

These issues were raised in the APP-1-08 extension of the Lone Ranch Master Plan, and raised again (at least in part) in this case in an attachment to the letter submitted by CRAG (Exhibit B-12). The City Council found in APP-1-08 that the MPoD recognized that the water system would be part of the City's water system (Condition of Approval No. 15). The Council found that the City has adequate water to provide water services to the MPoD. Finally, the City Council found that HB 3038 does not limit the City's ability to secure water rights. These issues were previously resolved, and the Planning Commission adopts the Council's findings on them.

Conditions of Approval require that the college will be served by the City domestic water supply system(#31); that the applicant shall extend water mains into the public street and service laterals on site (#32); that all water lines, booster pumps and reservoirs shall be installed to state and city standards, with approval from the City Public Works Department (#33); and that prior to construction of the water system, the applicant shall submit construction plans for review and approval by the City Engineer (#34).

For these reasons, the Planning Commission finds that the proposed water system complies with the Brookings Municipal Code 17.168.010.

ADVERSE IMPACTS TO RAINBOW ROCK CONDOMINIUM WATER SOURCE

Comment: *Need assurance that Rainbow Rock Condominiums water source and water shed will be protected.*

Determination:

This issue was raised in File No. APP-1-08 and again by opponents to the DDP application. Condition of Approval No. 23 of the MPoD requires that each DDP must evaluate the impact on the existing RRSA (Rainbow Rock Service Association) surface water system and must demonstrate that there will be no negative impact to the water source or water shed.

We find that this requirement is satisfied by the expert evidence provided by the City Engineer. He has reviewed the preliminary drainage plan and states that the plan will protect the RRSA's surface water system and water supply system from adverse impacts. Moreover, Condition of Approval #30 requires that the applicant construct and maintain the stormwater facilities to continuously provide this protection.

For these reasons, the Planning Commission finds that there is adequate evidence to conclude that the proposed DDP as conditioned will comply with MPoD Condition No. 23.

ELECTRIC INFRASTRUCTURE

Comment: *Coos-Curry Electric Co-op's plans to remove their transmission lines. The cost of removing lines and developing an alternative will be costly.*

Determination:

This issue was raised in the APP-1-08 file. In that case, the City Council found that the Coos-Curry Electric Co-op electrical lines are currently still in place, but has the right to remove its lines. In this DDP application, the applicant has submitted a letter from the Co-op stating that the college is in the service territory and the Co-op looks forward to working with the applicant on the project. (Attachment E to the July 28 Staff Agenda Report).

For this reason, the Planning Commission finds that there is adequate evidence in the record that the Co-op will provide electricity to the college as required by Chapter 17.168, Utilities, BMC. That is the only aspect of this matter that is relevant to our decision.

WESTERN LILY/WETLAND CONCERNS

Comment: *More consideration of these issues is needed.*

Determination:

Condition No. 28 of the MPoD requires that a hydrologic study be provided with each DDP, and that each study must be provided to federal and state agencies responsible for wetlands and endangered species protection. The Condition also requires the City to review the hydrologic study to determine compliance with applicable standards relating to storm drainage. Condition No. 22 of the MPoD requires covenants to protect the Western Lily as part of each DDP which includes known Western Lily habitat. The application included required study. Staff has reviewed it and determined that storm drainage requirements are met.

Concerns about the Western Lily and wetlands were raised by opponents to the Lone Ranch Master Plan extension in APP-1-08. In that case, the Council found a letter from the United States Department of the Interior, Fish and Wildlife Service(USFWS) to be reiterating the importance of the western lily and wetlands protection, and calling for coordination with the USFWS to ensure that these resources are protected as the DDP are prepared and development takes place, in compliance with Condition of Approval No. 28 of the MPoD decision.

The record in this DDP application includes another letter from USFWS (dated June 10, 2008- Attachment L to the July 28 Staff Agenda Report)) stating that "we do not believe the project will impact the western lily and have no objection with the proposed project as described at this time." For this reason, we find that the covenant under MPoD Condition of Approval No. 22 is not required for this DDP.

The USFWS also reviewed the applicant's proposed Stormwater Management Plan, and in a letter dated July 30, 2008 (Exhibit B-7), stated that the proposed Plan "will adequately protect wetland resources down gradient from the proposed SOCC construction activities."

In this same letter, the Service offered advice to the college for plans to introduce western lily to the down-gradient wetland as part of a potential classroom project. Condition of Approval # 24 requires that the college follow the recommendations in the letter should they pursue introduction of the western lily on the property.

For these reasons, the Planning Commission finds that the applicant is working with the necessary government agency on these resource issues, as expected and as required by MPoD Condition of Approval No. 28.

ARCHEOLOGICAL CONCERNS

Comment: *A cultural resources survey has not been done.*

Determination:

This issue was raised in APP-1-08, and the City Council found that the protection of any significant cultural resources on the site will be considered in detail through the DDP process as development of the site progresses, as expected under the approval standards for an MPoD. MPoD Condition of Approval No. 13 requires that all development shall comply with state regulations regarding cultural resources, to the extent applicable.

The record in this DDP application includes a letter to the applicant's representative from the State of Oregon Parks and Recreation Department, State Historic Preservation Office which states that a survey has already been done in this area, and that there may archeological sites and human remains in the location of the proposed campus structures. The letter recommends subsurface probes be conducted within the proposed project area. Condition of Approval #8 requires that the applicant follow the recommendations of this letter and provide written

documentation that the state office is satisfied prior to any disturbance. The Planning Commission finds that this condition of approval satisfies the requirement of MPoD Condition of Approval No. 13.

OVERALL ECONOMIC CONCERNS

Comment: *The overall economy is in decline constituting a change in conditions relating to the MPoD.*

Determination:

This issue of the declining overall economy was raised in the APP-1-08 file as a condition that had changed that would it more difficult to meet the provisions of the adopted MPoD. The City did not consider the state of the nation's economy under the approval standards for Lone Ranch Master Plan in 2004. The City Council found that an applicant for an MPoD, or an extension of the same, has no burden to address market conditions or other general economic factors, as these factors are not in the approval criteria. Neither are these matters relevant to this DDP application.

The Planning Commission finds the applicant for this DDP need not consider the overall economy because it is not required to do so by any of the approval criteria.

ATTACHMENT 1

PROPOSED COLLEGE CAMPUS DEVELOPMENT

The Lone Ranch Master Plan included a 10 acre site to be given to Southwest Oregon Community College to develop a campus. The Lone Ranch Master Plan is incorporated in this staff report by this reference. Exhibit # 1 following this report is a copy of the survey plat creating the entrance street, Lone Ranch Parkway, and the 10 acre College site. Exhibit # 2 depicts the entrance way, parking, footprint of the structure and other development details as well as topography. There is only one two-story structure proposed. The Lone Ranch Master Plan states the footprint for the College structure will be no greater than 17,500 sq. ft. The Applicant states the footprint of the proposed structure is approximately 12,500 sq. ft. Exhibit # 3 is the floor plan of the structure. Exhibit # 4 is the Lone Ranch Master Plan showing the location of the College site in relationship to the rest of the area. The College site is an east-west trending knob or hill at an elevation of 278 feet. The top of the knob will be removed to create a level development site at approximately 250 feet elevation. The Lone Ranch Master Plan states only 5.03 of the 10 acre site will have development and the remainder will be open space. The Applicant states the proposed development plan covers only 2.25 acres. The Lone Ranch Master Plan Final Order states each DDP will use the existing zoning standards for the type of use proposed. The Public/ Open Space zone of the BMC allows public schools as an outright use. The proposed structure meets the setback and height requirements for that zone.

There are various criteria and Conditions of Approval the Applicant needed to address: Subdivision, DDP, Hazardous Building Site, Streets, and Utilities criteria, as well as compliance with the Lone Ranch Master Plan and Conditions of Approval from the Final Order. This report will address each criterion individually.

ANALYSIS

Chapter 17.172.070 (B), Subdivisions, BMC states:

1. **Conformance with the Comprehensive Plan, and applicable development standards of this code, and state and federal laws.**

RESPONSE: The subdivision plat is needed and anticipated in the Lone Ranch Master Plan (LRMP) to allow deeding of this property to SWOCC. Staff has reviewed the plat and, if approved, it will be recorded in compliance with Oregon surveying requirements.

2. **Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.**

RESPONSE: Presently the property is in U.S. Borax ownership and the creation of the entrance street allows for future extension of the street to provide access to the surrounding property.

3. **Adjoining property under separate ownership can either be developed or be provided access (connectivity) that will allow its development in accordance with this code.**

RESPONSE: As explained above the entire Lone Ranch Master Plan area is in one ownership and with the creation of the entrance street access to the remaining area can be provided.

4. **The proposed name of the subdivision shall be approved by the Commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town," "city," "place," "court," "addition," or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.**

RESPONSE: The proposed subdivision name, College at Lone Ranch, is not in conflict with existing subdivision names.

5. **The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to, or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.**

RESPONSE: The proposed street name, Lone Ranch Parkway, is not in conflict with existing street names within the 97415 zip code area.

6. **Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.**

RESPONSE: Lone Ranch Parkway will be constructed as approved in the LRMP and dedicated to the City as a public street.

7. **If the developer intends to record and develop a subdivision granted preliminary plat approval in phases, the Planning Commission may authorize a total time schedule for platting all phases not to exceed ten (10) years, but the first phase and each subsequent phase must each be recorded within consecutive three (3) year periods.**

RESPONSE: The Applicant has not requested approval of phases.

Chapter 17.170, Streets, BMC

This Chapter has general development standards and standard right-of-way and road widths. The Lone Ranch Master Plan was approved with alternate street standards. Lone Ranch Parkway is designed as an "Urban Residential Collector" with a 70 ft. right-of-way, 28 ft. paved road surface, a 10 ft. multi-use path on the south side, and a bioswale on the north side (Exhibit 5). As explained by the Applicant the street will have a curb on the south side and bioswale to collect drainage, rather than a piped drainage, to better protect the wetlands in the area. A Condition of Approval will require construction plans be submitted and approved by the City. When the street is constructed and approved it will be a public road dedicated to the City. The

Applicant has requested a Deferred Improvement Agreement (DIA) for the 10 ft. multi-path to allow postponement of construction until the adjacent, connecting multi-path is approved and constructed. The City supports this request. The City is also applying for a grant from the US Forest Service to study pedestrian/ bicycle paths throughout the City. The exact location of the connecting paths in the Master Plan area may be effected by the outcome of this study. Requiring a DIA for the path will be a condition of approval.

Chapter 17.168, Utilities, BMC

This Chapter has general development standards relating to both on-site and off-site utilities.

- Water – The campus site will be served by City water. The Applicant will be responsible to construct the water main in the right-of-way to the subject property as well as to the private lines serving the site. Submission of construction plans, installation of the water main/ lines, and approval will be a Condition of Approval.
- Sewer – The City sewer main has not been extended to the subject property. The LRMP had the option of a temporary on-site septic system serving the College campus. The Applicant has chosen that option and submitted a letter from the Department of Environmental Quality (DEQ) citing the Oregon Administrative Rule authorizing the temporary holding tank type system (**Attachment B**). Obtaining and submitting a copy of the DEQ permit for this system, as well as installation and documentation of approval will be a Condition of Approval.
- Storm Drainage – The Applicant has provided a stormwater management plan done by an engineer to describe the conditions both before and after construction and how stormwater will be dealt with (**Attachment C**). (The engineered plans have additional technical materials such as “runoff calculations” that you may review at the Planning Department if you wish to see them.) The plans discuss the use of detention ponds, filtration, treatment facilities, filter strips, and vegetated swales to release storm water at pre-construction rates. Additional geologic reports may be needed for final detention pond design, if required by the City Engineer. Submission of construction plans, installation of the stormdrainage facilities, and approval by the City will be required. The plat must state the storm drainage facilities will be owned and maintained by SWOCC. These items will all be Conditions of Approval. This topic is dealt with in relation to other criteria elsewhere in this staff report.

The Public Works Department has reviewed the application and provided a Utility Confirmation Form (**Attachment D**).

The Applicant has provided a utility confirmation form from Coos-Curry Electric Cooperative (**Attachment E**)

FINDINGS

The following are findings related to the above referenced criteria.

1. The applicant is requesting approval of a subdivision plat creating the entrance street, Lone Ranch Parkway, a 10 acre College site, and a remainder parcel.

2. The applicant has submitted all the materials required by Chapters 17. 170, Subdivisions, 17.168, Utilities, and 17.170 Street Standards, BMC for preliminary approval of the subdivision plat.
4. The applicant has submitted findings addressing the criteria found in Chapter 17.172.070 (B), Subdivisions, (**Attachment A**) and Staff has provided responses to the above criteria, as well.

Chapter 17.70.140, Detailed Development Plan (DDP)

(B) Graphic Requirements – This requires the Applicant to submit materials showing topography, proposed structures, landscape plan, utility and circulation plan, open spaces, and lighting. Most of these are depicted in Exhibits 1- 4. The other materials are found in **Attachment F**.

(C) Narrative Requirements – The Applicant has provided findings addressing this requirement in **Attachment G**.

Chapter 17.70.170, Review Criteria for Determining Compliance with Master Plan of Development (MPoD) states:

1. **Increase in development density and/or intensity that results in a peak hour trip generation of greater than 10 percent of the total approved in the MPoD.**

RESPONSE: The proposed College campus is only a small percentage of the trip generation approved in LRMP. There is no increase proposed with this application.

2. **Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified.**

RESPONSE: The LRMP proposed a 17,500 sq. ft. footprint for the structure on the College campus. This application has a structure with a footprint of 12,500 sq. ft. There is no increase proposed with this application.

3. **Reduction of more than 10 percent of the area reserved for common open space and / or usable open space from what was previously specified.**

RESPONSE: The LRMP specified no more than 5.03 ac of the 10 ac. College site would be developed. The Applicant indicates only 2.25 acres will be used by the proposed development (**Exhibit 6**). There is no reduction in the open space requirement.

4. **Increase in the total ground area proposed to be covered by structures by more than five percent from what we previously specified.**

RESPONSE: See # 2 above.

5. Reduction of specific setback requirements by more than 25 percent where previously specified.

RESPONSE: The Public/ Open Space (P/OS) zone allows public schools as an outright use and is the appropriate zone standards for setbacks and height requirements. The proposed structure meets the setback and height requirements for the P/OS zone. No reduction in setbacks has been requested.

6. Reduction of project amenities provided such as recreational facilities, screening, and/ or landscaping provisions by more than 10 percent from what was previously specified.

RESPONSE: None of the above amenities were proposed in the LRMP for the College site. No reduction is requested.

7. If subdivision or partition, the application does not meet the applicable requirements of Chapter 17.172, BMC.

RESPONSE: This application does include a subdivision and the needed materials to address Chapter 17.172 have been provided as shown earlier in this staff report.

FINDINGS

The following are findings related to the above referenced criteria.

1. The Applicant is requesting approval of a Detailed Development Plan (DDP) for a College campus on a 10 acre site located within the LRMP area.
2. The Applicant has provided findings in **Attachment F and G** and Staff has provided responses to the above criteria to demonstrate the application meets the DDP requirements and criteria.

Chapter 17.100, Hazardous Building Site Protection, BMC – As the subject property has slopes greater than 15%, the requirements of Chapter 17.100 must be addressed. A geologic hazard report and engineered plans dealing with erosion control, stormwater management, grading, and vegetation removal, as required, have been submitted (**Attachment C**). The report states removal of the rock will increase slope stability by not disturbing the exterior slopes with development and retaining vegetation on the slopes. The City's Engineer has peer reviewed the materials and made comments (**Attachment H**).

FINDINGS

The following are findings related to the above referenced criteria.

1. The Applicant has provided the required materials (**Attachment C**) to address Chapter 17.100, BMC for the subject property.
2. The City's Engineer has peer reviewed the materials (**Attachment H**) and determined they adequately address the requirements.
3. A Condition of Approval will be the submission of engineered construction plans based on the materials submitted to address Chapter 17.100, BMC. These must be reviewed

and approved by the City and then constructed and approved upon completion.

Conditions of Approval for the Lone Ranch Master Plan Development

Following are the Conditions of Approval from MPD-1-04, LRMP and Staff responses.

LONE RANCH MASTER PLAN MPD-1-04/Remand (As Amended by the City Council August 22, 2005)

General Conditions

1. Approval of this Master Plan will expire in 15 years or in four (4) years from approval, unless a Detailed Development Plan (DDP) pursuant to Section 70, Master Plan Development District, of the Land Development Code, is submitted and approved by the Planning Commission and construction of the DDP shall start within three years of approval. Each subsequent DDP must be filed within four (4) years of the completion of the previously approved DDP, or the Master plan will expire. If the conditions at the time warrant, the Planning Commission may extend the 15 year Master Plan permit or the four (4) year DDP permit period for an additional two-year period at the request of the applicant.

RESPONSE: The Master Plan has not expired. The submission of the DDP application has been made in a timely manner.

2. The conditions stated herein are mandatory and must be completed. Failure to comply with any condition will result in the review and possible revocation of your permit pursuant to Section 70, of the Land Development Code.

RESPONSE: The findings of the Applicant and Staff in this staff report demonstrate compliance with these conditions.

3. All subsequent applications for a DDP shall be in substantial conformance with the appropriate area of the approved Master Plan. Any deviation from the approved Master Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the approved Master Plan.

RESPONSE: This DDP application reflects what was approved for this site in the Master Plan.

4. Prior to any construction or grading on the site, the applicant shall submit 4 copies of the construction plans to the city staff to be reviewed and approved by the City Engineer. With the exception of the removal of the rock and reclamation in the area of the existing quarry, (ODOT Quarry and College site) the applicant shall submit a DDP

for review and approval of the Planning Commission prior to construction or grading for that phase of the construction.

RESPONSE: This Condition of Approval requiring construction plans submitted and approved by the City will be incorporated in the Final Order for the DDP.

5. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor, a telephone number and address where the contractor can be reached.

RESPONSE: This Condition of Approval requiring posting of a contractor information sign will be incorporated in the Final Order for the DDP

6. The applicant shall consult with all applicable state and federal agencies to develop measures to protect the existing wetlands and the associated western lily.

RESPONSE: The Applicant has provided the Engineer's storm drainage and erosion control report to the US Fish and Wildlife Service (USFW). A letter dated June 10, 2008 from USFW states there are no western lilies located on the proposed campus site and they have no objection to the project (**Attachment J**). The Applicant has also provided the Engineer's storm drainage and erosion control report and a wetland delineation to the Department of State Lands (DSL) and Army Corps of Engineers. With these materials the Applicant has also submitted an application to fill a portion of the wetland located at the southern entrance to the LRMP area. This was proposed in the LRMP. A Condition of Approval will be obtaining written concurrence from DSL and the Corp for the wetland delineation and requested fill permit. The Applicant has also submitted a letter dated June 9, 2008 from Oregon Department of Fish and Wildlife indicating the development meets or exceeds riparian vegetation setback requirements (**Attachment K**).

Conditions Prior To Development of Any College, Commercial or Residential Phase.

To ensure that all infrastructure facilities are in place to support the first phase of development, the following conditions shall be met prior to or simultaneously with the approval of the first phase of construction for either commercial, College or residential development on the site.

7. Prior to any construction within the project area, the applicant shall submit four (4) copies of street construction plans providing access into the site, for review and approval of the City Engineer and an application for a DDP for the street construction for review and approval by the Planning Commission.

RESPONSE: This Condition of Approval requiring submission and approval of street construction plans will be incorporated in the Final Order for the DDP

8. All streets shall be constructed in the manner and standards set forth in the approved Master Plan for that street segment. Any deviation from that of the approved Master

Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the Master Plan document.

RESPONSE: A Condition of Approval will require the street to be constructed as proposed in this application which is in compliance with the LRMP. The street will be platted to the northeast corner of the College parcel as shown on the plat. The Applicant has requested that the construction of the street end approximately 175 feet from the northeast corner to avoid impacting a wetland located in that area at this time. Staff supports this request with the inclusion of a Condition of Approval stating SWOCC will sign and record a Deferred Improvement Agreement agreeing to pay a proportionate amount of the cost for construction of the street and utilities to the northeast corner of the subject property at such time as the street needs to be extended for a future phase of the development.

- 9. Prior to any construction within the project area, the applicant shall submit four (4) copies of water system construction plans providing service to the construction site, for review and approval of the City Engineer and an application for a DDP for the water system construction for review and approval by the Planning Commission.**

RESPONSE: This Condition of Approval requiring submission and approval of water system construction plans will be incorporated in the Final Order for the DDP

- 10. All water lines shall be installed pursuant to the provisions set forth in the OAR Chapter 33, Sections 42-200 through 42-243, by the Oregon State Health Division and the City of Brookings Standard Specifications Document.**

RESPONSE: This will be a Condition of Approval incorporated in the Final Order for the DDP

- 11. Prior to any construction within the project area, the applicant shall submit four (4) copies of sanitary sewer construction plans providing service to the construction site, for review and approval of the City Engineer and an application for a DDP for the sanitary sewer system construction for review and approval by the Planning Commission.**

RESPONSE: This Condition of Approval requiring submission and approval of sanitary sewer system construction plans will be incorporated in the Final Order for the DDP

- 12. Sanitary sewer installation shall comply with the standards of the State of Oregon Department of Environmental Quality and the provisions of Brookings City Ordinance No. 430, and Standard Specifications Document, dated August 1988.**

RESPONSE: This will be a Condition of Approval incorporated in the Final Order for the DDP

- 13. All development shall comply with the state regulations regarding cultural resources, specifically, ORS 358.905 to 358.955, ORS 390.235 to 390.240 and ORS 97.740 to 97.760, to the extent applicable.**

RESPONSE: The Applicant has contacted Parks and Recreation Department, State Historic Preservation Office and submitted a letter from that Department dated June 12, 2008 which recommends sub-surface probes be conducted by an archaeological consultant in the project area slated for development (**Attachment L**) . This recommendation, as well as complying with the state regulations regarding cultural resources identified above, will be a Condition of Approval incorporated in the Final Order for the DDP.

14. All street, water, sewer storm drainage and other utility construction to be carried out simultaneously may be included in one DDP for review and approval by the City Engineer and Planning Commission.

RESPONSE: The Applicant has submitted preliminary plans for the above items in their DDP.

