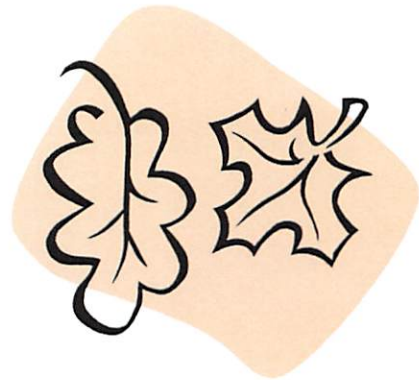




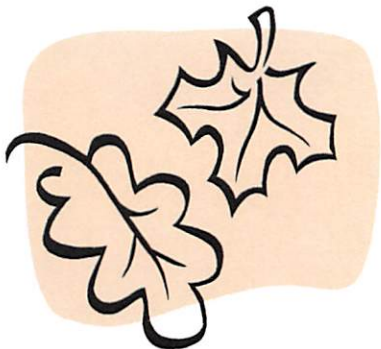
# Agenda

City of Brookings  
Common Council Meeting  
City Hall Council Chambers  
898 Elk Drive  
Brookings, OR 97415  
September 23, 2002 7:00 p.m.



*Autumn has touched the air,  
the skies are clear,*

*the smoke has gone  
and the **HOME OF WINTER FLOWERS**  
is in its glory*



# Agenda

City of Brookings Common Council Meeting  
Brookings City Hall Council Chambers  
898 Elk Drive Brookings, Oregon  
September 23, 2002 7:00 p.m.

## **I. CALL TO ORDER**

## **II. PLEDGE OF ALLEGIANCE**

## **III. ROLL CALL**

## **IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS**

### **A. Ceremonies**

1. Proclamation-National Fire Prevention Week-October 6-12, 2002
2. Proclamation-National Domestic Violence Awareness Month-October, 2002

### **B. Announcements**

1. Recognition of Jeremy McVeety, R.A.R.E. Intern

## **V. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

### **A. Committee and Liaison reports**

1. Chamber of Commerce
2. Council Liaisons

### **B. Unscheduled**

## **VI. STAFF REPORTS**

### **A. City Manager**

1. Other

## **VII. CONSENT CALENDAR**

### **A. Approval of joint City Council/Curry County Commission Meeting Minutes**

1. Minutes of August 30, 2002, Meeting

### **B. Approval of City Council Meeting Minutes**

1. Minutes of September 9, 2002, regular meeting

(end Consent Calendar)

## **VIII. REMARKS FROM MAYOR AND COUNCILORS**

### **A. Council**

### **B. Mayor**

## **IX. ADJOURNMENT**

# PROCLAMATION

WHEREAS, the majority of structure fires in Oregon occur in the home, and

WHEREAS, in 2001, there were 3,986 residential structure fires, that caused 176 civilian injuries and 32 deaths to Oregonians,

WHEREAS, the two most common areas of fires in one and two family dwellings were in the kitchen and the chimney, and

WHEREAS, twenty-seven percent of these residences either had no smoke alarm present or the alarm present failed to operate because the battery was discharged or removed, and

WHEREAS, the deadly potential of fire and the time it takes to escape from a burning home puts families at risk of fire death or injury, and therefore developing a home escape plan and practicing it twice a year is crucial to escaping a real fire; and

WHEREAS, an adequate escape plan includes knowing two ways out of each room, crawling low under smoke, an outdoor location where everyone will meet upon exiting and calling 9-1-1 from a neighbor's house; and

WHEREAS, in addition to a home escape plan, every household should have a working smoke alarm on every level, outside each sleeping area and in every bedroom; and

WHEREAS, the Oregon fire service is joined by other concerned citizens of this state, as well as businesses, schools, service clubs and other organizations in their dedication to protecting our citizenry from the devastating effects of fire; and

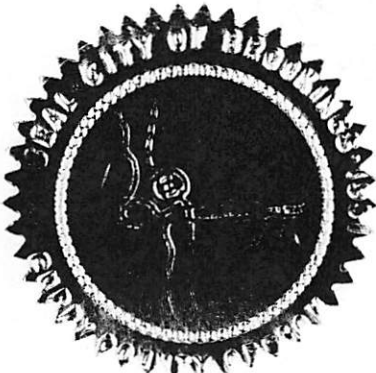
WHEREAS, Fire Safety begins with each of us,

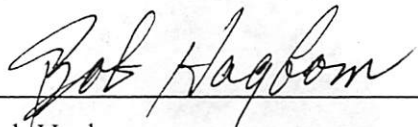
NOW, THEREFORE, I, Bob Hagbom, Mayor of the City of Brookings do hereby proclaim the week of October 6 through 12, 2002 to be

## "FIRE PREVENTION WEEK"

in Brookings, Oregon and encourage all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this 23<sup>rd</sup> day of September, 2002.