15. The project water system shall be developed to connect to the existing city system and allow reverse flows.

RESPONSE: The Applicant states in his findings that the water system will be designed to accommodate reverse flows.

16. The applicant shall be prepared to provide a geological report related to the installation and construction of streets and utilities if required by the City Engineer.

RESPONSE: The Applicant states in his findings that a geologic report will be provided if required by the City Engineer.

Conditions for the Development of Commercial, College or Residential Phases.

17. Prior to the construction of any phase or partial phase of the project the applicant shall submit a DDP pursuant to Section 70 of the Land Development Code, for review and approval by the Planning Commission.

RESPONSE: The Applicant has submitted this application to meet this Condition of Approval.

18. Each DDP shall be in significant conformance for that phase or partial phase of the area shown in the approved Master Plan. Any deviation beyond that allowed by Section 70 shall require an amendment to the Master Plan document.

RESPONSE: As stated previously, the proposed DDP does conform to the LRMP.

19. Each phase of development shall be complete within itself for access, water service, sewer service, storm drainage, and all utilities, and all streets, services and utilities shall be extended to the furthest limit of the phase to ensure connection to the next phase.

RESPONSE: The proposed development is complete in the areas of access and utilities. See response to Condition of Approval # 8 for the proposal concerning the street.

20. Each DDP containing slopes greater than 15% shall include a geological report pursuant to Section 100, Hazardous Building Site/Hillside Development Standards, of the Land Development Code.

RESPONSE: Chapter 17.100, Hazardous Building Site Protection, BMC has been addressed earlier in this report.

21. All appropriate federal and state permits related to the direct impact of development on the waters of the State or U.S. shall be obtained prior to development.

RESPONSE: This will be a Condition of Approval incorporated in the Final Order for the DDP

22. Prior to approval of the Detailed Development Plan (DDP), covenants, which are enforceable by the city, protecting Western Lilies shall be provided as part of each DDP, which includes known Western Lily habitat.

RESPONSE: A letter from the U.S. Department of the Interior dated June 10, 2008 (Attachment J) states there are no western lilies within the development area.

23. Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRSA) surface water supply system, the applicant shall demonstrate how the water and water supply system will not be negatively affected. Each DDP shall evaluate the impact of development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system.

RESPONSE: Stormwater Management Plan / Hydrology and Stormwater report discussed earlier has been submitted and peer reviewed by the City Engineer. As stated in the City Engineer's comments, utilizing the proposed engineered plans will protect the Rainbow Rock Service Association's water and water supply system from adverse affects (Attachment H).

24. All required improvements to Highway 101 at the Lone Ranch access as identified in the Lone Ranch Transportation Impact Study, dated April 19, 2004 shall be required as part of the ODOT access permit for that entrance. The specific configuration of the improvements to Highway 101 at the southern access will be negotiated between the applicant and ODOT.

RESPONSE: The entrance street serving the College site is proposed as a "Urban Residential Collector (curbed)" with two paved travel lanes and a 10 ft. multi-use path (Exhibit 5). At such time as another phase of development uses this southern entrance a third lane will be constructed at the entrance area. The Applicant submitted a Traffic Impact Study (TIS) (Attachment M) describing the limited number of vehicle trips generate by the College use and stated the improvements to Highway 101 are not needed until further development is proposed. The original April 19, 2004 TIS considered "Phase 1" to include 680 dwelling units, the neighborhood commercial uses, and the College, resulting in the immediate need for the Highway 101 improvements. Oregon Department of Transportation

(ODOT) agreed with the Applicant's TIS analysis that stated with only the College proceeding at this time the improvements are not warranted. ODOT is processing the access permit (Attachment N).

25. The applicant shall support any future effort to reestablish the ability for fish passage under Highway 101 for Lone Ranch Creek, Ram Creek and Taylor Creek. "Support" means that the applicant shall not oppose such efforts.

RESPONSE: The Applicant agrees to support and not oppose efforts to reestablish fish passage under Highway 101.

26. If any DDP will result in development that is projected to exceed the 1036 total master plan PM peak hour trips or the 839 net new PM peak hour trips as identified in the Lone Ranch Transportation Impact Study, taking into account traffic generated in previous phases, an additional transportation impact study will be required to be submitted with the DDP application and the DDP may be approved only if consistent with the Transportation System Plan.

RESPONSE: The proposed DDP will not result in greater trip generation than stated above. The Applicant, however, has provided and Transportation Impact Study (Attachment K).

27. To assure that the mobility standards are met at the intersection of Highway 101/Carpenterville Road, no DDP should be approved that would exceed the acceptable ODOT mobility standards for Highway 101/Carpenterville Road intersection until the City of Brookings TSP is amended to identify recommend improvements or a change to standards and the Lone Ranch development pays a proportionate share to these improvements. Analysis at Highway 101/Carpenterville Road should be conducted to determine the level of impact for each DDP until the City of Brookings TSP is amended to include the necessary improvements.

RESPONSE: The City has already amended the Transportation Impact Study (TIS) to include recommended improvements at the intersection of Carpenterville Rd. and Highway 101. The Applicant's TIS demonstrates that traffic generated from the College will not exceed the acceptable ODOT mobility standards for Highway 101/ Carpenterville Road intersection. ODOT has submitted written comments stating they "have no issues with the study that was submitted" (Attachment N).

28. A hydrologic study shall be provided with each DDP, and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. Each successive hydrologic study will cumulatively incorporate and consider the information provided in the previously prepared hydrologic studies. The City will review the agency comments regarding the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of wetlands and western lilies. At the time of DDP review, the City shall require changes to the DDP that it determines are needed to comply with applicable standards and to protect wetlands and western lilies.

RESPONSE: The Applicant has submitted the hydrologic study to the U.S. Department of the Interior, Department of State Lands, and U.S. Army Corp of Engineers. The U.S. Department of the Interior indicated they would have their comments to the Applicant by the date of the hearing.

29. The applicant shall establish Covenants, Conditions and Restrictions (CC&Rs) requiring the Homeowners' Association or Associations to maintain drainage swales located adjacent to streets that do not have curbs and gutters or other hard drainage systems. The CC&Rs shall provide that the city may enforce the maintenance of the swales, which includes the right to access all properties necessary to conduct the maintenance, either through legal action or by providing the maintenance and billing the Homeowners' Association or Associations. All such expenses, costs, and charges may be enforced by the city as liens against the real properties of individual members of the Homeowners' Association or Associations. The CC&Rs shall also contain a clause stating that any proposed change to this covenant must be approved by the city. The proposed CC&Rs as to the maintenance of the swales and the city's ability to enforce the CC&Rs, must be approved by the city prior to recordation.

RESPONSE: The Applicant has submitted a "Swale Maintenance Covenant" (Last page of Attachment H). As SWOCC will not have a Homeowners' Association the document states the property owner of the subject property is the responsible party. The City agrees this is appropriate. Additional language is needed to describe enforcement procedures and potential changes to the Covenant. This will be a Condition of Approval incorporated in the Final Order for the DDP.

30. The Master Plan document is hereby amended to include all changes made by the Errata Sheet dated June 4, 2004 and to indicate that the maximum building height for single family detached and single family attached homes is 30 feet and the maximum building height for multiple family and commercial buildings is 40 feet. The applicant shall provide the city with 4 copies of the amended Master Plan document.

RESPONSE: Borax has provided the City with copies of the amended Master Plan document.

FINDINGS:

The following are findings related to the above referenced criteria.

1. The Applicant is requesting approval of a DDP for Southwest Oregon Community College campus in the Lone Ranch Master Plan area.
2. All Conditions of Approval in the Final Order for LRMP must be complied with.
3. As shown in the above responses and the Applicants findings (Attachment I), and with the proposed Conditions of Approval for this DDP, the Applicant has met this criteria.

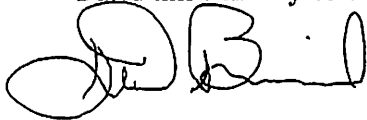
CONCLUSIONS: The materials and findings found in this staff report and submitted by the Applicant, together with the proposed conditions of approval, adequately meet each of the criteria necessary for the approval of this Detailed Development Plan.

CONDITIONS OF APPROVAL

The conditions of approval are attached to this document and are made a part thereof.

LET IT FURTHER BE OF RECORD that the Planning Commission approved the request for a Detailed Development Plan.


Dated this **9th** day of September, 2008.



~~Hedda Markham, Chairperson~~

Steve Bismarck, Vice chairperson

ATTEST:



Dianne Morris, Planning Director

CONDITIONS OF APPROVAL

Southwest Oregon Community College Detailed Development Plan DDP-1-08

As amended by the Planning Commission. Added language in Conditions of Approval # 24 and 33 is *italicized*.

General Conditions

1. The final plat shall be in substantial conformance with the submitted preliminary plat as amended herein and as approved by the Planning Commission. Substantial changes to the approved preliminary plat require re-approval by the Planning Commission.
2. Approval of this preliminary plat will expire two (2) years from approval unless the final plat is approved and recorded or unless an extension of time is requested and approved. The extension of time may be granted by the Planning Commission with good cause and will not exceed two (2) additional years. Should the applicant wish to proceed with the subdivision following expiration of the two (2) year extension, the preliminary plat process must be re-initiated and resubmitted to the Planning Commission for review and approval.
3. Approval of this Detailed Development Plan will expire three (3) years from the date of initial approval unless the final plat has been recorded in a timely manner and construction has begun. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed two additional years per extension.
3. The subject property shall conform to the provisions of the Master Plan Development/ Public/ Open Space Zones, and to all other applicable provisions of the Land Development Code.
4. Plans for utility improvements and/ or plans to meet Chap. 17.100, BMC, Hazardous Building Site Protection Hillside Development Standards shall not be commenced until the City Engineer has reviewed and approved construction plans for adequacy.
5. All costs of plans checks and inspections by the City Engineer shall be paid by the applicant to the city.
6. Information on the construction plans shall be pursuant to the Public Works document, "General Engineering and Standard Specifications and other requirements found elsewhere in these Conditions of Approval.
7. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor and a telephone number where the contractor can be reached.
8. The Applicant must follow the recommendations from the State of Oregon Parks and Recreation Department, State Historic Preservation Office, letter dated June 12, 2008 (*Attachment A*) and provide written documentation to the City that this Department's concerns have been satisfied prior to final plat approval and prior to any disturbance, construction, or grading on the subject property. All development shall comply with the State regulations regarding cultural resources, specifically, ORS 358.905 to 358.961, ORS 390.235 to 390.240, and ORS 97.740 to 97.760 to the extent possible.

9. The plat must clearly delineate the 4.97 acres of required open space located on the 10 acre parcel. A statement dedicating this open space must be shown on the plat.
10. The Applicant must provide a copy of the Oregon Department of Environmental Quality (DEQ) 1200C Erosion Control permit prior to any construction on the site.
11. A final landscape/ irrigation plan must be submitted and approved by the City's Site Plan Committee prior to issuing a building permit.
12. The Applicant shall provide, pay for and install, or cause to be installed all utilities and improvements approved in this Detailed Development Plan unless otherwise stated in this Final Order.

Street Conditions

13. The public street, Lone Ranch Parkway, shall be dedicated to the City of Brookings on the plat.
14. A copy of the Road Approach Permit issued by the Oregon Department of Transportation (ODOT) approving the access point for Lone Ranch Parkway at it's intersection with Highway 101 must be submitted to the City prior to final plat approval.
15. Lone Ranch Parkway shall be constructed as proposed with a 70 ft. right-of-way, 28 ft. 2 land paved road surface, curb and 10 ft. multi-path on the south side and bioswale on the north side.
16. Lone Ranch Parkway shall be plated to the furthest northeast corner of the subject property and constructed to within 175ft. of the northeast corner. A Deferred Improvement Agreement must be recorded stating the property owner will participate by paying a proportionate cost of the extension of the street to the northeast corner of the subject property at such time as additional development needs access from the street. Other future developments utilizing this street will pay the remaining costs to construct the 175 ft. portion to the northeast corner of the subject property.
17. Prior to any construction or grading for the street the Applicant shall submit four (4) copies of street construction plans for review and approval by the City Engineer. The Applicant shall provide a geologic report related to the construction of the street if required by the City Engineer.
18. A "STOP" sign shall be placed on Lone Ranch Parkway at the intersection with Highway 101. The siting of the sign shall be in compliance with ODOT requirements.
19. Street lights shall be placed at the intersection of the driveway to the College and at the intersection of Lone Ranch Parkway and Highway 101 as shown on the preliminary plat map, and pursuant to the provisions of the Pubic Works document, "General Engineering Requirements and Standard Specifications" and ODOT requirements.
20. A street name sign shall be placed at the intersection of Lone Ranch Parkway and Highway 101. The siting of the sign shall be in compliance with ODOT requirements.
21. A Deferred Improvement Agreement (DIA) for the 10 ft. multi-use path shown on the plat adjacent to the western boundary of the subject property must be recorded. The DIA will stipulate that the path must be constructed when the connecting, adjacent path is approved and constructed. Statements dedicating the future path to the public and specifying that the college will accept maintenance responsibilities, once the path is constructed, must be shown on the plat.

Sanitary Sewer

22. The Applicant shall obtain and submit a copy of the Oregon Department of Environmental Quality (DEQ) permit to construct an on-site sewage disposal system prior to the issuance of a building permit. Once installed written documentation of the approval shall be provided. The Applicant shall record a Deferred Improvement Agreement (DIA) agreeing to connect to City sewer when mains become available.

Storm Drain Conditions

23. Prior to construction of the proposed storm drainage system, the Applicant shall submit four (4) copies of construction plans for review and approval by the City engineer. Plans considering all drainage from the subject property, including roof drains, shall be prepared by an engineer, licensed in the State of Oregon, to address on-site and off-site impacts in a manner that protects down stream properties from water flow greater than currently exists as shown in the Applicant's preliminary plans.
24. The Applicant must follow the recommendations as stated in the U.S. Fish and Wildlife letter dated July 30, 2008 (Attachment B), *if the Applicant decides to pursue introduction of the Western Lily on the subject property.*
25. All storm drains shall be installed pursuant to the provisions of the Pubic Works document, "General Engineering Requirements and Standard Specifications."
26. Additional geologic reports may be needed for final detention pond design, if required by the City Engineer.
27. The plat must state the on-site storm drainage facilities will be owned and maintained by the property owner.
28. Bio-swales adjacent to the subject property must also be maintained by the College. The proposed "Swale Maintenance Covenant" must be amended to include all required language as found in Condition of Approval # 29 of the Lone Ranch Master Plan Final Order. This Covenant must then be recorded and a copy provided to the City prior to final approval of the plat.
29. The Applicant must submit documentation from the Department of State Lands (DSL) and the US Army Corps of Engineers approving the filling of the wetland adjacent to the entrance street prior to any construction in that area.
30. The City Engineer has reviewed the preliminary drainage plan and stated, in writing, that the plan will protect the Rainbow Rock Service Association's surface water system and water supply system from adverse impacts. The Applicant must construct and maintain the storm drainage facilities to continuously provide this protection.

Water System Conditions

31. The subject property shall be served by the City domestic water supply system.
32. The Applicant shall extend water mains into the public street. The Applicant shall also extend service laterals

to the College site.

33. All water lines, booster pumps, and reservoirs shall be installed pursuant to the provisions set forth in the OAR Chapter 33, Sections 42-200 through 42-243, by the Oregon State Health Division and the Public Works document, "General Engineering Requirements and Standard Specifications." *The Applicant must get approval from the City Public Works Department concerning the allowable time to flush and test new water lines.*
34. Prior to construction of the proposed water system, the Applicant shall submit four (4) copies of construction plans for review and approval by the City Engineer. The Applicant shall provide a geologic report related to the construction of the water system if required by the City Engineer
35. A fire hydrant shall be located in the parking lot, as shown on the plat, and one at the entrance to the college site.
36. The college building must be constructed with a fire suppression sprinkler system.
37. Fire equipment must have access to within 150 ft. of the back of the building.
38. A ladder must be permanently attached to the outside of the building. The Applicant must confer with the City Fire Chief regarding the specifications for this ladder.

Utilities

39. All utility lines, including but not limited to, electric, communication, street lighting, and cable television shall be placed underground in the street and college site.
40. All utility easements shall be clearly defined as to their scope, purpose and term and clearly shown in dashed lines on the plat including the size and locations as required by the affected utilities, public agencies and service companies.
41. A continuous five (5) foot Public Utility Easement "PUE" adjacent to the right-of-way on Lone Ranch Parkway shall be shown on the plat and provided to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).
42. The applicant shall be responsible to coordinate final acceptance of all proposed "PUE's" with the affected utilities, public agencies and service companies prior to final plat approval.
43. The applicant shall coordinate the placement of mailboxes with the U. S. Postal Service (USPS). Mailboxes shall be placed in a manner that leaves at least 48" of unobstructed sidewalk area. A completed and signed copy of the USPS "Mode of Delivery Agreement" form must be provided prior to receiving final plat approval.

Restrictive Covenants

44. In order for retaining walls, fences, etc, to be constructed within the remaining public right-of-way in back of and abutting the sidewalks the applicant shall incorporate in the covenants a "hold harmless" clause absolving the city and/or utilities of any liability or responsibility for the replacement of such appurtenances within the right-of-way should it be necessary to remove same to make repairs to existing facilities or install new facilities therein.

Bond and Agreement

45. If the Applicant requests final plat approval or issuance of a building permit prior to completion of all required utilities and improvements, an improvement agreement and security as described in 80.080, Land Development Code (in effect on October 25, 2004) will be required. When all utilities and improvements have been installed and approved the Applicant must provide a warranty for materials and workmanship as described in 172.180 and 80.080(B), Land Development Code (in effect on October 25, 2004).



Oregon

Theodore K.ulongoski, Governor

Parks and Recreation Department
 State Historic Preservation Office
 725 Summer St. NE, Suite 100
 Salem, OR 97301
 (503) 986-1111
 FAX (503) 986-1112
 www.hcd.state.or.us



June 12, 2008

Ms. Robin Richards
 Crow/Clay & Associates
 125 W Central St 400
 Coos Bay, OR 97420

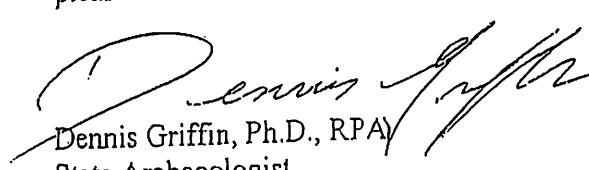
RE: SHPO Case No. 08-1211
 Curry Campus of Lone Ranch Comm College
 Campus construction
 Crow/Clay & Assocs./Lone Ranch Comm College
 40S 14W 26, Brookings, Curry County

Dear Ms. Richards:

Our office recently received a request to conduct a cultural resource review for the area of the project referenced above. In checking our statewide cultural resource database, I find that there has been a previous cultural survey of the lands surrounding and encompassing the proposed project and archaeological sites were identified. One of these sites (35CS225) lies within the larger area demarcated within the proposed SOCC campus but not within the area currently planned to be developed. Given that surface visibility in the area of the larger Borax property project was nonexistent and archaeological sites were found in those few areas where the ground surface was visible, and that subsurface visibility in the area of the proposed campus development was also zero, our office recommends that subsurface probes be conducted within the proposed project area (in area to be disturbed). The proposed campus structures are located on a landform generally perceived to have a high probability for possessing archaeological sites and buried human remains.

A list of possible archaeological consultants can be found on our web site (www.oregonheritage.org) by clicking on Archaeological Services web page and highlighting the section marked Archaeological Permits. State statutes (ORS 358.905 and ORS 97.740) provide protection for archaeological sites, objects, and human remains on both state public and private lands in Oregon. I hope that by providing the above-suggested archaeological survey, damage to any archaeological sites in the area of your proposed project can be avoided.

If you have any questions about the above comments or would like additional information, please feel to contact me at your convenience. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.


 Dennis Griffin, Ph.D., RPA
 State Archaeologist
 (503) 986-0674
 dennis.griffin@state.or.us



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Roseburg Field Office
2900 NW Stewart Parkway
Roseburg, OR 97470

Phone: (541) 957-3474 FAX: (541) 957-3475

Reply To: 8330.TA0080(08)
File Name: SWOCC_Storm_Letter.doc
TS Number: 08-1716
TAILS: 13420-2008-TA-0080
Doc Type: Final

RECEIVED

JUL 31 2008

July 30, 2008

Mike Crow
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420

CITY OF BROOKINGS

Subject: Review of the proposed Southwestern Oregon Community College (SOCC) campus Stormwater Management Plan and hydrology study at the U.S. Borax Property north of Brookings.

Dear ^{Mike} Mr. Crow,

We received the Stormwater Management Plan from Crow/Clay & Associates Inc. on July 16, 2008 requesting review of the SOCC campus hydrology study (study). You requested our comments of the study by August 5, 2008.

The study includes a description of the stormwater filtration and containment system that will be used to contain runoff from construction disturbance and impervious surfaces. The system will utilize vegetated filter strips, vegetated swales, and a detention pond to intercept surface water runoff before it enters down-gradient wetlands. The study also describes how the drainage patterns of the surface flow from the project area to the down-gradient wetlands and beyond to the culvert under Highway 101.

Our latest survey information, from July 2005, indicates that currently, western lily does not occur within the location of the proposed project footprint or in down-gradient wetlands. Our analysis of the water flow patterns at the project area is consistent with the hydrology study. We anticipate that the stormwater plan, if built as described, will adequately protect wetland resources down-gradient from the proposed SOCC construction activities. We anticipate that the stormwater system will significantly reduce contaminants, excess sediment, and excess water from entering into the down-gradient wetlands if the stormwater management system is maintained as described in the study.

We are also aware that the college desires to introduce western lily to down-gradient wetlands as part of a potential classroom research project. In order to enhance the protection and maintain

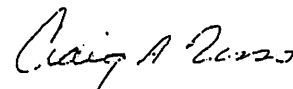
the integrity of the down-gradient wetlands and improve conditions for western lily introduction we further recommend:

- 1) Vegetated filtration strips, vegetated swales, and the detention pond water barriers are inspected at least on a quarterly basis by the college in order to catch early indication of possible problems with the filtration systems.
- 2) Filtration strips, vegetated swales, and the detention pond water barriers are inspected after each heavy storm event (at least 5 inches of rain within a 24 hour period).
- 3) Soil moisture and water levels in down-gradient wetlands are monitored quarterly using a soil moisture sensor and a peizometer to ensure that conditions are stable for the potential introduction of western lily. Information from the soil moisture data can help determine if the hydrology is consistent with western lily suitable habitat and if the location is adequate to introduce western lily.

These recommendations should enable the college to better preserve and protect the underlying habitat conditions that support the western lily and further increase the likelihood western lily introduction will be successful.

Thank you for the opportunity to provide assistance with the proposed project. If you have further questions or require additional assistance please contact Dave Imper at 707-825-5112, Sam Friedman at 541-957-3478, or me at 541-957-3470.

Sincerely,



Craig A. Tuss
Field Supervisor

cc: Diane Morris, City of Brookings, Brookings, OR (e)
Dave Imper, USFWS, Arcata, CA (e)
Laura Todd, USFWS, Newport, OR (e)
Office Files, FWS-OFWO, Portland, OR (e)

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EXHIBIT I

Materials submitted by Appellant and Applicant for
SWOCC Detailed Plan and Appeal:
APP-2-08/DDP-1-8

EXHIBIT I	DATE:	FROM:	NUMBER OF PAGES:	DOCUMENTS:
I-1	9-23-08	Courtney Johnson, CRAG, 917 SW Oak Street Ste. 416 Portland, OR 97205 legal representative for Catherine Wiley 96370 Duley Creek Road Brookings, OR and Oregon Shores	1	1-page Statement
I-2	10-7-08	Mike Crow, agent for SWOCC Crow/Clay & Associates Inc. 125 W. Central Ave. Ste. 400 Coos Bay, OR 97420	2	2 pages

EXHIBIT I-1
RECEIVED
SEP 22 2008 2:50 PM
CITY OF BROOKINGS

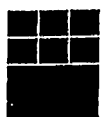
AMENDED APPEAL STATEMENT

Oregon Shores Conservation Coalition and Catherine Wiley appeal the Planning Commission's Decision approving the Detailed Development Plan for Southwestern Oregon Community College in the Lone Ranch Master Plan area on the following bases:

1. The DDP's proposed use of a holding tank does not satisfy the requirements of the Master Plan of Development, Title 13 of the Brookings Municipal Code, Brookings Comprehensive Plan Goal 14, Joint Management Agreement, Master Plan of Development Conditions of Approval, or the Subdivisions Requirements of Brookings Municipal Code 17.172.070(B).
2. The applicant has not complied with the Master Plan of Development conditions of approval for protection of the existing wetlands and the associated western lily.
3. The DDP fails to adequately ensure no adverse impacts to Rainbow Rock Condominium Community's drinking water, as required by the MPoD.
4. The DDP fails to adequately ensure protection of cultural resources on the proposed site as required by the MPoD.
5. The DDP must comply with setback requirements in the MPoD and those for MPD zoning. The final order fails to evaluate the DDP for compliance with MPoD setbacks and building height requirements.
6. The Final Order does not contain conditions of approval.
7. The DDP contains other deficiencies that may be identified.

Appellants are parties of record having provided testimony, orally and/or in writing, during the Planning Commission hearing process.

Catherine Wiley 9/21/2008



CROW/CLAY & ASSOCIATES INC.
ARCHITECTURE AND PLANNING
LAND USE AND INTERIORS

October 7, 2008

RECEIVED
OCT 7 2008
CITY OF BROOKINGS

Brookings City Council
898 Elk Drive
Brookings, Oregon 97415

RE: **Southwestern Oregon Community College
Detailed Development Plan - Additional Information
City File DDP-1-08**

Dear Council Members:

The record as it currently exists satisfies the criteria for approval of the DDP with the exception of the subdivision standards listed below. The standards listed below reflect the subdivision ordinance in place at the time of the Masterplan approval.

**Required Findings of Fact for Land Divisions
for Southwestern Oregon Community College
Section 176.060(C) Subdivisions**

1. **Conformance with the Comprehensive Plan, and applicable development standards of this code, and state and federal laws.**

The proposed subdivision meets the comprehensive plan requirements and will be constructed in compliance with required development standards and State and Federal laws. The subdivision is also in conformance with the approved Lone Ranch Master Plan for this area.

2. **Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.**

With the approval of the Detailed Development Plan U.S. Borax will deed to the College the property proposed for subdivision. The College does not own any other property in the area. Future development of the college property, if any, would be in compliance with applicable ordinances and codes.

3. **Adjoining property under separate ownership can either be developed or be provided access (connectivity) that will allow its development in accordance with this code.**

The proposed plat dedicates a road which extends to the end of the subdivision to provide future connectivity and access to adjacent property. The proposed plan is in conformance with the approved Lone Ranch Master Plan.

4. **Conditions necessary to satisfy the intent of the Land Development Code and Comprehensive Plan can be satisfied prior to final approval.**

Approval of the DDT as presented will allow the intent of the Land Development Code and Comprehensive Plan be met prior to final approval of the tentative plat.

5. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.

The proposed street, Lone Ranch Parkway, offers direct efficient access to the site and surrounding properties. The proposed street generally lines up with an existing road therefore minimizing impact to the surrounding environment.

6. The proposed name of the subdivision shall be approved by the Commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town", "city", "place", "court", "addition", or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.

The proposed subdivision name was reviewed by the County surveyor and does not use a word which is the same as, similar or pronounced the same as the name of another subdivision in Curry County

7. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to, or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.

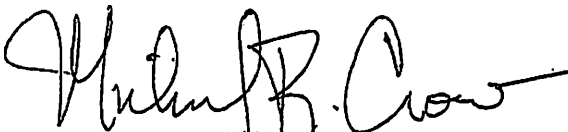
The proposed street name was reviewed by the Fire Chief and does not use a word which is the same as, similar or pronounced the same as the name of another street in Curry County.

8. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.

The proposed street will be a public road dedicated to the City. See "Attachment O".

Sincerely,

CROW/CLAY & ASSOCIATES INC.



Michael R. Crow, A. I. A.
Principal

MRC/07346-Revised Finding of Facts.wpd

EXHIBIT J

**THIS EXHIBIT, THE COUNCIL AGENDA REPORT AND
REVISED STAFF REPORT FOR THE APPEAL, IS
LOCATED AT THE FRONT OF THE PACKET
BEGINNING ON PAGE 1.**

CITY OF BROOKINGS



EXHIBIT K

MEMO

TO: Mayor and City Council

FROM: Dianne Morris, Planning Director

DATE: October 6, 2008

SUBJECT: Staff Responses to appeal issues.
File # APP-2-08/ DDP-1-08 Appeal of SWOCC Detailed Development Plan
Hearing Date October 20, 2008

As you read through the revised original Staff Report found in Exhibit J at the beginning of this packet, you'll find the applicable criteria and responses by Staff that conclude the Applicant has met the burden of proof required for approval. Exhibits B through F contain the written comments received and the Applicant's responses to those. Exhibit G is Staff's responses to the written comments, again concluding the Applicant has met the burden of proof for approval of the DDP. The items listed by the Appellant in Exhibit I, page 241-244, are the issues they feel have not been adequately addressed in this DDP. Following are each item and Staff response:

1. This concerns use of a holding tank and states it doesn't meet various requirements.

RESPONSE: The proposed Conditions of Approval, Exhibit L, # 22, page 251, require the Applicant to use an on-site septic system approved by the Department of Environmental Quality (DEQ). That may or may not be a holding tank type system. DEQ has the authority to determine the appropriate type of septic system. The use of an on-site septic system is authorized in Title 13 of the Brookings Municipal Code when the City's sewer system is not available. The use of an on-site septic system is in compliance with the Master Plan of Development, the Lone Ranch Master Plan Conditions of Approval, Comprehensive Plan Goal 14, and Subdivision requirements, Section 176.060, Brookings Land Development Code. The Urban Growth Area Joint Management Agreement (JMA) is not applicable to the subject property as it is inside City limits. The JMA is applicable to the area beyond City limits but within the Urban Growth Boundary.

2. This concerns whether the DDP adequately protects the existing wetlands and western lily.

RESPONSE: This is dealt with in the revised Staff Report, Exhibit J, Page 11, # 6 and #28, page 13. The appropriate State agencies have responded in Exhibit A, Attachment J, Page 82, Exhibit B-7, Page 123, stating adequate protection will be

provided. The Applicant addressed this in Exhibit A, Attachment I, page 77. This is also addressed Exhibit H, Pages 220-221. Condition of Approval # 24, Exhibit L, page 251, requires the Applicant to follow the recommendations of the State agency concerning the lilies and condition of approval # 29 requires the Applicant to get approval of the Dept. of State Lands concerning the filling of the one wetland affected by the DDP.

3. This concerns possible adverse impacts to Rainbow Rock Condominium's drinking water.

RESPONSE: The Applicant submitted engineered plans to demonstrate how stormwater, erosion control, etc. would be dealt with in Exhibit A, Attachment C, pages 35-64. This was peer reviewed by the City's Engineer in Exhibit A, Attachment H, page 76, and in Exhibit B-15, page 164 and found to adequately protect the water source. The Applicant's Engineer addressed this in Exhibit D-3, Pages 176-194. Condition of Approval # 30, page 251, requires the Applicant to construct and maintain the storm drainage facilities as proposed to provide continuous protection.

4. This concerns adequate protection of cultural resources.

RESPONSE: This is dealt with in the revised Staff Report, Exhibit J, page 12, # 13. The responsible State agency responded in Exhibit A, Attachment L, page 84, Exhibit B-6, page 121. Condition of Approval # 8, Exhibit L, page 249, requires the Applicant to comply with the recommendations of the State agency.

5. This asserts Staff did not address setback and height standards in the Final Order for the DDP.

RESPONSE: Height and setback standards are addressed in the Applicant's findings, the Staff Report, and the Final Order for the DDP, Exhibit H, page 227, #5. In the approved Lone Ranch Master Plan Final Order it states standards will be used that are found in other zones in the City for similar-type developments. The City's existing Public Open Space (P/OS) zone allows public schools, government structures, etc. and has the appropriate standards to use when considering height and setback requirements. The Applicant states the structure will be 40 feet in height or less. The maximum height allowed in the P/OS zone is 40 feet. The Applicant state the structure is in excess of 90 feet from all property lines except the west line, which is a side property line, and the structure is proposed to be 15 feet from that line. The minimum setback from a side property line in the P/OS zone is 10 feet.

6. This states the conditions of approval were not attached to the Final Order.

RESPONSE: The Conditions of Approval were referenced in the Final Order and sent out with it. Of the many copies that were distributed the City received no other complaints that the Conditions of Approval were missing.

7. This states there may be additional deficiencies.

RESPONSE: Staff requested the Appellants provide any additional concerns to allow them to be included in this packet for Council's consideration. To date no more correspondence from the Appellants has been received. If any does arrive prior to the hearing, Staff will get it to the Council as soon as possible.

Additional responses to the issues the Appellants have raised in Exhibit I, Page 242, and others raised in the Planning Commission hearing, are found in Exhibit H, Final Order, Findings and Conclusions, pages 212-240.

Considering all the materials found in this packet, Staff finds these issues have been adequately addressed. Staff again recommends upholding the Planning Commission approval of File # DDP-1-08, and denial of this appeal, File # APP-2-08.

CONDITIONS OF APPROVAL**Southwest Oregon Community College
Detailed Development Plan
DDP-1-08**

As amended by the Planning Commission. Added language in Conditions of Approval # 24 and 33 is *italicized*.

General Conditions

1. The final plat shall be in substantial conformance with the submitted preliminary plat as amended herein and as approved by the Planning Commission. Substantial changes to the approved preliminary plat require re-approval by the Planning Commission.
2. Approval of this preliminary plat will expire two (2) years from approval unless the final plat is approved and recorded or unless an extension of time is requested and approved. The extension of time may be granted by the Planning Commission with good cause and will not exceed two (2) additional years. Should the applicant wish to proceed with the subdivision following expiration of the two (2) year extension, the preliminary plat process must be re-initiated and resubmitted to the Planning Commission for review and approval.
3. Approval of this Detailed Development Plan will expire three (3) years from the date of initial approval unless the final plat has been recorded in a timely manner and construction has begun. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed two additional years per extension.
3. The subject property shall conform to the provisions of the Master Plan Development/ Public/ Open Space Zones, and to all other applicable provisions of the Land Development Code.
4. Plans for utility improvements and/ or plans to meet Section 100, LDC, Hazardous Building Site Protection Hillside Development Standards shall not be commenced until the City Engineer has reviewed and approved construction plans for adequacy.
5. All costs of plans checks and inspections by the City Engineer shall be paid by the applicant to the city.
6. Information on the construction plans shall be pursuant to the Public Works document, "General Engineering and Standard Specifications and other requirements found elsewhere in these Conditions of Approval.
7. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor and a telephone number where the contractor can be reached.
8. The Applicant must follow the recommendations from the State of Oregon Parks and Recreation Department, State Historic Preservation Office, letter dated June 12, 2008 (**Attachment A**) and provide written documentation to the City that this Department's concerns have been satisfied prior to final plat approval and prior to any disturbance, construction, or grading on the subject property. All development shall comply with the State regulations regarding cultural resources, specifically, ORS 358.905 to 358.961, ORS 390.235 to 390.240, and ORS 97.740 to 97.760 to the extent possible.

9. The plat must clearly delineate the 4.97 acres of required open space located on the 10 acre parcel. A statement dedicating this open space must be shown on the plat.
10. The Applicant must provide a copy of the Oregon Department of Environmental Quality (DEQ) 1200C Erosion Control permit prior to any construction on the site.
11. A final landscape/ irrigation plan must be submitted and approved by the City's Site Plan Committee prior to issuing a building permit.
12. The Applicant shall provide, pay for and install, or cause to be installed all utilities and improvements approved in this Detailed Development Plan unless otherwise stated in this Final Order.

Street Conditions

13. The public street, Lone Ranch Parkway, shall be dedicated to the City of Brookings on the plat.
14. A copy of the Road Approach Permit issued by the Oregon Department of Transportation (ODOT) approving the access point for Lone Ranch Parkway at it's intersection with Highway 101 must be submitted to the City prior to beginning construction on the street.
15. Lone Ranch Parkway shall be constructed as proposed with a 70 ft. right-of-way, 28 ft. 2 land paved road surface, curb and 10 ft. multi-path on the south side and bioswale on the north side.
16. Lone Ranch Parkway shall be plated to the furthest northeast corner of the subject property and constructed to within 175ft. of the northeast corner. A Deferred Improvement Agreement must be recorded stating the property owner will participate by paying a proportionate cost of the extension of the street to the northeast corner of the subject property at such time as additional development needs access from the street. Other future developments utilizing this street will pay the remaining costs to construct the 175 ft. portion to the northeast corner of the subject property.
17. Prior to any construction or grading for the street the Applicant shall submit four (4) copies of street construction plans for review and approval by the City Engineer. The Applicant shall provide a geologic report related to the construction of the street if required by the City Engineer.
18. A "STOP" sign shall be placed on Lone Ranch Parkway at the intersection with Highway 101. The siting of the sign shall be in compliance with ODOT requirements.
19. Street lights shall be placed at the intersection of the driveway to the College and at the intersection of Lone Ranch Parkway and Highway 101 as shown on the preliminary plat map, and pursuant to the provisions of the Pubic Works document, "General Engineering Requirements and Standard Specifications" and ODOT requirements.
20. A street name sign shall be placed at the intersection of Lone Ranch Parkway and Highway 101. The siting of the sign shall be in compliance with ODOT requirements.
21. A Deferred Improvement Agreement (DIA) for the 10 ft. multi-use path shown on the plat adjacent to the western boundary of the subject property must be recorded. The DIA will stipulate that the path must be constructed when the connecting, adjacent path is approved and constructed. Statements dedicating the future path to the public and specifying that the college will accept maintenance responsibilities, once the path is constructed, must be shown on the plat.

Sanitary Sewer

22. The Applicant shall obtain and submit a copy of the Oregon Department of Environmental Quality (DEQ) permit to construct an on-site sewage disposal system prior to the issuance of a building permit. Once installed written documentation of the approval shall be provided. The Applicant shall record a Deferred Improvement Agreement (DIA) agreeing to connect to City sewer when mains become available.

Storm Drain Conditions

23. Prior to construction of the proposed storm drainage system, the Applicant shall submit four (4) copies of construction plans for review and approval by the City engineer. Plans considering all drainage from the subject property, including roof drains, shall be prepared by an engineer, licensed in the State of Oregon, to address on-site and off-site impacts in a manner that protects down stream properties from water flow greater than currently exists as shown in the Applicant's preliminary plans.
24. The Applicant must follow the recommendations as stated in the U.S. Fish and Wildlife letter dated July 30, 2008 (Attachment B), *if the Applicant decides to pursue introduction of the Western Lily on the subject property.*
25. All storm drains shall be installed pursuant to the provisions of the Pubic Works document, "General Engineering Requirements and Standard Specifications" and the Applicant's approved engineered plans.
26. Additional geologic reports may be needed for final detention pond design, if required by the City Engineer.
27. The plat must state the on-site storm drainage facilities will be owned and maintained by the property owner.
28. Bio-swales adjacent to the subject property must also be maintained by the College. The proposed "Swale Maintenance Covenant" must be amended to include all required language as found in Condition of Approval # 29 of the Lone Ranch Master Plan Final Order. This Covenant must then be recorded and a copy provided to the City prior to final approval of the plat.
29. The Applicant must submit documentation from the Department of State Lands (DSL) and the US Army Corps of Engineers approving the filling of the wetland adjacent to the entrance street prior to any construction in that area.
30. The City Engineer has reviewed the preliminary drainage plan and stated, in writing, that the plan will protect the Rainbow Rock Service Association's surface water system and water supply system from adverse impacts. The Applicant must construct and maintain the storm drainage facilities to continuously provide this protection.

Water System Conditions

31. The subject property shall be served by the City domestic water supply system.
32. The Applicant shall extend water mains into the public street. The Applicant shall also extend service laterals

to the College site.

33. All water lines, booster pumps, and reservoirs shall be installed pursuant to the provisions set forth in the OAR Chapter 33, Sections 42-200 through 42-243, by the Oregon State Health Division and the Public Works document, "General Engineering Requirements and Standard Specifications." *The Applicant must get approval from the City Public Works Department concerning the allowable time to flush and test new water lines.*
34. Prior to construction of the proposed water system, the Applicant shall submit four (4) copies of engineered construction plans for review and approval by the City Engineer. The Applicant shall provide a geologic report related to the construction of the water system if required by the City Engineer
35. A fire hydrant shall be located in the parking lot, as shown on the plat, and one at the entrance to the college site.
36. The college building must be constructed with a fire suppression sprinkler system.
37. Fire equipment must have access to within 150 ft. of the back of the building.
38. A ladder must be permanently attached to the outside of the building. The Applicant must confer with the City Fire Chief regarding the specifications for this ladder.

Utilities

39. All utility lines, including but not limited to, electric, communication, street lighting, and cable television shall be placed underground in the street and college site.
40. All utility easements shall be clearly defined as to their scope, purpose and term and clearly shown in dashed lines on the plat including the size and locations as required by the affected utilities, public agencies and service companies.
41. A continuous five (5) foot Public Utility Easement "PUE" adjacent to the right-of-way on Lone Ranch Parkway shall be shown on the plat and provided to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).
42. The applicant shall be responsible to coordinate final acceptance of all proposed "PUE's" with the affected utilities, public agencies and service companies prior to final plat approval.
43. The applicant shall coordinate the placement of mailboxes with the U. S. Postal Service (USPS). Mailboxes shall be placed in a manner that leaves at least 48" of unobstructed sidewalk area. A completed and signed copy of the USPS "Mode of Delivery Agreement" form must be provided prior to receiving final plat approval.

Restrictive Covenants

44. In order for retaining walls, fences, etc, to be constructed within the remaining public right-of-way in back of and abutting the sidewalks the applicant shall incorporate in the covenants a "hold harmless" clause absolving the city and/or utilities of any liability or responsibility for the replacement of such appurtenances within the right-of-way should it be necessary to remove same to make repairs to existing facilities or install new facilities therein.

Bond and Agreement

45. If the Applicant requests final plat approval or issuance of a building permit prior to completion of all required utilities and improvements, an improvement agreement and security as described in 80.080, Land Development Code (in effect on October 25, 2004) will be required. When all utilities and improvements have been installed and approved the Applicant must provide a warranty for materials and workmanship as described in 172.180 and 80.080(B), Land Development Code (in effect on October 25, 2004).



Oregon

Theodore R. Kulonkoski, Governor

Parks and Recreation Department
 State Historic Preservation
 725 Summer St. NE, S
 Salem, OR 97301
 (503) 986-4444
 FAX (503) 986-4444
 www.hcd.state.or.us



June 12, 2008

Ms. Robin Richards
 Crow/Clay & Associates
 125 W Central Ste 400
 Coos Bay, OR 97420

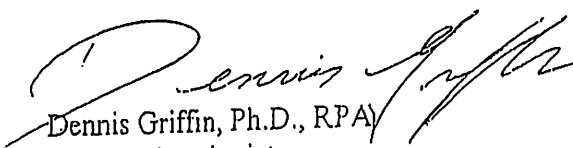
RE: SHPO Case No. 08-1211
 Curry Campus of Lone Ranch Comm College
 Campus construction
 Crow/Clay & Assocs./Lone Ranch Comm College
 40S 14W 26, Brookings, Curry County

Dear Ms. Richards:

Our office recently received a request to conduct a cultural resource review for the area of the project referenced above. In checking our statewide cultural resource database, I find that there has been a previous cultural survey of the lands surrounding and encompassing the proposed project and archaeological sites were identified. One of these sites (35CS225) lies within the larger area demarcated within the proposed SOCC campus but not within the area currently planned to be developed. Given that surface visibility in the area of the larger Borax property project was nonexistent and archaeological sites were found in those few areas where the ground surface was visible, and that subsurface visibility in the area of the proposed campus development was also zero, our office recommends that subsurface probes be conducted within the proposed project area (in area to be disturbed). The proposed campus structures are located on a landform generally perceived to have a high probability for possessing archaeological sites and buried human remains.