  
\_\_\_\_\_  
Bob Hagbom  
MAYOR



## ***PROCLAMATION***

**WHEREAS**, domestic violence is a serious crime that affects people of all races, ages, income levels, and sexes;

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to the systematic use of physical, emotional, sexual, psychological, and economic control or abuse;

**WHEREAS**, in our country, more than three women are murdered by their husbands or boyfriends everyday, and approximately 1 million incidents of domestic violence are reported in the United States each year;

**WHEREAS**, children who grow up in violent homes are believed to be abused and neglected at a rate higher than the national average;

**WHEREAS**, domestic violence costs the nation billions of dollars annually in medical expenses, police, and court costs, shelters and foster care, sick leave, absenteeism, and non-productivity;

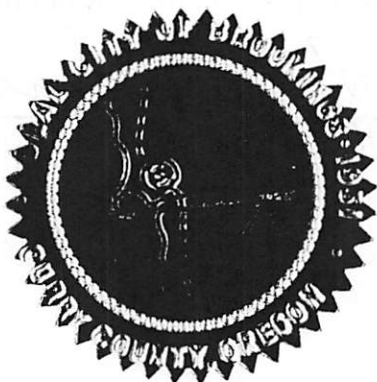
**WHEREAS**, only a coordinated community effort will put a stop to this heinous crime;


**NOW THEREFORE**, I, Bob Hagbom, Mayor of the City of Brookings, do hereby proclaim the month of October, 2002, to be

### ***BROOKINGS DOMESTIC VIOLENCE AWARENESS MONTH***

and urge all citizens to participate actively  
to eliminate the use of personal and institutional violence  
against women and children.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this 23<sup>rd</sup> day of September, 2002.



  
\_\_\_\_\_  
Bob Hagbom, MAYOR

# *Certificate of Appreciation*


Awarded to  
Special Projects Assistant

## Jeremy McVeety

WITH MANY THANKS FOR PROJECTS WELL COMPLETED  
DURING YOUR R.A.R.E. INTERNSHIP  
WITH THE CITY OF BROOKINGS

Honored this twenty-third day of September, 2002

  
\_\_\_\_\_  
Leroy Blodgett  
City Manager

  
\_\_\_\_\_  
Bob Hagbom  
Mayor

**MINUTES**  
**JOINT MEETING**  
**OF THE CITY OF BROOKINGS COMMON COUNCIL**  
**AND THE CURRY COUNTY BOARD OF COMMISSIONERS**  
**August 30, 2002**

City of Brookings Mayor Bob Hagbom called the joint meeting of the City of Brookings Common Council and the Curry County Board of Commissioners to order at 9:17 a.m. in the Best Western Brookings Inn Conference Center, 1143 Chetco Avenue, Brookings, Oregon, on the above date with the following City Councilors and County Commissioners and staff in attendance.

Curry County Commissioner Rachael Schaaf  
Curry County Commissioner Marilyn Schafer  
Curry County Commissioner Lucie LaBonté  
City of Brookings Mayor Bob Hagbom  
City of Brookings Councilor Larry Curry  
City of Brookings Councilor Frances Johns Kern  
City of Brookings Councilor Rick Dentino  
City of Brookings Councilor Lorraine Kuhn  
Curry County Counsel Jerry Herbage  
City Attorney John Trew  
City of Brookings City Manager Leroy Blodgett  
Curry County Planning Director Grant Young  
City of Brookings Planning Director John Bischoff  
City of Brookings Community Development Director Leo Lightle  
Curry County Planner Diane Snow  
Brookings Community Development Secretary Cathie Mahon  
Brookings Administrative Secretary Linda Barker

Representing various Public Agencies were:

DLCD Field Representative Dave Perry  
ODOT Short Term Planner Tom Guevara  
ODF & W Representative Russ Stauff

Also present were approximately 75 citizens.