A list of possible archaeological consultants can be found on our web site (www.oregonheritage.org) by clicking on Archaeological Services web page and highlighting the section marked Archaeological Permits. State statutes (ORS 358.905 and ORS 97.740) provide protection for archaeological sites, objects, and human remains on both state public and private lands in Oregon. I hope that by providing the above-suggested archaeological survey, damage to any archaeological sites in the area of your proposed project can be avoided.

If you have any questions about the above comments or would like additional information, please feel to contact me at your convenience. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.


 Dennis Griffin, Ph.D., RPA
 State Archaeologist
 (503) 986-0674
 dennis.griffin@state.or.us



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Roseburg Field Office

2900 NW Stewart Parkway

Roseburg, OR 97470

Phone: (541) 957-3474 FAX: (541) 957-3475



Reply To: 8330.TA0080(08)
File Name: SWOCC_Storm_Letter.doc
TS Number: 08-1716
TAILS: 13420-2008-TA-0080
Doc Type: Final

RECEIVED

JUL 31 2008

July 30, 2008

Mike Crow
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420

CITY OF BROOKINGS

Subject: Review of the proposed Southwestern Oregon Community College (SOCC) campus Stormwater Management Plan and hydrology study at the U.S. Borax Property north of Brookings.

Mike
Dear ~~Mr. Crow~~,

We received the Stormwater Management Plan from Crow/Clay & Associates Inc. on July 16, 2008 requesting review of the SOCC campus hydrology study (study). You requested our comments of the study by August 5, 2008.

The study includes a description of the stormwater filtration and containment system that will be used to contain runoff from construction disturbance and impervious surfaces. The system will utilize vegetated filter strips, vegetated swales, and a detention pond to intercept surface water runoff before it enters down-gradient wetlands. The study also describes how the drainage patterns of the surface flow from the project area to the down-gradient wetlands and beyond to the culvert under Highway 101.

Our latest survey information, from July 2005, indicates that currently, western lily does not occur within the location of the proposed project footprint or in down-gradient wetlands. Our analysis of the water flow patterns at the project area is consistent with the hydrology study. We anticipate that the stormwater plan, if built as described, will adequately protect wetland resources down-gradient from the proposed SOCC construction activities. We anticipate that the stormwater system will significantly reduce contaminants, excess sediment, and excess water from entering into the down-gradient wetlands if the stormwater management system is maintained as described in the study.

We are also aware that the college desires to introduce western lily to down-gradient wetlands as part of a potential classroom research project. In order to enhance the protection and maintain

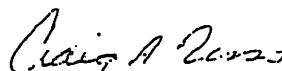
the integrity of the down-gradient wetlands and improve conditions for western lily introduction we further recommend:

- 1) Vegetated filtration strips, vegetated swales, and the detention pond water barriers are inspected at least on a quarterly basis by the college in order to catch early indication of possible problems with the filtration systems.
- 2) Filtration strips, vegetated swales, and the detention pond water barriers are inspected after each heavy storm event (at least 5 inches of rain within a 24 hour period).
- 3) Soil moisture and water levels in down-gradient wetlands are monitored quarterly using a soil moisture sensor and a peizometer to ensure that conditions are stable for the potential introduction of western lily. Information from the soil moisture data can help determine if the hydrology is consistent with western lily suitable habitat and if the location is adequate to introduce western lily.

These recommendations should enable the college to better preserve and protect the underlying habitat conditions that support the western lily and further increase the likelihood western lily introduction will be successful.

Thank you for the opportunity to provide assistance with the proposed project. If you have further questions or require additional assistance please contact Dave Imper at 707-825-5112, Sam Friedman at 541-957-3478, or me at 541-957-3470.

Sincerely,



Craig A. Tuss
Field Supervisor

cc: Diane Morris, City of Brookings, Brookings, OR (e)
Dave Imper, USFWS, Arcata, CA (e)
Laura Todd, USFWS, Newport, OR (e)
Office Files, FWS-OFWO, Portland, OR (e)

EXHIBIT M

Materials submitted before Public Hearing on
October 20, 2008
APP-2-08/DDP-1-08

EXHIBIT M	DATE:	FROM:	NUMBER OF PAGES:	DOCUMENTS:
M-1	10-16-08	Planning Director Morris	2	Memo from Planning Director to City Council
M-2	10-15-08	CRAG- Courtney Johnson	51	13 pg letter with exhibits to Council
M-3	10-15-08	Pat Sherman	2	Letter to Mayor and Council
M-4	10-17-08	Bill & Cate Yocum	1	Email to Planning Director

CITY OF BROOKINGS



EXHIBIT M-1

MEMO

TO: Mayor and City Council

FROM: Dianne Morris, Planning Director

DATE: October 16, 2008

SUBJECT: Staff Responses to appeal issues.
File # APP-2-08/ DDP-1-08 Appeal of SWOCC Detailed Development Plan
Hearing Date October 20, 2008

This Exhibit M contains additional materials submitted by Crag Law Center, M-2, pages 1-51 and concerns expressed by P. Sherman, M-3, Pages 1-2, Staff is providing the following responses.

Crag Law Center, Oct. 14, 2008 document:

- Page 2 – Request for a continuance. The Council will grant a continuance for additional comments. This will be outlined at the hearing.
- Page 3 – Participation by Councilor Kitchen. Councilor Kitchen will respond to this at the hearing.
- Page 3 – “Arguments on appeal”.

#1, Page 4 – Use of “holding tank”. This has been previously addressed in your advance packet on pages 7, 200, 202, 214-216, and Conditions of Approval (C.of A.)#22, page251.

#2, page 7 - Protection of wetlands and lilies. The City never received the letter dated September 3, 2008 from the Department of State Lands (DSL). Prior to this letter, found in the Appellants materials, M-2, pages 23-26, neither DSL or the Army Corp of Engineers had submitted any comments to the City in response to the legal notice sent to them or contacts the Applicant has had with them regarding this DDP application. The Applicant couldn't move forward with DSL/ CORP permits until approval of the DDP was given. The Lone Ranch Master Plan (LRMP) did consider an encroachment on a wetland located adjacent to the Highway and entrance street intersection. See advance packet page 11, #6, and C. of A., page 238, #29. The Applicant will address the wetland issues discussed in the DSL letter dated Sept. 3, 2008.

#3, page 8 – Rainbow Rock drinking water. See advance packet page 13, #23; pages 184-189; 192; 219; 232, #23; 251, #30.

#4, page 10 – Protection of cultural resources. See advance packet page 12, #13; page 194; 221; 247 #4; C. of A. page 249, #8.

#5, page 11 – Setback requirements for MPoD. Master Plan of Development (MPoD) is the zoning of the subject property. A zone change request is not a part of this application. The LRMP Final Order states the development will use standards that are the same as the standards applied in other zones in the City for similar-type developments. See advance packet page 9, # 5; page 247, #5; C. of A. page 249, #3.

#6, page 11 – Final Order Conditions of Approval. See advance packet page 247, #6.

#7, page 12 – Other deficiencies.

a. Sanitary sewer standards – See advance packet pages 214-216; 246, #1; C. of A. #22, page 251.

b. DIA timeline – The C. of A. relating to the on-site sewer system requires the Applicant to record a DIA agreeing to connect to City sewer when mains become available. When mains become available, the City will then inform the Applicant of the timeline to connect. This is in keeping with other DIAs the City has in place that relate to future infrastructure. See advance packet C. of A. #22, page 251.

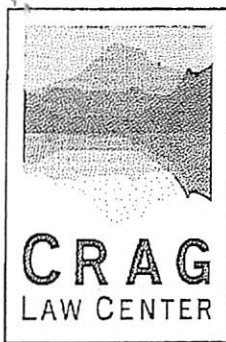
c. Transportation impacts – The DIA request for the westerly multi-use path is not a part of the street system. See advance packet page 201; C. of A. page 250, #21.

d. Incorrect standards – The Council has been provided with a Staff Report, pages 3-14 using the Land Development Code (LDC) citations in effect at the time the LRMP was approved. In addition see advance packet page 202, “Changes to Zoning Ordinances”. Two C. of A. were added prior to Planning Commission approval to accommodate changes to the Code. See advance packet page 237, #12 and page 240, #45. These two C. of A. are also contained in the proposed C. of A. being considered by the Council, pages 249- 256.

P. Sherman, Oct. 15, 2008, letter:

This letter expresses concerns about the City being required to install and pay for the sewer main to LRMP in five years if the DDP is allowed to use a holding tank per a DEQ requirement. It requests the Findings state that the City was aware of this requirement. The opposite is true. There is assurance from DEQ that the City will not be responsible to install and pay for the sewer main. See advance packet page 179.

In addition to written comments received, Staff has discussed C. of A., # 9, page 237, with Councilor Hedenskog. That C. of A. states the “...dedicating of the open space must be shown on the plat.” Councilor Hedenskog believes using the statement “...declaring this as open space...” would serve the purpose and be less problematic.



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October 14, 2008

Via Email and First Class Mail

City of Brookings City Council
898 Elk Drive
Brookings, Oregon 97415

RECEIVED
OCT 15 2008
CITY OF BROOKINGS
cm

**Re: Statement in Support of Appeal of Detailed Development Plan for
Southwest Oregon Community College
(File No. DDP-1-08/APP-2-08)**

City Council Members:

On behalf of the Oregon Shores Conservation Coalition and Catherine Wiley as an individual (collectively "Oregon Shores") I submit this statement in support of the appeal of the Planning Commission's decision to approve the Detailed Development Plan ("DDP") for the Southwest Oregon Community College ("SWOCC") campus on the Lone Ranch property. The Agenda for the October 20, 2008 hearing, as well as the Staff Report indicate that Crag and Courtney Johnson are appellants. Please note that Crag Law Center and Courtney Johnson represent the Appellants in this matter. Appellants are parties of record having provided testimony, orally and/or in writing, during the Planning Commission hearing process. Please include these comments in the record for this matter.

Oregon Shores provided comments to the Planning Commission, by letter dated August 4, 2008, on the application for Detailed Development Plan approval. The letter is included with these comments as Exhibit A. Oregon Shores incorporates those comments here by reference and provides further comment to respond to additional issues and arguments raised on appeal. Oregon Shores also

requests that the entire Planning Commission file for this matter be included in the appeal record. It appears that some materials that were placed before the Planning Commission have been omitted from the appeal packet. Several documents referenced in this letter that are part of the record are attached hereto.

Request for Seven (7) Additional Days to Provide Comment

Oregon Shores requests a continuance of the hearing to provide additional comments on the DDP appeal and to respond to the testimony and evidence that SWOCC will provide at the hearing in support of its DDP.

The DDP appeal has been scheduled at a time when none of our representatives can be present for the hearing. Given the complexity of the materials at issue, the scheduling of the hearing, and the potential for new evidence to be presented during the de novo hearing, it will be beneficial to the public to have extra time to provide additional comment if needed.

Councilman Kitchen's Recusal

Councilman Kitchen has exhibited a bias and prejudgment in favor of approving the DDP, and therefore must refrain from participating in this decision. While local quasi-judicial decision makers are not expected to be entirely free of any bias, these decision makers are expected to (1) put whatever bias they may have to the side when deciding individual permit applications, and (2) engage in the necessary fact finding and attempt to interpret and apply the law to the facts as they find them, so that the ultimate decision reflects their view of the facts and law rather than a product of bias the decision maker brings to the process. *Wal-Mart Stores, Inc. v. City of Central Point*, 49 Or LUBA 697, 709-10 (2005) (*rev'd on other grounds, Wal-Mart Stores, Inc. v. City of Central Point*, 341 Or 393, 144 P.3d 914 (2006).). Where a local decision maker is unable to set bias or prejudgment aside, he or she must refrain from voting on the decision. *Woodard v. City of Cottage Grove*, 54 OR LUBA 176, 179-80 (2007).

Here, Councilman Kitchen personally testified in support of the SWOCC DDP at the Planning Commission hearing of August 5, 2008. Councilman Kitchen cannot review the application in an unbiased manner having advocated for its approval. In addition to voicing his support of the College, Councilman Kitchen urged the Commissioners to ignore the "Cave people,"¹ amounting to a personal attack on those speaking in opposition to the proposal. Based

¹ This comment apparently referred to "Citizens Against Virtually Everything" as stated by State Representative Krieger in his comments presented a few minutes before those of Councilman Kitchen.

on the prejudgment and bias exhibited by Councilman Kitchen, Oregon Shores respectfully requests that he recuse himself from this appeal.

In addition, Brookings Municipal Code ("BMC") requires that Council members be bound by State ethics rules, including disclosure of actual or potential conflict of interest. BMC 2.05.170. Councilman Kitchen has a potential conflict of interest due to his financial interest in Curry General Hospital, which stands to benefit from the development of the new SWOCC campus for training or education programs. Councilman Kitchen should refrain from participating in the decision due to this potential conflict of interest.

Background

This DDP is the first detailed development plan submitted to undertake construction pursuant to the terms and conditions of the Lone Ranch Master Plan of Development ("MPoD"), which was approved by the City on October 25, 2004 and set forth a plan for development of 540 single family detached homes, 150 single family attached homes, a commercial area, and a college campus.

Prior to construction of any phase of the MPoD or the issuance of any building permits, the City must approve a DDP. Brookings Municipal Code ("BMC") 17.70.020. The BMC sets forth several specific graphic and narrative requirements for a DDP application, which include a general incorporation of the requirements that an applicant must address when submitting the MPoD. BMC 17.70.140. The BMC sets forth review criteria for the City to consider in reviewing a DDP. BMC 17.70.170. The overarching requirement is that the DDP must be "in substantial conformance with the MPoD."

Arguments on Appeal

At the outset, please note that Oregon Shores does not oppose the development of a community college in Brookings. Oregon Shores' objections are related to the failure of the DDP to comply with local and state land use laws, and failure to protect certain resources adequately. Oregon Shores is opposed to this community college because it is being used by Borax to spearhead a massive development project in a location of that is prized for its untrammled natural beauty and historical significance; a project that will contribute little to the Brookings community while requiring significant outlays of public funding. Unfortunately, the college has intimately connected itself to the Lone Ranch master plan and at the least must respect the basic limitations that are included in that plan. Oregon Shores appeals the Planning Commission's Decision approving the Detailed Development Plan for Southwestern Oregon Community College in the Lone Ranch Master Plan area on the following bases:

1. The DDP's proposed use of a holding tank does not satisfy the requirements of the Master Plan of Development, Title 13 of the Brookings Municipal Code, Brookings Comprehensive Plan Goal 14, Joint Management Agreement, Master Plan of Development Conditions of Approval, or the Subdivisions Requirements of Brookings Municipal Code 17.172.070(B).

The DDP proposes a temporary holding tank to serve the campus if a sewer line is not installed by the time the campus is ready for occupancy. A holding tank is not compatible with the terms or conditions of the MPoD. The MPoD states, in part, "[i]f the college develops before a sanitary sewer system is installed, it may be necessary to construct an on-site sanitary sewer system designed to accommodate the college." MPoD at 31. MPoD Condition of Approval number 12 requires that sanitary sewer installation shall comply with the standards of DEQ and provisions of the BMC. The findings state that such compliance will be a condition of approval. However, there is no evidence in the record that a holding tank can comply with the requirements of the MPoD, the BMC, or the JMA.

The terms of the MPoD requiring an on-site sanitary sewer system are consistent with the requirements of the BMC. First, BMC 17.168.010, Utilities, requires that the developer "shall provide, install or cause to be installed ... sanitary sewer mains" on-site. BMC 13.10.510 states that where a public sanitary sewer is not available, "the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article." In particular, the BMC requires:

Before commencement of construction of any private sewage disposal system, the owner shall first obtain written approval from the city stating that because of topography, distance or other special factors, a public sewer cannot be supplied at the time and the city has no objection to the installation of a *subsurface disposal system*. The letter or a copy therefore will be presented to the Oregon State Department of Environmental Quality or its authorized agent when applying for a *subsurface disposal permit*.

BMC 13.10.520 (emphasis added). The Joint Management Agreement ("JMA") between the City and the County is consistent with the limitations in the BMC and also specifies that an "on-site sewage disposal system" is limited to a rural level of development. The City's Comprehensive Plan, specifically Comp Plan Goal 14, requires adherence to the terms of the JMA. The section of the BMC relating to the approval of subdivisions, such as requested with

the DDP, requires conformance with the Comp Plan, and applicable development standards of the BMC. BMC 17.172.070(B).

Accordingly, the BMC requires that in lieu of connection to a public sewer system, the only option for the provision of sewer services is a subsurface disposal system. The Oregon Department of Environmental Quality ("DEQ") defines "subsurface disposal system" as a "subsurface absorption system," which in turn is defined as "the combination of a septic tank or other treatment unit and an effluent sewer and absorption facility." OAR 340-071-0100(157)&(156). This definition does not include the use of a holding tank.

DEQ regulations define "holding tank" as "a watertight receptacle designed to receive and store sewage to facilitate treatment at another location." OAR 340-071-0100(82). There is a critical difference between an on-site disposal system and a holding tank, which merely stores effluent for treatment at another location.

The Staff Report dated July 28, 2008, makes no attempt to explain how the temporary holding tank complies with applicable criteria of the BMC and Joint Management Agreement, or the MPoD. The Report states, "The LRMP had the option of a temporary on-site septic system serving the College campus." The Report fails to explain how a temporary holding tank satisfies the requirement or even the option of an on-site "septic system."

The Applicant states that DEQ has stated a preference for a holding tank as opposed to other on-site disposal methods. The record does not reflect this statement. In fact, DEQ does not make a preference determination until it performs site evaluations. DEQ site evaluations occur with a permit application after the applicant provides a Land Use Compatibility Statement ("LUCS") from the local government stating that the proposed development complies with local land use regulations and statewide Goals. OAR 340-071-0150. The letter from DEQ On-site Wastewater Specialist Del Cline, dated May 28, 2008 and submitted as part of the DDP, is not an approval for use of a holding tank for the college and *does not satisfy* the requirements of the BMC. Here, not only has DEQ not performed site evaluations which would enable it to state a preference for a particular sewage treatment system, but also the City is attempting to shift its duty to evaluate the DDP for compliance with its own land use regulations by deferring the DEQ the decision as to what type of sewer system is appropriate for the site. The City may not waive compliance with land use regulations and provisions of the BMC by deferring to DEQ on the issue of the proposed College sewer. *See, Harcourt v. Marion County*, 33 Or LUBA 400, 406 (1997) (local government cannot defer its obligation to make findings of compliance with approval criteria to a state agency).

The Planning Commission attempted to address these deficiencies in proposed Conditions of Approval.² Condition number 22 purports to address the issue presented by the holding tank by providing, in part, that the applicant "shall obtain and submit a copy of the Oregon [DEQ] permit to construct an on-site sewage disposal system prior to the issuance of a building permit." This attempt by the city to defer all approvals to DEQ does not ensure compliance with City ordinances, the MPoD, or the JMA. This condition also refers to an "on-site sewage disposal system," which is not what the applicant is proposing, nor what the order purports to approve. This discrepancy between the applicant's proposal and the condition of approval has not been resolved, and creates confusion as to what is being approved. **** may do on-site In addition, a condition of approval is an appropriate means to ensure compliance only where feasibility of compliance has already been established. Here, the holding tank cannot feasibly comply with local regulations therefore any condition of approval would be inappropriate here. See, e.g., *Harcourt v. Marion County*, *supra*, 33 Or LUBA at 406; *Rhyne v. Multnomah County*, 23 Or LUBA 442, 447-48 (1992).

Despite the fact that a holding tank may be an approvable on-site system for DEQ under certain circumstances, a holding tank is not an acceptable method of sewage disposal under the City's ordinance and regulations. Establishing whatever DEQ's worst case scenario approvable method may be does not relieve the City of its duty to ensure that new development complies with its land use regulations. In other words, before the question of DEQ compliance or approval even enters the analysis, the City must first complete its duty to evaluate all elements of the proposed development for compliance with City regulations and Statewide Goals. The City may not waive this requirement simply by deferring the question to DEQ. Without demonstrating compliance with City ordinance and regulations, this DDP cannot be approved.

Further, the October 8, 2008 Staff Responses to appeal issues, dated October 6, 2008, states that the on-site septic system "may or may not be a holding tank type system." As discussed above, a holding tank is not an allowable system under the MPoD and Brookings Code. If the applicant proposes the use of an on-site septic system, compliant with the terms of the MPoD, the applicant must comply with BMC Section 172, subdivision requirements, which require a plat containing the location of sewer systems. The City cannot approve the use of an on-site septic system at this time because the DDP does not contain the required plat locations of such sewer systems as required by BMC Section 172.

² This letter will refer to the proposed conditions of approval reviewed by the Planning Commission in approving the DDP, despite the fact that the signed Final Order did not have attached any conditions of approval. This apparent procedural oversight prevents Appellants from fully addressing the deficiencies in the Planning Commission's approval by making it impossible to know what, if any, conditions of approval were intended to be adopted. This deficiency is discussed further in number 6, below.

2. The applicant has not complied with the Master Plan of Development conditions of approval for protection of the existing wetlands and the associated western lily.

The Lone Ranch MPoD contains Conditions of Approval related to protection of both the western lily and the known existing wetlands on the property. MPoD General Condition number 6 requires that the applicant "shall consult with all applicable state and federal agencies to develop measures to protect the existing wetlands and the associated western lily." The findings for this requirement cite to a letter from Craig Tuss of the USFW stating that there are currently no western lilies located on the property. The findings next state that the applicant has provided the Engineer's storm drain and erosion control report and a wetland delineation to the Department of State Lands ("DSL") and the Army Corps of Engineers. The DDP contains no correspondence from the Army Corps of Engineers, or DSL – the agencies which are responsible for wetlands protection. In fact, DSL rejected the wetland delineations submitted by the applicant. Notably, Planning Staff has omitted from the appeal packet the letter from DSL representative Janet Morlan, a copy of which was sent to the Planning Department on September 3, 2008, rejecting the wetlands delineation. Because the wetlands delineation was rejected, the consultation with state agencies is not complete, therefore this condition has not been met and the DDP cannot be approved.

The findings next state that the applicant "has submitted an application to fill a portion of the wetland located at the southern entrance to the LRMP area. This was proposed in the LRMP." The proposal to fill a wetland directly contradicts the requirement of the LRMP to work with State and federal agencies to "protect the existing wetlands" on the property.