Commissioner Schaaf led the Pledge of Allegiance followed by remarks from City Attorney John Trew explaining that this would be a legislative hearing. No time limit would be imposed on speakers as it was hoped each speaker would limit voluntarily their remarks and repetitive testimony would be avoided.

Mayor Hagbom opened the public hearing, a hearing to consider amending the City's and County's Comprehensive Plans policies and inventory, including a Public Facilities and Services Plan, a Water Master Plan/Water Conservation Management Plan, and a Transportation Systems Plan. The County's amendments and actions will pertain only to the Urban Growth Boundary.

City of Brookings Planning Director John Bischoff presented the City of Brookings staff report which is attached and made a part of these minutes. Commissioner LaBonté questioned Bischoff if the Luzier Study would remain in the amendments. Bischoff answered that it would not but it still is a valid study with information on the Chetco River.

Curry County Planning Director Grant Young gave Curry County's staff report which is attached and made a part of these minutes.

Testimony was given by representatives from the following public agencies:

DLCD, Dave Perry, Field Representative

ODOT, Tom Guevara, Short Term Planner

ODF & W, Russ Stauff, Field Representative

During testimony by Dave Perry, Sam Hall, 15559 Oceanview Drive, asked how property values would be affected. He had received the notice of public hearing stating the actions of the ordinances being considered may reduce the value of property. City of Brookings Planning Director Bischoff explained Measure 56 and its ramifications on Public Hearing notices stating that neither the City nor County has made a determination that these actions would reduce property values.

During testimony by Tom Guevara, Milt Gowman, 96903 Gowman Lane, asked if any plans were included in the Transportation Systems Plan to widen Highway 101. After short discussion, Commissioner LaBonté noted this was outside of the scope of today's hearing.

Testimony was also taken from Hann Lee, 4708 NE 22<sup>nd</sup> Avenue, Vancouver WA 98653, during this portion of the agenda as he was involved with studies that are included in the Transportation System Plan.

Testimony was taken from the following members of the public:

Archie LeCoque	PO Box 1447	Brookings, Oregon
Gloria Osborne	PO Box 31	Brookings, Oregon
Pete Chasar	935 Marina Heights Road	Brookings Oregon
Dave Itzen	15629 Pedrioli Drive	Brookings Oregon
Kurt Kessler	PO Box 6335	Brookings Oregon
Walter Cook	538 Cushing Court	Brookings Oregon
Michael Farthing	767 Willamette Street, Ste 203	Eugene Oregon
Robin Itzen	14769 Itzen Drive	Brookings Oregon
John Mathison	PO Box 2972	Brookings Oregon
L. C. Ashcraft	15261 Oceanview Drive	Brookings Oregon
Jim Capp	PO Box 2937	Harbor Oregon
Milt Gowman	96903 Gowman Lane	Brookings Oregon
Susanne Freeman	PO Box 2957	Harbor Oregon
Carol Crockett	PO Box 2065	Harbor Oregon
Bill Buchanan	15633 Campbell Road	Brookings Oregon
Kathy Wiggins	Representing OR Dept of Forestry	
Ralph Brown	PO Box 968	Brookings Oregon

The meeting recessed until 12:38 p.m. while copies of all exhibits were made for the Commissioners and Councilors. City of Brookings Planning Director John Bischoff reviewed the exhibits that had been received. Exhibits were received during the Public Hearing as follows:

1. letter from OTAK dated 8-28-02
2. letter from Curry Guides Association dated August 7, 2002
3. letter from Oregon Department of Transportation dated August 29, 2002
4. copy of email to Michel Farthing from Hann Lee dated June 13, 2002
5. letter from Pete Chasar dated August 29, 2002
6. written testimony from Yvonne Maitland titled Public Facilities Plan Brookings
7. letter from Michael E. Farthing dated August 30, 2002
8. handwritten letter from Winharbor Farms, Susanne Freeman and Carol Crockett dated August 30, 2002 with attachments
9. letter from Oregon Water Resources Department to David McAllister, Department of Fish and Wildlife dated July 26, 2002
10. letter from Oregon Department of Fish and Wildlife to Paul Cleary, Water Resources Department dated July 16, 2002
11. City of Brookings Public Hearing Packet
12. Curry County Public Hearing Packet

It was noted that copies of all exhibits had been distributed to the Commissioners and Councilors. **Councilor Kuhn moved, it was seconded and the Council voted unanimously to accept the exhibits listed above into the record.** Commissioner LaBonté moved, it was seconded and the Commissioners voted unanimously to accept Exhibits 1 through 12 into the record.