Further, the Conditions of Approval in the MPoD related specifically to the development of the College require, at number 28, that a "hydrologic study" be provided to federal and state agencies responsible for wetlands protection. This Condition further states that the "City will review the agency comments regarding the hydrologic study to determine compliance with applicable standards relating to ... the protection of wetlands and western lilies." The strengthening of protections for wetlands and lilies in Condition number 28 was one of the grounds for LUBA's remand of the MPoD in 2004, demonstrating the critical nature of these requirements.

The findings in response to this requirement state that hydrologic studies have been submitted to the Department of the Interior, DSL, and Army Corps of Engineers, and that the "the U.S. Department of the Interior indicated they would have their comments to the Applicant by the date of the hearing." No mention is made of the other two responsible agencies, or to the

fact that the City has yet to complete its required duty of reviewing the agencies' comments related to compliance with applicable criteria.

Not only has the City ignored its duty under this condition to review state and federal agency comments, it has also ignore the rejection of the applicant's wetlands delineation by DSL and the Army Corps of Engineers. This DDP cannot be approved without, first, state and federal agency review of hydrologic studies and wetlands delineations, and second, the City's conscientious review of those state and federal agencies' comments on these studies. Neither of these requirements in Condition number 28 has been complied with, and therefore this application cannot be approved.

The proposed Conditions of approval make no mention of this deficiency, require no review or further review of state and federal responses by the City, and therefore are not acceptable to meet the requirements of the MPoD.

- 3: The DDP fails to adequately evaluate impacts and ensure no adverse impacts to Rainbow Rock Condominium Community's drinking water, as required by the MPoD.

MPoD Condition of Approval number 23 requires that prior to construction "of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRSA) surface water supply system, the applicant shall demonstrate how the water and water supply system *will not be negatively affected*. *Each DDP shall evaluate the impact of development* on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system." (emphasis added).

The Rainbow Rock Community continues to use its surface water supply system therefore this DDP must evaluate the impact of the development on the water system in order to comply with the conditions of the MPoD. The Stormwater Management Plan ("SWMP") submitted as part of the DDP states the following regarding Rainbow Rock's water supply:

The watershed lying southerly from the hill serves as a water source for the Rainbow Rock Condominiums which are located on the west side of Highway 101 near the 30-inch culvert crossing. According to the MPoD application the source of this water appears to be surface and near-surface water rather than a deep-seated spring. This necessitates that stormwater that is collected from paved areas and then discharged into this watershed basin is first routed through surface treatment, such as biofiltration swales and/or ponds. Stormwater runoff from the site during grading and other construction activities will also need to be controlled in a manner that

minimizes the potential for sediment-laden runoff to enter the southerly watershed. This is discussed further in Section 7.0 of this SWMP.

SWMP at 5 (footnotes omitted).

The SWMP proposes the use of the following Best Management Practices ("BMP"): vegetated swales, vegetated filter strips, and a dry pond. The DDP proposes a total of 67,690 square feet of impervious area. The report states that two vegetated swales can manage approximately 26,556 square feet, or 39% of impervious area. The dry pond will be designed following the guidelines of the Portland Manual. The SWMP states that a "geotechnical review of the final pond design may be needed because of its location to nearby steep ground slopes." SWMP at 11. The pond should manage runoff from approximately 32,833 square feet of impervious surface, or 49% of the planned impervious area. The vegetated filters "will be located where space allows." SWMP at 12.

While these are significant measures to help control stormwater runoff, the importance of protecting the drinking water source for the adjacent Rainbow Rock community cannot be overstated. As DEQ has stated, "it is extremely expensive to treat contaminated drinking water or to find an alternative source should a water supply be lost because of contamination... typical costs to investigate and install treatment for contamination [are] at least \$500,000." DEQ Introduction to Drinking Water Protection in Oregon, *available at* <http://www.deq.state.or.us/wq/dwp/intro.htm>. It is critical, therefore, that in addition to best management practices, the DDP include specific implementation monitoring and maintenance requirements.

In addition, there is evidence in the record that activities on this property have already caused adverse impacts to the Rainbow Rock water source. Where activities have already resulted in adverse impacts, as evidenced by a warning letter from DEQ and letters from the Rainbow Rock Association, the implementation of BMPs may not be adequate to ensure protection of the water source. Providing a connection to city water may be the only way to ensure that the community of Rainbow Rock will have safe drinking water. The cost of this connection may make this an infeasible condition at this time.

Finally, the failure to accurately identify wetlands and waterways on the property (as evidenced by DSL's rejection of the wetland delineation) means the actual impacts of construction on the waters on the property cannot be accurately predicted at this time. Without accurate information regarding the location of the wetlands and the Rainbow Rock water source, this condition cannot be satisfied and the DDP cannot be approved.

4. The DDP fails to adequately ensure protection of cultural resources on the proposed site as required by the MPoD.

The Oregon legislature has recognized that archeological sites are "a finite, irreplaceable and nonrenewable cultural resource, and are an intrinsic part of the cultural heritage of the people of Oregon." ORS 358.910(1). As such, Oregon law prohibits excavation, injury, destruction, or alteration of archeological sites. ORS 358.920(1)(a). Violations of this prohibition are Class B misdemeanors subject to criminal prosecution. Oregon law provides further protection from disturbance of Indian burial sites. ORS 97.745 provides that "no person shall willfully remove, mutilate, deface, injure or destroy any cairn, burial, human remains, funerary object, sacred object or object of cultural patrimony of any native Indian. Persons disturbing native Indian cairns or burials through inadvertence, including by construction ... shall at their own expense reinter the human remains or funerary object under the supervision of the appropriate Indian tribe." Oregon law provides for a right of civil action by Indian tribes or members for violations of ORS 97.745. ORS 97.760. In addition, violation of ORS 97.745 is a Class C felony, and violators are subject to an additional fine of up to \$10,000. ORS 97.990(5)(a)&(b). Needless to say, the protection of cultural resources and archeological artifacts is something which the State of Oregon takes very seriously.

Correspondence from the State Historical Preservation Office ("SHPO") state that the area for the proposed campus structures has a "high probability" for possessing buried human remains and is in close proximity to a known archaeological site. Early on in the MPoD development process a cultural resource survey was performed. While the location of cultural resources is confidential in order to protect those resources from vandalism or exploitation, the survey did identify numerous existing cultural resources on the Borax property. In addition, the survey was hampered due to low visibility, and it was recommended that subsurface soil probing be performed in order to further identify areas containing cultural resources. Dennis Griffin, of SHPO, presented all of this information to the City Council in a letter dated August 16, 2004. That letter further stated "[i]t is difficult to see how your office can make a balanced decision on future planning efforts without first being able to obtain sufficient information in which to judge potential impacts of those decisions." In identifying preliminary probing as a preferred method of discovery, Mr. Griffin pointed to the fact that later discovery, during large scale construction efforts, has greater impacts to development resulting in shutdown of activities and potential loss of funding. Mr. Griffin in a later letter stated that these concerns were not meant to express a disapproval of the MPoD, but rather to identify future steps necessary for the time when a DDP became available for review. Letter dated August 27, 2004.

In a letter to SWOCC's architectural firm dated June 12, 2008, Dennis Griffin wrote "The proposed campus structures are located on a landform generally perceived to have a high

probability for possessing archaeological sites and buried human remains.” Because of the likelihood that these conditions exist, the DDP must take stronger steps to ensure that no disturbance of the soil on the development site occurs without either first completing soil probes, as suggested by the SHPO officer, or with the attendance of a cultural resources expert present at any and all ground disturbance stages.

In addition, local tribes have expressed concern with the lack of protections included with the DDP. The Smith River Rancheria has sought to initiate a government to government relationship with the City to work together to protect cultural, natural, and archaeological resources within the development area. Most important is to be proactive in avoiding disturbance of important cultural resources. The DDP proposes to remove the entire top of the knoll on which the college is to be located, leveling the hill to create a building site. Because of the nature of the proposed construction on this site, it is in everyone’s interest to take steps to locate and protect these resources prior to beginning construction activities.

5. The DDP must comply with setback requirements in the MPoD and those for MPD zoning. The final order fails to evaluate the DDP for compliance with MPoD setbacks and building height requirements.

BMC 17.70.170 sets out criteria for compliance with the MPoD as related to increases or decreases in certain plan elements. In response to the criteria related to setback requirements, the Findings state that the Public/ Open Space (P/OS) zone is the appropriate zone standard for setback and height requirements, and finds that the proposed structure meets those requirements. The land in the DDP is zoned MPD. The findings do not make clear the basis for applying P/OS zoning criteria to an application for development in the MPD zone. If a zone change is part of this DDP, it has not been requested or approved. A zone change would require direct compliance with state law and numerous additional findings of approval. If there is no zone change, the findings should be amended to clarify the basis for applying the P/OS zoning criteria to an application for development on land zoned MPD, and should include findings detailing more clearly how the setback requirements of the MPoD have been met.

6. The Final Order does not contain conditions of approval.

The Final Order and Findings sent out to parties of notice did not contain or have attached any conditions of approval. There are such conditions mentioned in the findings in various places, but these were not attached to the final, signed order. Without having seen the final, signed conditions of approval, the appellants and the public are unable to satisfactorily address the significance or appropriateness of the conditions. This apparent procedural oversight

must be corrected in order for the City Council and the public to achieve meaningful review of the Planning Commission's decision.

7. The DDP contains other deficiencies that may be identified.

- a. The Final Order fails to set out applicable standards and criteria of the BMC sections related to sanitary sewers.

The Final Order must set out applicable criteria and standards for reviewing the DDP. The Final Order lists several criteria used to review the DDP, including BMC 17.168 – Utilities. BMC 17.168.010 states “[u]nless otherwise provided by this code, all improvements shall be at the sole cost and expense of the developer, who shall provide, install or cause to be installed, including, but not limited to, the following: ... sanitary sewer mains” As discussed above, the findings do not address how the proposed holding tank meets this requirement for installation of “sanitary sewer mains”.

If indeed BMC 17.168.010 is the only relevant criteria for reviewing the proposed holding tank, the DDP does not meet the applicable criteria and must be denied. If, on the other hand, the Planning Commission was applying standards found in a different section of the BMC in order to review the proposed holding tank, those sections must be stated in the Final Order. Sections of the BMC which do allow for private, on-site sewer systems are found in BMC 13.10 – Sewer Use Regulations. The Final Order fails to set out these applicable criteria.

- b. The Final Order and Proposed Conditions of Approval fail to ensure compliance with applicable sections of the BMC by allowing a Deferred Improvement Agreement for connection to city sewer without setting a timeline for such connection.

Proposed Condition of Approval number 22 states, in part, that “The Applicant shall record a Deferred Improvement Agreement (DIA) agreeing to connect to City sewer when mains become available.” The Condition does not set out any timeline for such connection or improvements. BMC 13.10.530 – Participation in Future Public Improvements, provides that no person “shall commence or proceed with the installation of a private sewage disposal system within the city without having first executed an agreement to participate in future public sewage system improvements for the property to be served by such private sewage disposal system *according to a schedule to be determined by the city.*” (emphasis added). In other words, in order to approve the installation of a private, on-site sewage disposal system, the City must set out a schedule for connecting to the City sewer. Without such a schedule, the DDP fails to comply with this section of the BMC, and cannot be approved.

c. Transportation Impacts

The Applicant proposes to delay construction of a multi-use path, which was included as an element of street design in the MPoD. The applicant requests to delay construction until a connecting multi-use path is approved and constructed. This request violates conditions 8 and 19 of the MPoD, which state: (8) that all streets shall be constructed in the manner and standards set forth in the approved Master Plan, and any deviation beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the Master Plan document; and (19) that each phase of development shall be complete within itself for access, water service, etc. and all streets, etc. shall be extended to the furthest limits of the phase to ensure connection to the next phase. Since it is unclear when the next phase of development will be undertaken, the applicant is required by the terms of the MPoD to undertake all improvements to make each phase of development self-sufficient in accordance with the design as set forth in the MPoD.

d. The Planning Commission Applied Incorrect Standards

BMC 17.70.110 states that "[c]hanges to zoning ordinances, policies and standards adopted after the date of approval of the plan shall not apply to the new development during the duration of the plan." After the approval of the Lone Ranch MPoD, Brookings re-codified its ordinances as the BMC and adopted changes to ordinances, some of which relate to street standards. The agenda report indicates that staff has "redone" the original staff report. Instead, the staff should address discrepancies in the code provisions, rather than "redo" the staff report that was originally before the Planning Commission.

Conclusion

In conclusion, the City Council has a duty to apply the law. The current DDP fails to comply with applicable local and State land use laws, and therefore cannot be approved.

Sincerely,



Courtney Johnson

On behalf of Oregon Shores
And Catherine Wiley

Enclosures: Exhibit List and Exhibits

EXHIBIT LIST

Exhibit Number	Description
A.	Oregon Shores comment letter dated August 4, 2008, submitted by James D. Brown of the Crag Law Center
B1.	Department of State Lands letter dated September 3, 2008, with attachment checklist
B2.	U.S. Department of the Interior letter dated July 30, 2008
C1.	Oregon Department of Environmental Quality, <i>Introduction to Drinking Water Protection in Oregon</i>
C2.	Rainbow Rock letter dated September 13, 2004, submitted by David Fillippi of Stoel Rives LLP
C3.	Rainbow Rock letter dated March 8, 2007, submitted by Al Haddox of the Rainbow Rock Service Association
C4.	Source Water Assessment Brochure for Rainbow Rock Condominiums, PWS # 4101361, page 1
C5.	Oregon Department of Environmental Quality warning letter to Otak, dated January 16, 2007
D1.	Oregon Department of Environmental Quality letter to Mike Crow, dated May 28, 2008
D2.	Oregon Department of Environmental Quality letter to Mike Crow, dated August 12, 2008

Exhibit Number	Description
E1.	Oregon State Historic Preservation Office letter from Dennis Griffin, dated August 16, 2004
E2.	Oregon State Historic Preservation Office letter from Dennis Griffin, dated August 27, 2004
E3.	Oregon State Historic Preservation Office letter from Dennis Griffin to Robin Richards, dated June 12, 2008
E4.	Email from State Historic Preservation Office Susan White to Robin Richards, dated July 28, 2008
E5.	Smith River Rancheria letter from Suntayea Steinruck to Planning Commission, dated August 11, 2008



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August 4, 2008

Via Hand Delivery

City of Brookings Planning Commission
898 Elk Drive
Brookings, Oregon 97415

**Re: Detailed Development Plan for Southwest Oregon Community
College (File No. DDP-1-08)**

Planning Commissioners,

On behalf of the Oregon Shores Conservation Coalition and Catherine Wiley as an individual (collectively "Oregon Shores") our office provides the following comments on the Detailed Development Plan ("DDP") for the Southwest Oregon Community College ("SWOCC") campus on the Lone Ranch property. Please include these comments in the record for this matter.

Request for Seven Additional Days to Provide Comment

Oregon Shores requests a continuance of the hearing to provide additional comments on the DDP application and to respond to new information that may arise during the hearing.

The DDP materials were made available to the public a little more than a week before this hearing. Given the short period of time to review the materials and the complex nature of the materials, it will be beneficial to the public to have extra time to provide additional comment if needed.

Background

The DDP is the first detailed development plan submitted to undertake construction pursuant to the terms and conditions of the Lone Ranch Master Plan of Development ("MPoD"), which was approved by the City on October 25, 2004 and sets forth a plan for development of 540 single family detached homes, 150 single family attached homes, a commercial area and college campus.

Prior to construction of any phase of the MPoD or the issuance of any building permits, the City must approve a DDP. Brookings Municipal Code ("BMC") 17.70.020. The BMC sets forth several specific graphic and narrative requirements for a DDP application, which include a general incorporation of the requirements that an applicant must address when submitting the MPoD. BMC

17.70.140. The BDC sets forth review criteria for the City to consider in reviewing a DDP.
BMC 17.70.170. The overarching requirement is that the DDP must be "in substantial conformance with the MPoD."

Approval of the DDP would extend the life of the MPoD. BMC 17.70.120. The first condition of the MPoD approval states:

1. Approval of this Master Plan will expire in 15 years or in four (4) years from approval, unless a Detailed Development Plan (DDP) pursuant to Section 70, Master Plan Development District, of the Land Development Code, is submitted and approved by the Planning Commission and construction of the DDP shall start within three years of approval. Each subsequent DDP must be filed within four (4) years of the completion of the previously approved DDP, or the Master plan will expire. If the conditions at the time warrant, the Planning Commission may extend the 15 year Master Plan permit or the four (4) year DDP permit period for an additional two-year period at the request of the applicant.

The Applicant in its narrative incorrectly states that the condition is satisfied with only the submission of the DDP. As the condition makes clear, the DDP must be approved by the County before the MPoD has prolonged viability.

Comments

Oregon Shores has the below specific comments regarding the terms of the DDP and the compatibility of the DDP with the terms and conditions of the MPoD.

(1) Sewer

The DDP proposes a temporary holding tank to serve the campus if a sewer line is not installed by the time the campus is ready for occupancy. A holding tank is not compatible with the terms or conditions of the MPoD. The MPoD states: "If the college develops before a sanitary sewer system is installed, it may be necessary to construct an on-site sanitary sewer system designed to accommodate the college. Options for serving the college may include an on-site stand alone system or connection to the existing Rainbow Rock package plant." MPoD at 31.

The terms of the MPoD requiring an on-site sewer system are consistent with the requirements of the BMC. BMC 13.10.510 states: "Where a public sanitary sewer is not available under the provisions of BMC 13.10.020, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article." The BMC clarifies the required City approval process and states:

Before commencement of construction of any private sewage disposal system, the owner shall first obtain written approval from the city stating that because of topography, distance or other special factors, a public sewer cannot be supplied at the time and the city has no objection to the installation of a *subsurface disposal*

system. The letter or a copy thereof will be presented to Oregon DEQ or its authorized agent when applying for a *subsurface disposal permit*.

BMC 13.10.520 (emphasis added). BMC 13.10.540 further clarifies that "[t]he DEQ or its authorized agent has the sole authority for the issuance of *subsurface disposal* permits." The Joint Management Agreement ("JMA") between the City and the County is consistent with the limitations of the BMC and also specifies that an "on-site sewage disposal system" is limited to a rural level of development. The City's Comprehensive Plan, specifically Comp Plan Goal 14, requires adherence to the terms the JMA. The section of the BMC relating to the approval of subdivisions, such as requested with the DDP, requires conformance with the Comp Plan, and applicable development standards of the BMC. BMC 172.070(B).

Accordingly, the BMC requires, in lieu of connection to a public sewer system, that the only option for the provision of sewer services is a subsurface disposal system. The term "subsurface disposal system" is defined by Oregon Department of Environmental Quality ("DEQ") administrative rules as follows:

(99) "Onsite Sewage Disposal System" means "onsite wastewater treatment system."

(100) "Onsite Wastewater Treatment System" means any existing or proposed subsurface onsite wastewater treatment and dispersal system including but not limited to a standard subsurface, alternative, experimental, or nonwater-carried sewage system. It does not include systems that are designed to treat and dispose of industrial waste as defined in OAR chapter 340, division 045.

OAR 340-071-0100. DEQ regulations in turn define holding tank as "a watertight receptacle designed to receive and store sewage to facilitate treatment at another location." *Id.* As a result, there is a critical difference between an on-site treatment system and a holding tank, which merely stores sewage for treatment at another location. A temporary holding tank requires a commitment from the City to provide sewer services to the site within five years:

(b) Temporary use: A holding tank may be installed in an area under the control of a city or other legal entity authorized to construct, operate, and maintain a community or area-wide sewerage system if:

(A) The application for permit includes a copy of a legal commitment from the legal entity to extend a community or area-wide sewerage system meeting the requirements of this division to the property covered by the application within five years from the date of the application;

OAR 340-071-0340(1)(b). Thus, by authorizing the use of the holding tank, the City would be obligating itself to provide a connection to the City's sewage system within five years. Thus, permitting the installation of the holding tank will shift the burden of providing actual sewer services away from the Applicant to the City.

The Applicant states that DEQ has stated a preference for a holding tank as opposed to a temporary on-site disposal method. The record does not reflect this statement. The only letter from DEQ in the record states that a temporary holding tank would require a Water Pollution Control Facilities ("WPCF") permit for the installation of the tank. There is also no confirmation in the record that the Brookings Public Works Department has approved the holding tank. The Staff Report incorrectly finds that the DDP complies with the terms and conditions of the MPoD by improperly characterizing the holding tank as a temporary on-site septic system. As set forth above, a holding tank is not in compliance with the terms of MPoD or the BMC and cannot be approved as an element of the DDP.

(2) Storm Water Management

Condition 23 of the MPoD states:

23. Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRS) surface water supply system, the applicant shall demonstrate how such adverse impacts will be mitigated or that RRSA can obtain an adequate alternative water supply. Each DDP shall evaluate the impact of development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system.

The condition addresses the requirements of BMC 17.70.070(D), which requires that "[t]he proposed MPoD will further demonstrate that existing utility services and water supplies for adjacent properties will not be negatively affected at each phase." The MPoD states that plans for storm water treatment plans will be addressed at the DDP stage and states that a water quality treatment facility is required prior to discharging storm water. MPoD at 31.

The Applicant indicates that submitted plans for storm water management will meet condition 23. However, the RRSA has already reported adverse impacts from preliminary construction activities. See Letter from Al Haddox, Chairman of RRSA, to Dean Peggy Goergen, dated March 8, 2007 (Attachment A). See also generally Letter from Pat Sherman to Mayor Larry Anderson and City Councilors, dated July 15, 2008 (Attachment A) (discussing impacts to RRSA drinking water as one change in condition precluding extension of time for MPoD). The storm water management plan must demonstrate that proposed mitigation is sufficient to protect the drinking water source as required by Condition 23 of the MPoD.

(3) Water Services

Condition 9 of the MPoD states:

9. Prior to any construction within the project area, the applicant shall submit four (4) copies of water system construction plans providing service to the construction site, for review and approval of the City Engineer and an application for a DDP for the water system construction for review and approval by the Planning Commission.

The DDP provides a general discussion of plans for the provision of water services but includes no construction plans. The Applicant proposes a condition of approval for the DDP that incorporates the first part of this condition but does not require an application for a DDP for construction of the water system for public review and approval by the Planning Commission. Staff Report, Attachment P. Applicant's findings addressing condition 9 indicate that the plans for the construction of a water line from Highway 101 to the campus are included in this DDP submission, although the details regarding construction will come at some later point. If the City is to approve construction plans as an element of the DDP, the actual plans must be part of the public process and available for review as part of the DDP.

The Applicant's findings addressing condition 9 state that the water system is in the process of being turned over to the City. Comments from the Public Works Department indicate that the City has not accepted the infrastructure as part of its water system. Staff Report, Attachment D. As of September 2007, the City's Public Works Director informed the City Manager that City water services are limited and inadequate to supply sufficient water to prepare infrastructure leading to the Lone Ranch site for connection to the City's system. See Memo from John Cowan to Gary Milliman, dated September 12, 2007 (Attachment B) (stating concern regarding adequate flow within City system to flush waterline in preparation for connection to City system). See also Attachment C (setting forth changes in conditions regarding availability of water services). Approval of the DDP should await the actual provision of water services as set forth in the proposed DDP.

(4) Transportation

Approval of the MPoD was conditioned upon transportation improvements. A Transportation Impact Study prepared for the MPoD demonstrated that the proposed development would cause adverse impacts to transportation facilities and, thus, specific improvements were required for each phase of the proposed development.

The Applicant proposes to undertake no improvements for the proposed project because the DDP involves only construction of the college campus. In support of this request, the Applicant has submitted a new study to demonstrate that at least one existing intersection, currently operating a grade of C, will decline to a tipping point of D but not completely fail requirements. As recognized by the MPoD, most urban communities set D as the minimum acceptable level of service for peak hours, but plan for a C level of service for all other times of day. MPoD at 17. The Applicant's study does not distinguish between the level of service at peak and non-peak hours. The City should consider carefully whether mitigation for transportation impacts from this first stage of the larger development is warranted.

The Applicant proposes to delay the construction of a multipath, which was included as an element of street design in the MPoD. The Applicant requests delay until a connecting multipath is approved and constructed. This request violates conditions 8 and 19 of the MPoD, which states:

8. All streets shall be constructed in the manner and standards set forth in the approved Master Plan for that street segment. Any deviation from that of the approved Master Plan beyond that allowed by Section 70 of the Land Development Code shall require an amendment to the Master Plan document.

19. Each phase of development shall be complete within itself for access, water service, sewer service, storm drainage, and all utilities, and all streets, services and utilities shall be extended to the furthest limit of the phase to ensure connection to the next phase.

Since it is indeterminate when the next phase of the project will be undertaken, the Applicant is required by the terms of the MPoD to undertake all improvements to make each phase self-sufficient in accordance with the design as set forth in the MPoD.

The Applicant also proposes to only pay for a proportionate cost of onsite street improvements to complete the required streets. To the degree that the Applicant proposes that the public bear a portion of the costs to complete deferred road improvements, this conflicts with BMC 17.070.030, which requires that onsite improvements must be paid for by the developer.

(5) Open Space

The MPoD indicates that a 10 acre portion of the Lone Ranch property is dedicated to the development of the SWOCC campus. MPoD at 9. The MPoD indicated that no more than 5.03 acres of that area was dedicated to improvements associated with the development of the campus and the balance was to be left as open space. MPoD at 9. The DDP indicates that it will use only 2.25 acres of the 10 acre parcel for the campus. The DDP does not verify that the balance of the parcel will remain as open space. Instead the Applicant proposes that a specific 4.97 acres will be designated as open space. Approval of the campus should be conditioned on the entire balance of the 10 acre parcel remaining open space as was intended in the MPoD.

Conclusion

Oregon Shores requests that the Planning Commission not approve the DDP until the above issues are resolved.

Sincerely,



James D. Brown
On Behalf of Oregon Shores and Catherine Wiley



Oregon

Theodore R. Kulongoski, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregonstatelands.us

September 3, 2008

State Land Board

Meyer Sheldon
SW Oregon Community College
1988 Newmark Ave.
Coos Bay, OR 97420

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Re: Wetland Assessment Report for U.S. Borax Lone Ranch Property
Brookings, Curry County; WD #08-0388; App. #41037-FP

Randall Edwards
State Treasurer

Dear Mr. Sheldon:

I have reviewed the wetland report (dated April 20, 2004) for the site described above. The report does not conform to many of the requirements in the administrative rules governing wetland delineation report standards (OAR 141-090-0005 through 141-090-0055) in place at the time the report was prepared (the rules were revised effective January 1, 2008). Therefore, we must reject the report.

The primary problems leading to rejection of the report are:

- 1) The report and maps appear to provide a preliminary assessment of wetland location and types and streams rather than a detailed wetland delineation.
- 2) There are significant gaps in the coverage within each detail map (figures 4b-f) in apparent stream valleys; if certain portions of a study area are not fully investigated, they should be clearly excluded from the study area.
- 3) There are also significant gaps in coverage for the overall "site boundary" as outlined in figure 4a and all other site location figures in the report. Several of the detail maps have no study area limit (e.g., figure 4b on the east and south sides and figure 4c on the east side, even though figure 4a shows a stream to the east). Therefore, we cannot concur that all waters of the state are identified and mapped within the site.
- 4) There are no paired plots defining and substantiating the mapped wetland boundaries, as required by rule.
- 5) Streams and creeks have not been delineated (based upon ordinary high water line and/or wetland limits); instead, centerlines were flagged and mapped.

I have enclosed a report review checklist that includes all concerns and provides additional detail.

The current rules for delineation reports and related information and guidance may be found on the Department's web site at

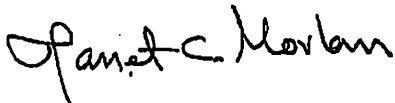
<http://www.oregonstatelands.us/DSL/PERMITS/wetlanddelineation.shtml>

In order to obtain agency approval, a new and complete report that meets the current

requirements must be submitted along with a resubmittal review fee of \$100. If the area of immediate interest is limited to the southern portion of the site planned for the community college, the new wetland delineation may be limited to that area, making certain that the study area boundary relative to parcel boundaries is clearly mapped. Please reference WD #08-0388 on the report cover form provided with the resubmittal.

Thank you. If you have any questions, please phone me at 503-986-5236 or e-mail me at Janet.Morlan@state.or.us.

Sincerely,



Janet C. Morlan, PWS
Wetlands Program Manager

Enclosure

cc: Michael Crow, Crow/Clay Associates, Inc.
Raedeke Associates, Inc.
U.S. Borax
Bob Lobdell, DSL
Jean Battle, Corps of Engineers, Eugene
City of Brookings Planning Department

Oregon Department of State Lands
Wetland Determination/Delineation Report Requirements Checklist
OAR 141-090-0005 to 0055

2 FP 41037

(This form summarizes requirements and is not meant to replace the above rules. This form is an aide and its use is optional.)

Report Name: U.S. Borax Lone Ranch Assessment County: Cuvvy WD # 08-0388
Consultant firm/contact: Riedel Associates Firm's Project No.: 2003-014-003
DSL Reviewer: J. Morlan Date: 9/3/08

☒ = Does Not Meet Requirements, is not clear, or appears to be incorrect

Technical Requirements:

- ☒ Work conducted according to 1987 Corps of Engineers Wetland Delineation Manual and supporting technical documents & guidance. *Plots sampling method not allowed by DSL rules*

General Requirements:

- ☒ All wetlands and other waters of the state present on the site are included
☐ Report contains the required sections (text, maps, data forms)
☐ All text, maps, aerials, and data forms are legible; all but photo will copy on B&W copier
☒ Wetland Determination/Delineation Report Cover Form
☐ Name, address, phone & fax number, and email address of landowner
☐ Name, address, phone & fax number, and email address of applicant if different
☐ Name, address, phone & fax number and e-mail address of firm/person that prepared report
☐ Address or, if none, location of site, including county and city (if within city limits)
☐ Tax map number (TRS QQ Section and Tax Lot Number(s))
☐ Latitude & Longitude (centroid, or beginning & end of linear project)
☐ Delineation Purpose checked
☐ Signatures

cannot determine if all waters mapped due to coverage gaps; cover form missing

Text Requirements:

- ☐ Detailed description of the site, its landscape setting, and previous and current land uses
☐ Description of any wetlands, including whether or not they extend offsite, and the characteristics of the wetland/non-wetland boundaries
☐ Description, approx. year, and analysis of any site alterations that likely affected the presence, location or boundaries of any waters of the state on the site
☐ The site-specific methods and rationale used to conduct the field investigation, select sample plot locations, determine wetland boundaries, determine the geographic extent of other waters of the state
☐ Date(s) of the field investigation(s)
☒ The wetland map accuracy (see below)
☒ Precipitation on the day of approximately 1 to 2 weeks before the date(s) of the field investigation(s) and percent of normal rainfall for the water year to date
☐ Results and conclusions
☒ The required disclaimer

Accuracy for wetlands not surveyed; disclaimer, but not required one.

Map Requirements:

- ☐ Location map showing the precise site location
☒ Tax Lot map showing the entire parcel(s)

Map Requirements, cont.:

- ☐ LWI map, or if no LWI has been completed, NWI map(s), including map name(s), showing the site location and boundaries (web-source NWI map must include all wetland/deepwater features)
- ☐ County soil survey map showing the site location and boundaries and including a legend identifying the sheet number and all soil series mapped on the site
- ☐ One or more wetland maps comprising the wetland determination and/or delineation and includes:
 - ☐ The boundaries of the entire parcel(s) subject to investigation; or
 - ☐ If only a portion of the parcel(s) investigated, the study area boundary in relation to the parcel boundaries
 - ☒ Existing structures (unless shown on a current aerial photo included in the report), areas of fill, water diversions, or other major alterations Roads etc. not shown on maps
 - ☒ All water features and their boundaries. can't tell streams not delineated centerline only
 - ☐ Numbered sample plots corresponding to data forms - many stream segments with no data or explanation
 - ☐ North arrow and scale bar
 - ☐ Photograph locations and direction of view, if photographs are included in the report for why lines stop, even where
 - ☐ The wetland map(s) scale is suitable for the site size and for legibility
 - ☒ The wetland map(s) and the report text indicate how wetland boundaries were mapped and the topo suggests they continue.

Primary problems are: (1) Detail maps do not cover entire "site" (2) detail maps do not include a site boundary on all sides (e.g., Fig. 4b south & east).

Data Form Requirements:

- ☐ Fully completed data form for each sample plot
- ☐ Standard NRCS soils terminology & depth range of soils and hydrology features recorded (3) Gaps within maps surrounding main creeks - valleys w/ no data
- ☐ Latin name of plant species listed
- ☒ 50/20 method used to determine dominant species - cannot locate all plots on map; cannot locate wetland A.

Plotless method not approved for use by DOL; vegetation data ok except includes non-dominant species, contrary to methods section of report → inconsistent

Field Methods:

- ☒ Data includes a sample plot that best represents each wetland; a sample plot that best represents adjacent non-wetland(s); and paired sample plots located close enough to either side of the wetland boundary to substantiate the wetland boundary location No paired plots. Insufficient # of plots to define wetland boundaries
- ☐ Data is provided for any site or portion of a site where there is significant deviation from wetlands mapped on the NWI or LWI; significant difference is explained in text
- ☐ If the site does not contain wetlands, at least one sample plot was placed in the lowest topographic area or other location most likely to contain wetlands to document site conditions
- ☐ If needed to establish state jurisdiction:
 - ☐ Documentation of fish presence or absence in a stream or ditch, using published maps or reports or information from an authoritative source (e.g., ODFW)
 - ☐ Data sufficient to determine whether or not an identified water area is artificially created entirely from upland and/or the purpose for which it was created
 - ☐ Hydrology monitoring data
 - ☐ Historical aerial photographs
 - ☐ Data or other information on pre-disturbance conditions

Need additional information on intermittent & ephemeral streams to determine state jurisdiction. If vegetation, may need wetland plot data.



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Roseburg Field Office

2900 NW Stewart Parkway

Roseburg, OR 97470

Phone: (541) 957-3474 FAX: (541) 957-3475

Reply To: B330.TA0080(08)
File Name: SWOCC_Storm_Letter.doc
TS Number: 08-1716
TAILS: 13420-2008-TA-0080
Doc Type: Final

RECEIVED

JUL 31 2008

July 30, 2008

Mike Crow
Crow/Clay & Associates Inc.
Architecture and Planning
125 W Central Avenue, Ste. 400
Coos Bay, Oregon 97420

CITY OF BROOKINGS

Subject: Review of the proposed Southwestern Oregon Community College (SOCC) campus
Stormwater Management Plan and hydrology study at the U.S. Borax Property
north of Brookings.

Dear ~~Mr. Crow,~~ ^{Mike}

We received the Stormwater Management Plan from Crow/Clay & Associates Inc. on July 16, 2008 requesting review of the SOCC campus hydrology study (study). You requested our comments of the study by August 5, 2008.

The study includes a description of the stormwater filtration and containment system that will be used to contain runoff from construction disturbance and impervious surfaces. The system will utilize vegetated filter strips, vegetated swales, and a detention pond to intercept surface water runoff before it enters down-gradient wetlands. The study also describes how the drainage patterns of the surface flow from the project area to the down-gradient wetlands and beyond to the culvert under Highway 101.

Our latest survey information, from July 2005, indicates that currently, western lily does not occur within the location of the proposed project footprint or in down-gradient wetlands. Our analysis of the water flow patterns at the project area is consistent with the hydrology study. We anticipate that the stormwater plan, if built as described, will adequately protect wetland resources down-gradient from the proposed SOCC construction activities. We anticipate that the stormwater system will significantly reduce contaminants, excess sediment, and excess water from entering into the down-gradient wetlands if the stormwater management system is maintained as described in the study.

We are also aware that the college desires to introduce western lily to down-gradient wetlands as part of a potential classroom research project. In order to enhance the protection and maintain


the integrity of the down-gradient wetlands and improve conditions for western lily introduction we further recommend:

- 1) Vegetated filtration strips, vegetated swales, and the detention pond water barriers are inspected at least on a quarterly basis by the college in order to catch early indication of possible problems with the filtration systems.
- 2) Filtration strips, vegetated swales, and the detention pond water barriers are inspected after each heavy storm event (at least 5 inches of rain within a 24 hour period).
- 3) Soil moisture and water levels in down-gradient wetlands are monitored quarterly using a soil moisture sensor and a peizometer to ensure that conditions are stable for the potential introduction of western lily. Information from the soil moisture data can help determine if the hydrology is consistent with western lily suitable habitat and if the location is adequate to introduce western lily.

These recommendations should enable the college to better preserve and protect the underlying habitat conditions that support the western lily and further increase the likelihood western lily introduction will be successful.

Thank you for the opportunity to provide assistance with the proposed project. If you have further questions or require additional assistance please contact Dave Imper at 707-825-5112, Sam Friedman at 541-957-3478, or me at 541-957-3470.

Sincerely,



Craig A. Tuss
Field Supervisor

cc: Diane Morris, City of Brookings, Brookings, OR (e)
Dave Imper, USFWS, Arcata, CA (e)
Laura Todd, USFWS, Newport, OR (e)
Office Files, FWS-OFWO, Portland, OR (e)

EXHIBIT C1

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Water Quality

Oregon Drinking Water Protection Program

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Introduction to Drinking Water Protection in Oregon

Approximately 75% of Oregon's citizens get their drinking water from public water systems. Public water systems in Oregon are regulated by the Oregon Department of Human Services (DHS). In Oregon, public water systems with greater than 3 hookups, or serving more than 10 people, year-round are regulated. The 50 largest public water systems, serving >10,000 each, supply drinking water for 60% of the population of the state. In terms of sources of drinking water by population, 50% of Oregon's citizens rely solely on groundwater (mostly small systems). Approximately 30% rely solely on surface water. These are mostly large systems. Another 20% rely on surface water and groundwater, as an emergency backup supply or combination system.

Public water system purveyors have relied almost exclusively upon chemical and mechanical technologies to treat water and to provide an expected level of safety for the public that relies on the systems. Water treatment plants and chlorination are critical treatment processes used to provide safe drinking water. However, increasing urbanization of land used as sources of drinking water, microbial pathogens resistant to chlorination, and proliferation of new synthetic chemical compounds and pharmaceuticals, can challenge the effectiveness of treatment technology. There is widespread recognition that reliable drinking water supplies are dependent upon whole systems that include healthy source water areas, in addition to the well-maintained collection systems, treatment plants, and distribution networks.

The goal of having a healthy source water area is accomplished through "drinking water protection" efforts. Drinking water protection does not mean prohibiting other uses in a watershed or groundwater recharge area. It means identifying the highest risks that could potentially affect the public water system, and seeking to reduce those risks. Drinking water protection has the potential to not only reduce the risk of contamination, but also reduce the cost of treatment, and reduce the risk of local health impacts from contaminants that cannot be removed through standard treatment.

Source Water Assessments

The 1996 Amendments to the federal Safe Drinking Water Act (SDWA) provided new resources to DEQ and DHS to provide drinking water protection assistance to public water systems and communities. "Source Water Assessments" have been completed for all public water systems that have at least 15 hookups, or serve more than 25 people year-round. As a result, DEQ and DHS have delineated the groundwater and surface water source areas which supply public water systems, inventoried each of those areas to determine potential sources of contamination, and determined the most susceptible areas at risk for contamination.

DEQ and DHS shared the responsibilities to implement the Source Water Assessment requirements that included computer database development, Geographic Information System (GIS) development, technical assistance, contamination source inventories, surface water delineations, groundwater delineations, and susceptibility analyses. DHS conducted the groundwater delineations and aquifer sensitivity analyses. DEQ was responsible for the surface water delineations, watershed sensitivity analyses, and inventories for all 1156 full assessments. Both agencies worked to complete Source Water Assessment Reports for each public water system. Many of Oregon's larger public water systems completed their own assessments.

One of the goals for the Source Water Assessment program is to provide public access to the results. DEQ and DHS have a combined "Drinking Water Protection" database which includes a significant amount of data related to the location, delineation, inventory, sensitivity analysis and susceptibility analysis for each source assessed. The purpose of this database is to serve as a repository for drinking water source data to be available to local governments, planners, state and federal agencies, consultants, communities and the general public.

Results from the SWA are also available as GIS layers, with precise GPS locations of the surface water intakes and groundwater wells and springs. This GIS data can be incorporated into land use planning, designation of special areas, etc., at the local or county level. DEQ will "house" the data and make it available to other local and regional government agencies for planning and protection actions. The data will also be housed at the Oregon Geospatial Enterprise Offices' Geospatial Data Clearinghouse.

As a result of the assessments, communities already have both a detailed map of where their water comes from and a list of the potential contaminant sources (natural and man-made) that may affect the water quality. The assessments were designed to identify potential sources of contamination from both non-point and point sources. The individual communities can use the assessment results to voluntarily develop a plan to protect the source area. The assessment report provides information to the community that enables them to focus limited resources on the higher-risk areas within the watershed or recharge zones for wells.

How Does a Community Protect Their Drinking Water?

Using the results of the assessment, members of the local community, local businesses, or the water system can develop strategies to reduce the risks of contamination from those sources. Some strategies for protection can be implemented right away; others may require forming a "Drinking Water Protection Team" to develop a plan for action. Technical assistance in drinking water protection strategy development and implementation is available from DEQ or DHS. The management options implemented to reduce risk are highly individualized, and should be developed by the community to meet their specific needs. Cooperative decision making by public officials, water systems, public interest groups, business, agriculture, and individual citizens can create a powerful long-lasting partnership that will facilitate implementation and public acceptance of drinking water protection.

The primary incentive for local communities to voluntarily implement drinking water protection is the benefit of a more secure source of high quality water. Other (perhaps more tangible) incentives include lower costs to the public by: (a) a reduction in DHS public water supply monitoring requirements, and (b) reduced likelihood of costs for replacement and/or treatment of contaminated drinking water. Long-term assurances of a safe and adequate drinking water supply also helps to protect property values and preserve the local and regional economic growth potential for the area. Developing a plan to protect a public water system is always a cost effective use of resources, since it is extremely expensive to treat contaminated drinking water or to find an alternative source should a water supply be lost because of contamination. DEQ estimates the cost of developing a Drinking Water Protection Plan for a small community of less

than 500 to range from \$100 (with staff or donated time) to approximately \$6,000 (with preparation by a consultant). This is quite different from the typical costs to investigate and install treatment for contamination of at least \$500,000. These numbers are based on actual costs of contamination response in 1992, at a small groundwater supplied public water system in Marion County. A recent EPA study demonstrated the ratio of contaminant cleanup costs to basic prevention ranges from 5:1 to 200:1.

Technical assistance is available and is provided to the communities by DEQ and DHS as they work through the process. Other agencies will also be involved in providing technical assistance as protection plans are developed. For example, on farm lands, the Oregon Department of Agriculture (ODA) will provide assistance as provided for under Senate Bill 1010. In developing recommendations for protecting drinking water source areas, we have sought to maximize the use of existing programs in Oregon such as pollution prevention technical assistance (DEQ), sanitary survey results (DHS), household hazardous waste collection (DEQ), agricultural water quality protection (ODA), water conservation education (Oregon Water Resources Department), rural water quality outreach (OSU Extension Service.), etc.

Protecting the drinking water supply in a community can also be a very effective way to encourage all "stakeholders" to participate in an issue which directly affects everyone in that community. This often leads to more public involvement in other significant local decisions concerning future livability issues (i.e., land use planning). In communities already developing and implementing Drinking Water Protection Plans, the process has served to bring many diverse interests together on a common goal and strengthen the local rural and urban relationships through communication and increased understanding of the typical adversarial priorities.

Where can I get more information?

For additional information, to obtain a map or copy of an individual source water assessment report, or to arrange a presentation on drinking water protection, contact Sheree Stewart, Drinking Water Protection Program Coordinator, DEQ (503) 229-5413, or Dennis Nelson, Groundwater Coordinator, DHS (541) 726-2587 x21.

[print version]

For more information about **DEQ's Drinking Water Protection Program** please see the Staff Contact and Resources Information page.