**Councilor Kuhn moved, it was seconded and the Council voted unanimously to close the public hearing.** Commissioner LaBonté moved, it was seconded and the Commission voted unanimously to close the Public Hearing for Curry County.

The meeting was recessed for lunch at 12:45 p.m. and reconvened at 1:52 p.m.

City Attorney John Trew explained that one exhibit that had been given to the Commissioners and Councilors had not been given an exhibit number. **Councilor Dentino moved, it was seconded and the Council voted unanimously to reopen the public hearing to accept Exhibit No. 13.** Commissioner LaBonté moved, it was seconded and the Commissioner voted unanimously to reopen the public hearing to accept Exhibit #13. **City of Brookings Planning Director Bischoff identified Exhibit No.13 as a letter from Michael W. Mehaffy dated August 29, 2002.**

Commissioner Schaff moved, it was seconded and the Commission voted unanimously to accept Exhibit No. 13 into the record. **Councilor Kuhn moved, it was seconded and the Council voted unanimously to accept Exhibit No. 13 into the record.**

Commissioner LaBonté moved, it was seconded, and the Commission voted unanimously to close the public hearing. **Councilor Kuhn moved, it was seconded, and the Council voted unanimously to close the public hearing.**



City Of Brookings Planning Director Bischoff reviewed changes to proposed Brookings Ordinance No. 02-O-548. Curry County Planning Director Young summarized changes to Curry County Ordinances No. 02-03, 02-04 and 02-05.

Mayor Hagbom asked for deliberation from the Council. There were no questions or comments.

City of Brookings Planning Director Bischoff read Ordinance No. 02-O-548 in its entirety. **Councilor Johns Kern moved, it was seconded and the Council voted unanimously to have the second reading of 02-O-548 by title only.** Bischoff read Ordinance No. 02-O-548 by title only.

**Councilor Dentino moved, it was seconded and the Council voted unanimously to adopt Ordinance No. 02-O-548, in the matter of an ordinance adopting revisions to the City of Brookings Comprehensive Plan pursuant to Task 2, 3 and 4 of Periodic Review Work Program (Order #00001) and (Order #00973).**

City Manager Leroy Blodgett read Ordinance No. 02-O-553 in its entirety. **Councilor Johns Kern moved, it was seconded and the Council voted unanimously to have the second reading of 02-O-553 by title only.** Blodgett read Ordinance No. 02-O-553 by title only.

**Councilor Dentino moved, it was seconded and the Council voted unanimously to adopt Ordinance No. 02-O-553, in the matter of an ordinance adopting a Water Curtailment Plan for the City of Brookings to reduce the level of water regularly used by the City's residents and apportion among the residents a restricted supply of water during summer shortages.**

The City of Brookings portion of this meeting was concluded at 2:25 p.m.

County Counsel Jerry Herbage explained the differences in County and City Ordinance procedures and deliberation was opened on Curry County Ordinances No. 02-03, 02-04, and 02-05. Commissioner Schafer moved, it was seconded and the Commission voted unanimously to read Curry County Ordinances No. 02-03, 02-04, and 02-05 by title only. Herbage read Ordinance No. 02-03 by title only. He explained that only one reading was necessary and reviewed proposed changes to the ordinance from its draft form. Commissioner Schafer moved, it was seconded and the Commission voted unanimously to adopt Curry County Ordinance No. 02-03, an ordinance in the matter of adoption of revisions to the Curry County Comprehensive Plan to amend the City of Brookings Urban Growth Boundary (UGB) in response to DLCD modified Periodic Review Work Program (DLCD Orders #00001 & 00973), with changes as detailed by Herbage.

Herbage read Curry County Ordinance No. 02-04 by title only and reviewed changes from the proposed draft ordinance. Commissioner LaBonté moved, it was seconded and the Commission voted to adopt Curry County Ordinance No. 02-04, an ordinance in the matter of adoption of revisions to the Curry County Comprehensive Plan to amend the City of Brookings Urban Growth Boundary (UGB) in response to DLCD modified Periodic Review Work Program (DLCD Orders #00001 & 00973).