Oregon Department of Environmental Quality

Headquarters: 811 Sixth Ave., Portland, OR 97204-1390

Phone: 503-229-5696 or toll free in Oregon 1-800-452-4011

Oregon Telecommunications Relay Service: 1-800-735-2900 FAX: 503-229-6124

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SEP-13-04 11:19AM FROM-

T-534 P. 02/09

EXHIBIT C2



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SEP 13 2004

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

200 S. W. Fifth Avenue, Suite 20
Portland, Oregon 97204
Phone 503.224.3780
Fax 503.220.2400
www.stoel.com

September 13, 2004

DAVID E. FILIPPI
Direct (503) 294-9529
defilippi@stoel.com

VIA FACSIMILE - 541-469-3650
AND HAND DELIVERY

Brookings City Council
City of Brookings
898 Elk Drive
Brookings, OR 97415

Re: US Borax Master Plan Application MPD-1-04

Dear City Council Members:

We represent the Rainbow Rock Service Association ("RRSA") and request that this letter be made a part of the formal record of decision in the US Borax matter described above. RRSA is generally supportive of the US Borax application but has concerns that its property and water supply may be adversely affected by the proposed annexation. This letter proposes revisions to one of the proposed conditions of approval to address those concerns.

RRSA provides water and sewer service to a 60-unit oceanfront condominium development north of Brookings. RRSA has discussed its concerns with US Borax and will continue to do so. Given, however, that a final agreement has not been reached by the parties as to necessary actions and mitigation measures, RRSA asks that the council condition any approval of the US Borax application on the imposition of a condition or conditions protecting the RRSA water supply.

Condition 23 of the conditions of approval in the August 23, 2004 document "Conditions of Approval Lone Ranch Master Plan MPD-1-04" provides that

Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRS) surface water supply system, the applicant shall demonstrate how such adverse impacts will be mitigated or that RRSA can obtain an adequate alternative water supply. Each DDP shall evaluate the impact of development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system. (Emphasis added.)

Oregon
Washington
California
Utah
Idaho

SEP-13-04 11:16AM FROM-

T-534 P.03/03 F-846

Brookings City Council
September 13, 2004
Page 2

RRSA requests revision of the provisions that adverse impacts will be allowed if RRSA can obtain an adequate alternative water supply and that adverse impacts only be mitigated. RRSA is concerned that as written this condition could be read to place the burden on RRSA to acquire an alternative water supply or allow the degradation of its water supply.

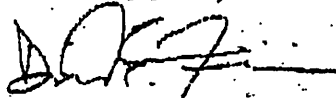
Approval of a master plan of development is subject to Brookings Development Code § 70.070. Section 70.070C provides that among the findings required before the Planning Commission may approve an application for Master Plan of Development ("MPoD") is that

"the proposed MPoD will demonstrate that adequate utilities and infrastructure are available or can reasonably be made available at each phase. The proposed MPoD will also demonstrate that existing utility services and water supplies for adjacent properties will not be negatively affected at each phase."

The Planning Commission may recommend approval but final approval is the province of the City Council. BDC § 70.090. The review criteria require a showing that adjacent properties will not be negatively affected, nor a showing that the neighboring property could take steps to avoid the adverse impact or that the adverse impact be mitigated but not avoided. Accordingly, RRSA requests that the condition of approval be modified as follows to more clearly reflect the approval criteria.

Prior to construction of any phase that may adversely affect the quality or quantity of water available through the existing Rainbow Rock Service Association (RRS) surface water supply system, the applicant shall demonstrate how such adverse impacts will be avoided. Each DDP shall evaluate the impact of development on the existing RRSA surface water system, unless RRSA has previously discontinued use of the system.

Very truly yours,



David E. Filippi

DF:clb

EXHIBIT C3

Al Haddox
17744 N. Hwy 101, #100
Brookings, OR 97415

March 8, 2007

Dean Peggy Goergen
Southwest Oregon Community College
420 Alder Street
Brookings, OR 97415
Via e-mail: pgoergen@socc.edu

Dear Dean Goergen,

Curry Coastal Pilot printed an article "College inks deal for new Brookings campus" indicating SOCC is actively pursuing the development of the new campus for Southwestern Oregon on the Lone Ranch Development property. Last year, documentation was delivered to you by Rainbow Rock Condominiums that the Oregon Department of Environmental Quality had designated this area a Drinking Water Protection Area, PWS 4101361.

Rainbow Rock Condominiums has successfully operated its water system for over 20-years. The proposed site of the 10-acre parcel is located in a designated sensitive area posing a higher risk to the drinking water. It is reasonable to assume that any development within the designated site will contaminate the Rainbow Rock Condominium water supply. The Drinking Water Protection Area, PWS 47101361 has been identified in the Source Water Assessment, prepared by ODEQ, as high soil permeability, high soil erosion potential, high runoff potential, and within 1000-feet from streams.

Already, with the construction of preliminary roads for geotechnical investigation, substantial contamination of our water supply has already occurred. These occurrences have been reported to the Oregon DHS & DEQ. They have sent letters of violation to the property owners. The state agencies are aware of the sensitivity of the area and the impact disturbances will have on the designated Drinking Water Protection Area.

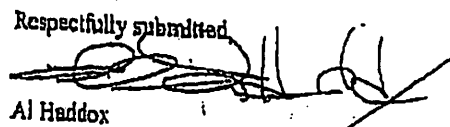
In October of 2004, Rainbow Rock proposed to dedicate all lands, water treatment and pumping facilities, 75,000 gallon water tank and site, and water rights to the City of Brookings in exchange for annexation and connection to the city system. With the current city fee structure, connection fees far exceed any benefit to Rainbow Rock. It is in our best interest to maintain our existing operating system, but we cannot permit it to be destroyed.

As I indicated last year in our telephone conversation, Rainbow Rock supports a new SOCC campus in Southwest Oregon. Having the campus located across the highway would add to local traffic, but would also add the convenience of educational programs close to the units. Rainbow Rock does not want to be seen as an obstruction to this new facility, but our existing water facility is vital to our existence. It must be protected.

The Lone Ranch Site could require SOCC to provide extensive mitigation measures to protect our water system, and the liability for any future contamination would be placed on SOCC. My request is that SOCC investigates other sites that can equally serve the community without destroying our water system or exposing SOCC to needless liability. Other sites would have less impact on designated sensitive areas, and would not impact an existing public water system.

Representatives of Rainbow Rock will be glad to meet with you to resolve this conflict.

Respectfully submitted,


Al Haddox
Chairman,
Rainbow Rock Service Association

Cc: Pal Sherman, Mayor, City of Brookings, Fax: 541-469-3650
Christy Sewell, Oregon DEQ, sewell.christy@deq.state.or.us
Scott Curry, Oregon DHS, Scott.G.Curry@state.or.us
Mike Meszaros, Curry Health Dept., meszarosm@co.curry.or.us
Tom Hubka, Curry Coastal Pilot, thubka@currypilot.com
Jim Stigamire, Chairman, PVCA, jstigamire14@gmail.com

SOURCE WATER ASSESSMENT SUMMARY BROCHURE

RAINBOW ROCK CONDOMINIUMS PWS # 4101361

WHAT IS A SOURCE WATER ASSESSMENT?

The Source Water Assessment was recently completed by the Department of Environmental Quality (DEQ) and the Oregon Department of Human Services (DHS) to identify the surface areas (and/or subsurface areas) that supply water to Rainbow Rock Condominiums' public water system intake and to inventory the potential contaminant sources that may impact the water supply.

WHY WAS IT COMPLETED?

The Source Water Assessment was completed to provide information so that Rainbow Rock Condominiums' public water system staff/operator, consumers, and community citizens can begin developing strategies to protect the source of their drinking water, and to minimize future public expenditures for drinking water treatment. The assessment was prepared under the requirements and guidelines of the Federal Safe Drinking Water Act (SDWA).

WHAT AREAS ARE INCLUDED IN RAINBOW ROCK CONDOMINIUMS' DRINKING WATER PROTECTION AREA?

The drinking water for Rainbow Rock Condominiums is supplied by an intake on an unnamed creek. This public water system serves approximately 80 citizens. The intake is located in the Whaleshead Creek Watershed in the Chetco Subbasin of the Southern Oregon Coastal Basin. The geographic area providing water to Rainbow Rock Condominiums' intake (the drinking water protection area) extends upstream approximately one mile in a northerly direction and encompasses a total area of 0.24 square miles. The boundaries of the Drinking Water Protection Area are illustrated on the figure attached to this summary.

WHAT ARE THE POTENTIAL SOURCES OF CONTAMINATION TO RAINBOW ROCK CONDOMINIUMS' PUBLIC DRINKING WATER SUPPLY?

The primary intent of this inventory was to identify and locate significant potential sources of contaminants of concern. The delineated drinking water protection area is primarily dominated by forest management land use. The potential contaminant sources that may effect the watershed include managed forest lands, a transportation corridor and a borrow pit. This provides a quick look at the existing potential sources of contamination that could, if improperly managed or released, impact the water quality in the watershed.

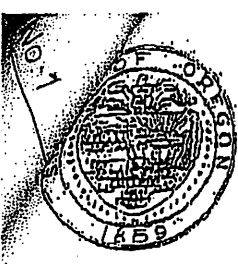
WHAT ARE THE RISKS FOR OUR SYSTEM?

One potential contaminant source, the managed forest lands, was identified within the drinking water protection area. The forestlands are located in "sensitive areas", and pose a relatively higher risk to the drinking water. The sensitive areas within the Rainbow Rock Condominiums drinking water protection area include areas with high soil permeability, high soil erosion potential, high runoff potential and areas within 1000' from the river/streams. The sensitive areas are those where the potential contamination sources, if present, have a greater potential to impact the water supply. In addition, two potential contaminant sources were identified just outside of the drinking water protection area. These potential sources are included in this inventory because they pose a moderate to high degree of potential contamination risk to the drinking water supply... The information in this assessment provides a basis for prioritizing areas in and around our community that are most vulnerable to potential impacts and can be used by the Rainbow Rock Condominiums community to develop a voluntary Drinking Water Protection Plan.

NEED MORE INFORMATION?

Rainbow Rock Condominiums' Source Water Assessment Report provides additional details on the methodology and results of this assessment. The full report is available for review at:

Contact the Rainbow Rock Condominiums' staff if you would like additional information on Source Water Assessment results.



Oregon

Timothy W. Mulvaney, Governor

EXHIBIT C5

Department of Environmental Quality
Western Region Coos Bay Office
381 N Second Street
Coos Bay, OR 97420
(541) 269-2721
FAX (541) 269-7984

January 16, 2007

Gene O. Emre, Principal
Otak
17355 SW Boones Ferry Road
Lake Oswego, Oregon 97035-5217

RE: WQ- Curry County
Lone Ranch Property/US Borax - Otak Project No. 13540
WL-WQ-WR/CB-2006-077

Dear Mr. Emre:

Thank you for your response of December 7, 2006, to my Warning Letter of November 13, 2006, concerning the activities at the US Borax property north of the City of Brookings, Oregon.

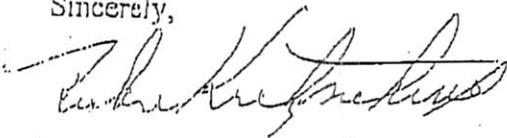
In your response, you pointed out that the impact during this last portion of the project was less than three-quarters of an acre, which is less than the one-acre threshold requiring a NPDES 1200-C permit. Thank you for this information and attached pictures. However, you also pointed out that in 2005, your contractor installed water mains, sanitary sewer, and power conduits along the right-of-way of Highway 101 as part of the development for this property.

The requirement for obtaining the NPDES 1200-C permit also includes activities that disturb less than one acre that are part of a common plan of development or sale if the larger common plan of development or sale will ultimately disturb one acre or more and may discharge to surface waters or conveyance systems leading to surface waters of the state. Oregon Administrative Rules (OAR) 340-045-0015 and 0033(5) requires all owners or operators responsible for these sources to register under this permit or obtain an individual permit.

Since these two projects are part of the larger development activities for this property and it now appears that more than one acre has been disturbed, I am again requesting that you submit a completed NPDES 1200-C application and fee to DEQ. I have enclosed an application for your convenience. The NPDES 1200-C application or NPDES Storm Water Regulations for Construction Activities November 2002 includes the 1200-C Permit Application Form; Land Use Compatibility Statement Form; Erosion and Sediment Control Plan Worksheet; and Notice of Termination Form.

I am requesting that the completed application be submitted to DEQ by February 1, 2007, in order to correct this violation. If you need assistance in completing this application, please contact me at 541-269-2721, ext 23.

Sincerely,



Ruben Kretzschmar
Natural Resource Specialist

Cc: John Blanchard, WQ- Medford
Curry County Planning Department
City of Brookings Planning Department
Timothy V. Ramis of Ramis Crew Corrigan, LLP, Attorneys at Law

S.S.-G. Lammbock
38



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality
Western Region Coos Bay Office
381 N Second Street
Coos Bay, OR 97426
(541) 269-2721
FAX (541) 269-7984

Mike Crow
Crow/Clay & Associates AIA
125 W. Central, Suite 400
Coos Bay, OR 97420

May 28, 2008

RE: WQ/SS-Curry County
Southwestern Community College Annex
Brookings, OR
Temporary Holding Tank Installation

As per our phone conversation on this date, Oregon Administrative Rule (OAR) 340-071-0340 (1) (b) (A) & (B) Holding Tanks, lists the criteria for allowing the installation of a temporary holding tank within an area-wide sewerage district.

This would require a Water Pollution Control Facilities (WPCF) permit for the installation of the tank with detailed construction plans to be submitted with the application.

If you have any questions pertaining to the process please contact this office for assistance.

Sincerely,

Del Cline, R.S.
On-Site Wastewater Specialist



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality
Western Region Coos Bay Office
381 N Second Street
Coos Bay, OR 97420
(541) 269-2721
FAX (541) 269-7984

August 12, 2008

Michael R. Crow/RR
Crow/Clay & Associates, Inc.
125 W. Central Ave., Suite 400

RE: Southwestern Oregon Community College Annex
Brookings, OR

Dear Mr. Crow:

A "holding tank" is defined in Oregon Administrative Rule (OAR) 340-071-0100 (82) & (83) as an approvable on-site septic system for the proposed building at the Southwestern Oregon Community College site in Brookings. It is approvable as a temporary or permanent on-site system to serve the College's needs.

The letter from the City of Brookings as to the possible timing of the sewer line along Highway 101, does not obligate the City to install the sewer line to serve the college.

The college may, in the future, look at other DEQ approved "on-site" treatment and dispersal methods if desired, or if City services do not become available.

Sincerely,

Del Cline, R.S.
On-Site Wastewater Specialist



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department
Heritage Conservation Division
725 Summer St. NE, Suite C
Salem, OR 97301-1271
(503) 986-0707
FAX (503) 986-0793
www.hcd.state.or.us

16 August 2004

City of Brookings
City Council
898 Elk Drive
Brookings OR 97415

RECEIVED
AUG 18 2004

**CITY OF BROOKINGS
COMMUNITY DEVELOPMENT**

Re: Proposed development of Borax property

Dear City Council:

Numerous individuals and agencies have recently contacted our office regarding a proposed land rezoning and development decision currently being addressed by your city. The case under review deals with property once part of a Borax mine, located north of Brookings. Concerns have been raised regarding the potential effect of the proposed development on existing cultural resources, in addition to the expedited review process that some feel is not permitting ample time to review potential concerns with the proposed action. Our office is aware that an initial cultural resource survey of the Borax property has been completed but that apparently the City of Brookings has been told that the results of the survey could not be shared with them due to security concerns. Due to apparent misunderstandings regarding the disclosure of cultural information, I have contacted the archaeologist responsible for the recent cultural resource survey to clarify any concerns that may exist over any future land use decisions.

While a final report has not yet arrived at our office regarding the results of the completed cultural resource survey, Mr. Thomas Churchill (personal communication 12 August 2004) of *Archaeological Frontiers* related to me that a survey of the property has indeed been completed and a draft report of his findings is almost complete. Preliminary findings from his survey have apparently been shared with the landowners some time ago. Mr. Churchill stated that his company completed a survey of approximately 320 acres of the 360-acre property with only about 40 acres of wetlands not surveyed due to his inability to traverse these lands. Survey results were greatly hampered by poor visibility, which was usually less than 5%. Cultural resources discovered include three prehistoric sites, seven prehistoric isolated finds, and three historic isolated finds. Due to poor surface visibility, Mr. Churchill felt that it is highly likely that all of the isolated finds represent sites and that further subsurface probing should be conducted to determine their true nature. The identified cultural resources were found scattered throughout the Borax property. A few of the locales were said to be in areas that will not be impacted by the proposed development, however, the majority of the locales, if found to be significant, will be negatively affected. Mr. Churchill has recommended that further testing of these areas to determine significance to the National Register of Historic Places be completed. Our office supports this recommendation.

Concern over the proposed development of the Borax property centers around known ethnohistoric, oral historic, ethnographic, and archaeological information that supports long term continued use of the Borax property. Known information on the area includes: ethnohistoric documents describing extensive use of the area and the existence of subsistence related features within the project area; Chetco oral historic accounts of a large Native village with many house pits located on the property; ethnographic documents show the Jedediah Smith Historic Trail crossing a portion of the property; and archaeological data confirms the close proximity of the Lone Pine village site, a large village site located due west of the project area, and the large number of archaeological sites that have been identified on the property to date (one of which has been previously disturbed from a water well testing operation). Given the general poor visibility found throughout the property, Mr. Churchill believes that there is a high potential for additional cultural sites to be located within the proposed Borax property and has suggested to the landowners that subsurface testing be conducted to determine the presence or absence of buried cultural resources. This potential is reflected in the absence of the identification of any of the subsistence related features during the current survey reported in ethnographic documents to have been on the property (i.e., elk pits used to trap animals during seasonal wildlife drives). While our office commends Mr. Churchill's recommendation for additional testing, state law does not require that subsurface probing be conducted in areas where no cultural resources were earlier identified, prior to development activities. However, if cultural material is encountered during future ground disturbing activities, all activities must stop immediately until a professional archaeologist can assess the discovery. Probing prior to development is generally a preferred method since the discovery of cultural resources through early probing will alleviate later negative impacts to large-scale construction efforts resulting in a shutdown of activities and a loss of project funds.

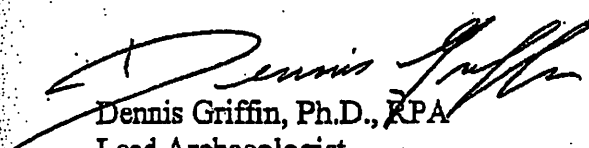
The issue of disclosure of cultural resource information centers on the desire to protect site-specific locational information so that looting activities do not result from the disclosure. Looting of archaeological sites throughout Oregon appears to be on the rise over the past five years and it is true that specific locations of information are generally restricted. General information on the existence and type of cultural resources found within an area, however, is not restricted. It is difficult to see how your office can make a balanced decision on future planning efforts without first being able to obtain sufficient information in which to judge potential impacts of those decisions. I hope that sufficient information regarding cultural resources within the proposed development area will soon be released to you so that you can complete your review.

In summary, numerous cultural resources have been identified on the Borax property and it appears likely that additional resources exist. Whether these resources are of sufficient quality and integrity to be eligible to the National Register, thus requiring protection or mitigation efforts under current state law (ORS 358.905-955, ORS 97.740-760, ORS 390.235 [OAR 736-051-0090]), are not known. Additional information is needed to be able to make this assessment. It is recommended that future land development activities within the proposed Borax property should: 1) determine the significance of all identified cultural resources and avoid or mitigate for potential impacts to those resources found to

be significant to the National Register of Historic Places; or 2) seek to avoid all areas of known cultural resources; and 3) probe areas of high probability and low visibility prior to development or have an archaeological monitor on hand during ground disturbing activities to insure that previously unknown cultural resources are not impacted.

Our office hopes to receive a copy of Archaeological Frontiers' cultural resource report for the project area in the near future. If additional information is identified at this time, I will be sure and forward this information to your office. If you have any questions regarding the above assessment or would like additional information from our office, please feel free to contact me at your convenience.

Sincerely,



Dennis Griffin, Ph.D., RPA
Lead Archaeologist
(503) 986-0674
dennis.griffin@state.or.us

cc. Robert Kentta, Confederated Tribes of Siletz
Don Ivy, Coquille Tribe
Thomas Churchill, Archaeological Frontiers
James Hamrick, Heritage Conservation District
Roper Roper, SHPO



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department
Heritage Conservation Division
725 Summer St. NE, Suite C
Salem, OR 97301-1271
(503) 986-0707
FAX (503) 986-0793
www.hcd.state.or.us

27 August 2004

City of Brookings
City Council
898 Elk Drive
Brookings OR 97415

received
9-2-04

Admin Office

Re: Proposed development of Borax property

Dear City Council:

On 25 August, 2004, I met with representatives from US Borax and Western Advocates Inc. to discuss the current Lone Ranch Master Plan proposal being considered by your office. This meeting came about as a result of my recent letter to your office that attempted to inform your council of the general results of an archaeological survey that had been conducted by Archaeological Frontiers for the above property. In discussing the Master Plan, I want to be clear in stating that our office has no problem with the proposed development. We find that cultural resource issues have been considered during the early planning stages of the development and that flexibility exists to address any concerns that might arise later when a detailed development plan is designed and an actual study of potential effects can be made.

Our recent meeting provided me with the first opportunity to review the proposed Lone Ranch development plan and to understand its history and design schedule. Having reviewed the Lone Ranch's Master Plan of Development, City Ordinance 03-OI-446.PP and the Condition of Approval that had been previously approved by the City of Brookings Planning Commission¹, our office finds that we are in agreement with US Borax that cultural resource concerns are assured adequate protection during the project's early development process.

My letter of 16 August was not in conflict with the Lone Ranch proposed plan but was meant to provide archaeological information to your council where I had been informed it was lacking due to a previous misunderstanding regarding security concerns for identified cultural resources. In truth, our office was not aware of what the proposed plan for the development was; only that a development plan was being considered and that a cultural resource survey had been requested to assist future planning efforts but whose results were not being shared; a prime example where misunderstandings can occur.