Herbage read Curry County Ordinance No. 02-05 by title only and clarified changes to the draft

ordinance. Commissioner Schafer moved, it was seconded and the Commission voted to adopt Curry County Ordinance No. 02-05, an ordinance in the matter of adoption of revisions to the Curry County Comprehensive Plan to amend the City of Brookings Urban Growth Boundary (UGB) in response to DLCD modified Periodic Review Work Program (DLCD Orders #00001 & 00973) with changes as outlined by Counsel Herbage.

Commissioner Labonté moved, it was seconded and the Commission voted to include the changes to Curry County Ordinance No. 02-04 as reviewed by Counsel Herbage.

This concluded the County's portion of the meeting.

After comments from Mayor Hagbom, Commissioner Schaaf and Commissioner Schafer, Commissioner Schaaf moved, it seconded and the Commission voted unanimously to adjourn at 2:44 p.m. **Councilor Curry moved, it was seconded and the Council voted unanimously to adjourn the meeting.**

Respectfully submitted,

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Bob Hagbom,  
Mayor, City of Brookings

ATTEST:

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Paul Hughes  
City Recorder

**CITY OF BROOKINGS CITY COUNCIL**  
**STAFF AGENDA REPORT**

SUBJECT: Periodic Review--completion  
FILE NO: Periodic Review 2002  
HEARING DATE: August 30, 2002

REPORT DATE: August 20, 2002  
ITEM NO: I

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**GENERAL INFORMATION**

APPLICANT: City Initiated.

REPRESENTATIVE: Staff

ACTION: Adopt materials and ordinance to complete the Periodic Review process for the City of Brookings.

LOCATION: The area within the Brookings City Limits and within the Urban Growth Boundary.

PUBLIC NOTICE: Mailed to all property owners within the City Limits and Urban Growth Boundary.

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**BACKGROUND INFORMATION**

The City of Brookings was initially called into periodic review in 1988 and due to staff changes progress was delayed to 1992. Also in 1992 the state changed the periodic review process and the Oregon Department of Land Conservation and Development (DLCD) issued Order #00001, officially calling the city into periodic review under the new rules, essentially restarting the process. Under the new rules the city was required to complete an evaluation of the provisions of the Comprehensive Plan in regard to existing conditions, and from the evaluation, generated a work program to bring the Comprehensive Plan up to date. The city's periodic review process also equally involved the county because the review must also include the UGB, which is in the county's jurisdiction. The work program initially contained 5 work tasks as follows:

1. Expand the Urban Growth Boundary (UGB) to include sufficient developable land for the projected growth over the next 20 years.
2. Amend the Comprehensive Plan goals and policies as required reflect existing conditions and all new state and federal law.
3. Establish a Public Facilities and Services Plan to provide the framework to extend services into the expanded UGB.
4. Establish a Transportation System Plan for the city and UGB.
5. Establish an Urban Reserve Area around the new UGB containing sufficient developable land for 50 years of projected growth. The City of Brookings was one of seven cities mandated to establish an Urban Reserve Area.

Task 5 was eventually eliminated due to a change in state law that removed the mandate and Order #00973 was issued amending the work program.

Task 1 was completed and adopted by the city and county in 1995 and submitted to DLCD for their review and comment. DLCD approved the boundary expansion with six items remanded back to the city and county to provide further information. This approval was appealed to the Oregon Land Conservation and Development Commission (LCDC), which subsequently upheld the DLCD decision. The LCDC decision was appealed to the State Court of Appeals, which upheld LCDC. Opponents asked the State Supreme Court to review the Court of Appeals decision. The Supreme Court rejected this request.

The six remand items were considered and adopted at hearings in November 2000 and February 2001 and submitted to DLCD for review and at the city and county's request, a LCDC hearing was held and the remand items were approved. This essentially completed Task 1 of the work program.

The attached materials are submitted to complete Tasks 2, 3 and 4 of the work program and includes Ordinance 02-O-548 with suggested amendments to the Comprehensive Plan goals and policies, the Public Facilities and Services Plan and the Transportation Systems Plan. Also included are the Water Master Plan and Conservation Management Plan and the water withdrawal study completed by Luzier Hydrosiences, as supplements to Goal 11, Public Facilities. It should be noted that many of the figures and maps in the existing Comprehensive Plan must also be amended and updated. The city has a six-month period after approval by DLCD to provide a codified edition of the amended Comprehensive Plan. DLCD staff has stated that the updated maps and figures can be included in that submittal. It should also be noted that the figures used in the goal amendments reflect 1993 data since that is the time most of the data was generated and technically the period represented by the Comprehensive Plan. However, in some cases later data has been used, primarily because it could not be interpolated back to 1993.

The following is a brief description of each of the attachments to Ordinance 548.

#### **Goal 3, Agriculture**

Attachment A. This amends Goal 3 to include recognition of the Curry County Harbor Bench Farm District and related overlay zone and provides a policy that the city will adopt the farm district and overlay zone if any portion of the district is annexed into the city. This ensures that the farmers will receive the same protection under the city's jurisdiction as under the county.

#### **Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources**

Attachment B. This amends Goal 5 to bring the findings and policies up to date and adds provisions to implement riparian corridor protection as required by state law.

Attachment B1. This amends the Goal 5 Inventory. The primary changes are to update the information on parks, i.e. the addition of Azalea Park as a city park; amend the various tables to include data added and generated by the UGB expansion.

Attachments B2 is additional information that was not in the original packet that staff is now recommending for adoption. Attachment B2 is a copy of the Economic, Social,

Environment, and Energy (ESEE) analysis the city has prepared as required by a policy in Goal 14 that was adopted to satisfy one of the UGB expansion remand issues. The ESEE analysis has resulted in a Water Curtailment ordinance that provides the city with the ability to impose measures to restrict water use in times of emergency, including low surface water flows in the Chetco River. The Curtailment Ordinance is on your agenda for adoption as a provision of Goal 11 of the Comprehensive Plan. See Goal 11 below. Staff has worked with DLCDC and ODF&W to produce both the ESEE analysis and the curtailment ordinance and have agreement on both.

#### **Goal 6, Air, Water, and Land Resources Quality**

Attachment C. The only change in Goal 6 was to remove reference to the solid waste incinerator that no longer exists.

#### **Goal 9, Economy**

Attachment D. Goal 9 findings, policies and implementation procedures been amended to reflect the changes in the labor market, technology, tourism, and demographics of the area. Employment numbers have been updated and projected commercial and industrial land needs from the boundary expansion data have been added. The city's redevelopment efforts in regard to the core area is also included.

Attachment D1. The Goal 9 Inventory has been amended by updating data pertaining to employment, timber harvest, commercial fishing and processing, and other economic factors.

#### **Goal 10, Housing**

Attachment E. Using the figures generated by the UGB expansion, Goal 10 has been amended to reflect the changes in population, projected population and the related housing needs since the original 1981 figures. The only policy change is related to the placement of manufactured housing to reflect changes in state law.

Attachment E1. The Goal 10 Inventory has been amended using the data generated by the UGB expansion, including population changes and projections, existing housing and future housing needs.

#### **Goal 11, Public Facilities and Services.**

Attachment F. Goal 11 findings and policies have been extensively amended to reflect today's conditions and requirements. The Goal now contains information as to which jurisdiction will provide water, sewer and storm drain services to the various areas of the UGB. Water and wastewater capacities have been updated and information on the various parks in the area has been updated.

Attachment F1. The Goal 11 inventory has been amended to reflect today's conditions with up to date Fire Department, water and wastewater capacities, school enrollment, and park information.

Attachment F2. The Public Facilities and Services Plan is made a supplemental document to Goal 11.

Attachment F3. The Water Master Plan and Water Conservation Management Plan is also made a supplemental document to Goal 11. Also supplemental to Goal 11 is the Luzier Hydrosiences report on water withdrawal.

Attachment F4. Water Curtailment Ordinance, which is also on your agenda for adoption at this hearing.

#### Goal 12, Transportation.

Attachment G. Goal 12 has been amended to reflect the provisions of the Transportation Systems Plan.

Attachment G1. The Goal 12 inventory has also been amended to reflect the provision of the Transportation Systems Plan.

Attachment G2. The Transportation System Plan is made a supplemental document to Goal 12.

#### Goal 14, Urbanization.

Attachment H. The findings for Goal 14 have been extensively amended to reflect the data collected for the UGB expansion. The policies and implementation procedures have also been amended in relation to this new data.

Attachment H1. The Goal 14 inventory has also been extensively amended to reflect the data from the UGB expansion, including existing residential, commercial and industrial lands and future land needs.