The current discussion regarding the Master Plan for the Lone Ranch development does not involve any site-specific planning areas that would be in conflict with any cultural resources that exist on the property. Flexibility in design and sufficient land in which to

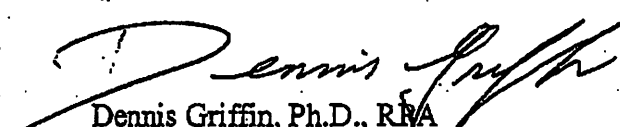
¹ "All development shall comply with the state regulations regarding cultural resources, specifically, ORS 358.905 to 358.955, ORS 390.235 to 390.240 and ORS 97.740 to 97.760 to the extent applicable."

allow modification of later structural placement in cases of future conflicts appear to have been foreseen and built into the existing ordinance and plan. Potential conflicts with cultural resources located within the Lone Ranch property, and steps needed to avoid or mitigate any adverse effects that may occur during future stages of development will not be known until US Borax drafts a detailed development plan for review. This next stage in the development plan calls for such a discussion, which is currently proposed for 2005. At that time the archaeological survey report will have been completed and its results able to be taken into consideration.

I regret any misunderstanding my letter may have caused your office in reviewing the current Lone Ranch Master Plan. My concern in writing was that I had been informed that your office believed that it needed information that it was not being permitted and I had hoped by contacting you I could clarify the basic results of the completed survey while informing you of the restrictions to site-specific resource locations in order to protect them from vandalism and destruction. US Borax should not disclose to the city or any other agencies any site-specific locations of cultural resources identified by the archaeological survey. This information is exempt from the Freedom of Information Act. However, assurances that all such sites will be evaluated and either avoided or mitigated under later development proposals should be shared with your council, which is what has been agreed upon under existing project conditions.

We look forward to hearing from US Borax during the next stage of the proposed development and working with them to insure that all significant cultural sites are protected. If you have any questions regarding the above assessment or would like additional information from our office, please feel free to contact me at your convenience.

Sincerely,



Dennis Griffin, Ph.D., RRA
Lead Archaeologist
(503) 986-0674
dennis.griffin@state.or.us

- cc. Robert Kentta, Confederated Tribes of Siletz
- Don Ivy, Coquille Tribe
- Timothy Ramis, US Borax
- Burton Weast, Western Advocates Inc.
- Thomas Churchill, Archaeological Frontiers
- James Hamrick, Heritage Conservation Division
- Roper Roper, SHPO



Oregon

Theodore R. Kulongoski, Governor

EXHIBIT E3 ATTACHMENT A

Parks and Recreation Department
State Historic Preservation
725 Summer St. NE,
Salem, OR 97301
(503) 918-1111
FAX (503) 918-1112
www.hcd.state.or.us



June 12, 2008

Ms. Robin Richards
Crow/Clay & Associates
125 W Central St 400
Coos Bay, OR 97420

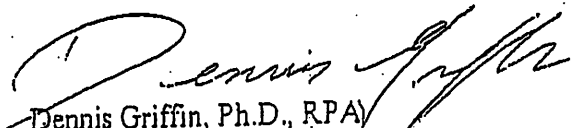
RE: SHPO Case No. 08-1211
Curry Campus of Lone Ranch Comm College
Campus construction
Crow/Clay & Assoc./Lone Ranch Comm College
40S 14W 26, Brookings, Curry County

Dear Ms. Richards:

Our office recently received a request to conduct a cultural resource review for the area of the project referenced above. In checking our statewide cultural resource database, I find that there has been a previous cultural survey of the lands surrounding and encompassing the proposed project and archaeological sites were identified. One of these sites (35CS225) lies within the larger area demarcated within the proposed SOCC campus but not within the area currently planned to be developed. Given that surface visibility in the area of the larger Borax property project was nonexistent and archaeological sites were found in those few areas where the ground surface was visible, and that subsurface visibility in the area of the proposed campus development was also zero, our office recommends that subsurface probes be conducted within the proposed project area (in area to be disturbed). The proposed campus structures are located on a landform generally perceived to have a high probability for possessing archaeological sites and buried human remains.

A list of possible archaeological consultants can be found on our web site (www.oregonheritage.org) by clicking on Archaeological Services web page and highlighting the section marked Archaeological Permits. State statutes (ORS 358.905 and ORS 97.740) provide protection for archaeological sites, objects, and human remains on both state public and private lands in Oregon. I hope that by providing the above-suggested archaeological survey, damage to any archaeological sites in the area of your proposed project can be avoided.

If you have any questions about the above comments or would like additional information, please feel to contact me at your convenience. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.


Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@state.or.us

Dianne Morris

From: robin [robin@crowclay.com]
 Sent: Monday, July 28, 2008 1:47 PM
 To: Dianne Morris
 Subject: SHPO #08-1211

RECEIVED
 JUL 29 2008
 CITY OF BROOKINGS

Ms. Robin Richards
 Executive Assistant
 Crow/Clay & Associates Inc.
 Architecture and Planning
 125 W Central Avenue, Ste. 400
 Coos Bay, Oregon 97420
 (541) 269-9388
 (541) 267-6187 FAX
 www.crowclay.com

-----Original Message-----

From: Susan White [mailto:Susan.White@state.or.us]
 Sent: Wednesday, July 23, 2008 8:32 PM
 To: robin
 Subject: Re: SHPO #08-1211

Ms. Richards,

Dr. Griffin did reply to the inquiry with the SHPO case 08-1211. However, since we deal with cultural resources, i.e., archaeological resources and historic structures, it would not be pertinent or appropriate for our office to comment on a stormwater management plan that deals with natural resources.

I believe with the initial inquiry under SHPO case 08-1211, Dr. Griffin recommended that a cultural resource assessment survey be conducted for the project area since its location is in close proximity to a known archaeological site.

Please let me know if you have any further questions or concerns. Thanks very much,

 Susan Lynn White, RPA
 Assistant State Archaeologist
 State Historic Preservation Office
 725 Summer Street NE, Suite C
 Salem, Oregon 97301
 503-986-0675
 503-986-0793 FAX
 Susan.White@state.or.us
 www.oregonheritage.org

>>> "robin" <robin@crowclay.com> 7/23/2008 11:16 AM >>>

Good morning. On July 14, 2008 we sent Dennis Griffin a copy of the Stormwater Management Plan for the Southwestern Oregon Community College property in Brookings, Oregon. Do you know if he received it? We sent this plan to Dennis to comply with the City of Brookings Detailed Development Plan compliance conditions. See below:

"A hydrologic study shall be provided with each Detailed Development Plan

(DDP) and any such study must be provided to federal and state agencies responsible for wetlands and endangered species protection. Each successive hydrologic study will cumulatively incorporate and consider information provided in the previously prepared hydrologic studies. The City will review the agency comments regarding the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of wetlands and western lilies. At the time of the DDP review, the City shall require changes to the DDP that it determines are needed to comply with applicable standards and to protect wetlands and western lilies."

Would you be able to determine if this pertains to your agency and if so, can someone review it for comments or concerns in writing before August 5?
Let me know if we have to wait for Dennis to return. Thank you for your time. Robin

Ms. Robin Richards

Executive Assistant

Crow/Clay & Associates Inc.

Architecture and Planning

125 W Central Avenue, Ste. 400

Coos Bay, Oregon 97420

(541) 269-9388

(541) 267-6187 FAX

www.crowclay.com



Smith River Rancheria

140 Rowdy Creek Rd, Smith River, CA 95567-9525
Ph: (707) 487-9255 Fax: (707) 487-0930

Exhibit D-4

EXHIBIT E5
RECEIVED

AUG 12 2008

CITY OF BROOKINGS
4:30 pm R

August 11, 2008

Kara Brundin
Miller
Chairperson

City of Brookings
Brookings Planning Commission
898 Elk Drive
Brookings, OR 97415

Denise Padgett
Vice Chairperson

RE: File # DDP-1-08

Sharyne R. Harper
Council Secretary

Dear Brookings Planning Commission:

Joel Bravo
Treasurer

On behalf of the interests of the Smith River Rancheria (Tribe), we are submitting comments and concerns regarding the proposed project of the Curry Campus of Lone Ranch Community College in Brookings, OR. At this time, the Tribe would like to initiate a government-to-government relationship as defined in both federal laws, Section 106 and NHPA (National Historic Protection Act), to work to protect cultural, natural, and archaeological resources found within the area of potential effect (APE). It is of grave concern, of the Tribe, that a formal consultation process has not yet been formalized during the creation of this project and proper mitigation measures have not been discussed. The village site of Natlh-dee-nee-dvn is located within the APE of the proposed undertaking and although it would seem that the Tribe opposes the construction of such a facility this is not the case.

Marinn Lopez
Council Member

Loren Bommelyn
Council Member

Joseph Giovannetti
Council Member

Our main concern is the need for a proper mitigation plan to be set in place prior to any ground disturbing activity; as we wish to be more proactive than reactive when it comes to protecting culturally significant areas. The high sensitivity of this particular area has invaluable value to our people and it is our goal that the integrity of this village is kept intact.

Russ Crabtree
Tribal
Administrator

At this time we are requesting a more detailed project description. Upon receipt and after thorough study we will be registering additional comment.

Thank you for your time and understanding in this matter. Should you have any questions or concerns please contact either Russ Crabtree, Tribal Administrator @ 707-487-9255 or Suntayea Steinruck, Tribal Historic Preservation Officer at extension 3180.

Sincerely,

Suntayea Steinruck
NAGPRA/THPO Officer

Waa-saa-ghitlh-'a~ Wee-ni Naa-ch'aa-ghitlh-iii
Our Heritage Is Why We Are Strong

Exhibit M-3

Pat Sherman
P. O. Box 1140
Brookings, OR 97415

CITY OF BROOKINGS

OCT 15 2008

October 15, 2008

RECEIVED

Mayor Anderson and Councilors
City of Brookings
898 Elk Drive
Brookings, OR 97415

Re: Case # APP-2-08

Mayor and Councilors,

Please enter this into the record of the above appeal.

I observed that the Final Order and Findings in Case # DDP-1-08 approved by the Planning Commission inaccurately portrayed the testimony that I had submitted in that proceeding.

With the public's interest in mind of assuring that the public record is as accurate as possible, I request that you instruct staff to rephrase their Findings so that they accurately reflect my previous testimony.

Specifically, my August 5, 2008 testimony in DDP states: *"As the June 3, 2008 letter from the City Manager to DEQ shows, it seems that staff is aware of the requirement."*

My August 19 testimony states:

"Fourth, in previous testimony I had raised concerns about the financial liability that the City would incur if it approved the installation of a temporary holding tank for sewage, as follows:

Oregon Administrative Rule (OAR) 340-071-0340 (1) (b) (A) states in its entirety:

(A) The application for permit includes a copy of a legal commitment from the legal entity to extend a community or area-wide sewerage system meeting the requirements of this division to the property covered by the application within five years from the date of the application.

Mr. Cline states: 'the letter from the City of Brookings as to the possible timing of the sewer line along Highway 101 does not obligate the City to install the sewer line to serve the college.'

The letter submitted by the City Manager to DEQ isn't the issue. What the issue is is that OAR would require the City, meaning the City Council, to make a legal commitment to extend the sewer as stated in the plain language of the OAR. The legal

commitment would carry a financial liability along with it and the liability would be on the City."

The Findings on the DDP state: *"These exhibits reference a letter written by City Manager Gary Milliman dated June 3 2008 and **state this letter commits** the City to pay for any needed sewer lines to serve this development in 5 years if the lines have not already been installed."*

As you can see from my actual testimony, the Findings statement is an incorrect statement, at least with respect to my testimony. There is a difference between testimony that says that city staff is **aware** of a legal requirement (my testimony) and a statement that says that city staff actually **made** a legal commitment. (staff's Findings) No where did I assert that staff made a legal commitment.

A possible revision of the Findings could be something like: "These exhibits reference a letter written by City Manager Gary Milliman dated June 3, 2008 **which letter indicates that the City Manager is aware of the need for** the City to pay for any needed sewer lines to serve this development in 5 years if the lines have not already been installed."

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Sherman". The signature is fluid and cursive, with a large initial "P" and "S".

Pat Sherman

Exhibit M-4

RECEIVED

Dianne Morris

OCT 17 2008

From: Bill Yocum [byocum@hughes.net]
Sent: Thursday, October 16, 2008 6:27 PM
To: Dianne Morris

CITY OF BROOKINGS

Subject: Written evidence to DDP for SWOCC - File No. APP-2-08

We are submitting the following written evidence to the Brookings City Planning staff in the matter of File No. APP-2-08, an appeal of the Planning Commission's approval of a Detailed Development Plan (DPP) for Southwestern Oregon Community College (SWOCC).

We have reviewed the Amended Appeal Statement from Catherine Wiley dated 9/21/2008. Most of what the appeal addresses has been dealt with at the Planning Commission Level. Additional comments are as follows:

- Item 5 is inaccurate as height and setbacks were addressed in the Final Order.
- Item 6 is inaccurate as the Final Order does contain conditions of approval including the height and setbacks addressed above.
- Item 7 is irrelevant. The appeal must either list deficiencies or it does not.

As a taxpayer in the City of Brookings I feel that this appeal is an abuse of our system and is an unwarranted stalling technique. I encourage the Brookings City Council to swiftly approve the DDP for SWOCC and to minimize the tax burden that this appeal is placing on the citizens of Brookings. Thank you for the opportunity to comment on this very important project.

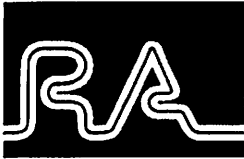
Bill & Cate Yocum
PO Box 4910
Brookings, OR 97415
541-661-4576

10/17/2008

EXHIBIT N

Materials submitted before Public Hearing on
October 20, 2008
APP-2-08/DDP-1-08

EXHIBIT N	DATE:	FROM:	NUMBER OF PAGES:	DOCUMENTS:
N-1	10-17-08	Raedeke Associates Inc. Christopher Wright 5711 NE 63 rd Street Seattle WA 98115	2	2 page letter



RAEDEKE ASSOCIATES, INC.
5711 NE 63rd Street
Seattle, Washington 98115
(206) 525-8122 Fax: (206) 526-2880

OCT 15 2008

CITY OF BROOKINGS

October 17, 2008

Mr. Mike Crow
Crow/Clay & Associates, Inc.
125 W. Central Avenue, Suite 400
Coos Bay, OR 97420

RE: SOCC DDP – Wetland Permit Application
R.A.I. Project #2008-036-001

Dear Mr. Crow:

The Oregon Department of State Lands (DSL) issued a comment letter on September 3, 2008 regarding the Wetland Assessment report that we prepared for U.S. Borax regarding their Lone Ranch Property in Brookings, Oregon. The concerns expressed by DSL in their comment letter are not specifically that the wetland boundaries as described in the report are incorrect, rather that a site visit would be required to confirm the location and extent of wetlands in the project vicinity. The DSL also expressed concern that the Wetland Assessment report addresses the entirety of the Lone Ranch property and is not specific to the proposed Southern Oregon Community College parcel.

The extent and location of wetlands on the Lone Ranch property, including the Southern Oregon Community College parcel were identified and marked using the standards and protocols in effect at the time that the delineation was conducted (2003). While there have been changes to the administrative rules governing the standards for wetland reports in the interim, the standards for identifying wetland boundaries have not changed. The area and extent of wetland identified on the property, and described in the Wetland Assessment report, were the areas that met all three wetland parameters (hydric soil, wetland plant communities, and wetland hydrology). Portions of the property that lacked one or more wetland parameters were identified as uplands.

Wetlands on the property are, for the most part, located in depressions and are unlikely to have changed in area or nature since the original field work was conducted. At the time the wetland investigation was conducted, the property had not been significantly altered (i.e., logged, graded, grazed or burned) in decades. The condition and extent of wetlands on the site was in a nearly undisturbed state. The property has not undergone significant changes in the last 5 years, nor has there been any substantial development in the surrounding areas that may have affected the wetlands on the property. It is unlikely that the portions of the site that meet the wetland criteria are different now than they were when the delineation was conducted, or different than they were decades ago.

Mr. Mike Crow
October 17, 2008
Page 2

It is my best professional judgment that the wetland boundaries depicted in the U.S. Borax Lone Ranch Property Wetland Assessment report will be confirmed by the DSL once they have had the opportunity to review the boundaries on the ground. The proposed site design for the Southern Oregon Community College will not have any impact to wetlands beyond that described in the Detailed Development Plan and the permit application made to DSL.

If you have any questions you may contact me directly at (206) 525-8122.

Respectfully submitted,

RAEDEKE ASSOCIATES, INC.

Christopher W. Wright
Principal/Soil and Wetland Scientist
U.S. Army Corps of Engineers Certified Wetland Delineator

EXHIBIT O

Materials submitted at Public Hearing on
October 20, 2008
APP-2-08/DDP-1-08

EXHIBIT O	DATE:	FROM:	NUMBER OF PAGES:	DOCUMENTS:
O-1	10-20-08	DSL, Andrea Downing	3	FAXed email to Planning Director
O-2	10-20-08	Brookings IT Dept., Jim Relaford	1	Email to Planning Director
O-3	10-20-08	Brookings City Manager, Gary Milliman	2	Letter to Mayor and Council

FAX TRANSMISSION

Exhibit O-1

775 Summer St NE #100 Salem OR 97301 503.986.5200

**Oregon Department
of State Lands**

Fax

To: Ms. Diane Morris

From: Andrea Downing

Fax: 541-469-3650

Pages: 2

Phone:

Date: 10/20/2008

Re: WD2008-0388

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

● **Comments:**

Ms. Morris –



Per our phone conversation, attached is the email notice originally sent to you on September 3rd, 2008. To confirm, this notice was sent only by email, no hard copy was sent to the City of Brookings. As we are just discovering, there may be a problem with our email correspondence since the message I sent to you even one hour ago, has not yet been received on your end.

Please let me know if I can be of any further assistance.

Andrea Downing, Wetlands Support Staff

DOWNING Andrea

From: DOWNING Andrea**Sent:** Monday, October 20, 2008 2:02 PM**To:** City of Brookings (dmorris@brookings.or.us)**Subject:** FW: WD08-0388 Rejection

Per your request to Janet earlier today, attached is the letter previously sent in September by email. Email addresses are not shown below as the message was originally sent to all addressees by "bcc".

Please let me know if you have any questions.

Andrea Downing
Wetlands Support Staff
Oregon Department of State Lands
775 Summer St. NE #100
Salem, OR 97301
Phone 503-986-5235
Fax 503-378-4844
andrea.downing@dsl.state.or.us
www.oregonstatelands.us

From: DOWNING Andrea**Sent:** Wednesday, September 03, 2008 2:44 PM**Subject:** WD08-0388 Rejection

We received a wetland assessment report for the US Borax Lone Ranch Property on 7/16/08. The report was assigned a number, WD#2008-0388 and given to Janet Morlan for review. Her response is attached. Please direct any questions to Janet at 503-986-5236.

Andrea Downing
Wetlands Support Staff
Oregon Department of State Lands
775 Summer St. NE #100
Salem, OR 97301
Phone 503-986-5235
Fax 503-378-4844
andrea.downing@dsl.state.or.us
www.oregonstatelands.us

Dianne Morris

From: Jim Relaford
Sent: Monday, October 20, 2008 3:54 PM
To: Dianne Morris
Subject: E-mail Archival Search

Dianne, Per your request, I searched the e-mail archives for any mail from the Dept. of State Lands that was posted on September 3, 2008. I did the search for 9/3/08 as well as 9/4/08. There were no postings for either date from the Dept. of State Lands.

If I can be of further help please let me know..

Jim Relaford
IT Dept

10/20/2008



MEMORANDUM

Office of the City Manager

GARY MILLIMAN

City Manager

TO: Mayor and Council

DATE: October 20, 2008

SUBJECT: Pat Sherman Letter Dated October 15, 2008

I have reviewed the letter dated October 15, 2008, submitted as Exhibit M-3 in connection with APP-2-08/DDP-1-08.

As I understand it, Pat Sherman objects to her testimony at the Planning Commission being characterized in an August 25, 2008, Planning Commission Report as indicating that my letter "commits the City to pay for any needed sewer lines to serve this development in 5 years if the lines have not already been installed." Rather, Sherman wishes that her testimony be characterized as referencing "a letter written by City Manager Gary Milliman dated June 3, 2008 which letter indicates that the City Manager is aware of the need for the City to pay for any needed sewer lines to serve this development in 5 years if the lines have not already been installed."

Please note that my letter of June 3, 2008, to the DEQ makes no such assertion

Essentially, Sherman is requesting that the Council change the Planning Director and Planning Commission interpretation of her testimony. Further, Sherman is requesting that the Council create a new, false record indicating that my letter of June 3, 2008, is evidence that I was "aware" of "need" where there are no facts in evidence. My letter of June 3, 2008, does not acknowledge any such requirement. Indeed, a letter dated August 12, 2008, from DEQ clearly states that my letter "does not obligate the City to install the sewer line to serve the college" and that the proposed holding tank is "approvable as a temporary or permanent on-site system to serve the College's needs." Thus, the assertion that there is a DEQ requirement for the City to pay for the connection appears to be without merit.

The language in DDP-01-08 ultimately approved by the Planning Commission on September 9, 2008, summarizes Sherman's testimony and that of the CRAG Law Center on this point. This summary is consistent with the interpretation of Sherman's testimony by Director Morris and was approved on a unanimous vote of the Planning Commission without modification. Additionally, in a letter to the Curry Coastal Pilot prior to the public release of Director Morris' August 25, 2008, Planning Commission Report, League of Women Voters President Sara Wilson questioned "whether Milliman had the authority to guarantee the sewer hook up" in an obvious reference to your testimony and Public Forum article in the Pilot. Finally, the Curry Coastal Pilot reports in its August 27, 2008, edition that in a letter to the Pilot Sherman raised the issue as to whether a "letter written by Milliman to the DEQ on July 3" "obligates the city of Brookings to build a sewer line to the Lone Ranch development."

Obviously, Director Morris and the Planning Commission are not alone in interpreting Sherman's testimony in the fashion indicated in Morris' memorandum of August 25, 2008.

I believe the characterization of the testimony by Sherman and CRAG as contained in her Report to the Planning Commission dated August 25, 2008, is a reasonable interpretation of their intent. Apparently, the Planning Commission agrees as no member of the Commission questioned the matter prior to their unanimous vote on the Final Order on September 9, 2008.

It is my recommendation that the subject Finding be retained as approved by the Planning Commission, or modified to "These exhibits reference a letter written by City Manager Gary Milliman dated June 3, 2008." This may at least resolve Pat Sherman's concern about interpretation of her statements.