Attachment H2. In your packet were proposed changes to policies adopted to satisfy the remand items of the UGB expansion. Staff is now recommending against these changes. An Economic, Social, Environmental, and Energy (ESEE) analysis has been completed. The changes in your packet are no longer necessary and staff is now recommending that the policies be amended to add a statement that an ESEE analysis has been completed. See Attachment H2 Revised for the recommended wording.

#### Goal 16, Estuarine Resources

Attachment I. The findings within Goal 16 have been amended primarily to incorporate changes in state law, with other changes to reflect today's conditions. Only a few changes to the policies of this goal have been made and again to incorporate new law. The inventory of Goal 16 consists entirely of the Chetco River Estuary Plan and has not been amended.

#### Goals 17 and 18, Coastal Shorelands, Beaches and Dunes

Attachment J. The changes in Goals 17 and 18 are primarily to incorporate new state law regarding beaches and dunes. Some changes have been made to more accurately reflect today's conditions.

Attachment J1. The inventory for Goals 17 and 18 has been amended for the same reasons as the policy section. Also added to the inventory is a list of structures built before 1977, which are exempt from certain laws involving beach front protection.

## **RECOMMENDATION**

Staff recommends **ADOPTION** of Ordinance No. 02-O-458 with its attachments as amended in this report.

**Exhibit "1"**

**Curry County Board of Commissioners  
STAFF REPORT  
for  
COMPLETION OF THE CITY OF BROOKINGS PERIODIC REVIEW**

**HEARING DATE:** August 30, 2001

**REPORT DATE:** August 29, 2002

**REPORT PREPARED BY:** Grant Young, Planning Director

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**I. GENERAL INFORMATION**

**Applicant:** City of Brookings Initiated in response to DLCD Orders #0001 & #00973

**Action:** Adoption of Ordinances #02-03, #02-04 and #02-05 to complete the Periodic Review Process for the City of Brookings

**Area of Action:** Land within the City of Brookings Urban Growth Boundary and outside of the City of Brookings City Limits in Curry County, Oregon.

**II. NATURE OF REQUEST**

This matter is a public hearing to adopt ordinances with attached materials to complete the City of Brookings Periodic Review process.

The City of Brookings began its first Periodic Review in July, 1992 as required by Order #00001 issued by the Oregon Department of Land Conservation and Development (DLCD). The process included amendment of its Urban Growth Boundary (UGB). The city's periodic review process must include Curry County as the review includes the UGB which is within the county's jurisdiction. The City's work program initially contained 5 work tasks as follows:

1. Expand the Urban Growth Boundary (UGB) to include sufficient developable land for the



- projected growth over the next 20 years.
2. Amend the Comprehensive Plan goals and policies as required reflect existing conditions and all new state and federal law.
3. Establish a Public Facilities and Services Plan to provide the framework to extend services into the expanded UGB.
4. Establish a Transportation System Plan for the city and UGB.
5. Establish an Urban Reserve Area around the new UGB containing sufficient developable land for 50 years of projected growth. The City of Brookings was one of seven cities mandated to establish an Urban Reserve Area.

Work Task #5 was eliminated due to a change in state law removing the mandate, and Order #00973 was issued amending the city's work program. The city and county together with consultants worked on revision of the UGB and submitted a plan and findings to support expansion to LCDC in August, 1995. DLCD reviewed the proposed UGB amendment and remanded to the city and county for further action in January, 1996. The remand order was appealed by Fred Hummel et. al. to LCDC which reviewed the DLCD approval and remanded it to the city and county with amendments to the original order in April, 1996. The LCDC remand order was appealed to the Oregon Court of Appeals by Fred Hummel et. al. which reviewed and remanded to LCDC in Hummel et. al. v LCDC and Brookings, et. al. dated February 11, 1998. Following the Court of Appeals decision, Fred Hummel et. al. filed a petition for review of the decision with the Oregon Supreme Court which declined review. DLCD returned the remand order to the city and county for response to the six remaining remand issues. The remand issues were considered and adopted at hearings in November, 2000, and February, 2001 and submitted to DLCD for review; the city and county requested an LCDC hearing on the submittal which was held on May 22, 2001, and resulted in approval of the submittal.

### **III. MATERIAL PROPOSED FOR ADOPTION – ORDINANCES AND ATTACHMENTS**

#### **A. Ordinance #02-03**

This is an "enabling ordinance" the purpose of which is to amend the Curry County Comprehensive Plan by adoption of items identified as attachments. The attachments are specific products that either change or support all or portions of the Comprehensive Plan. The material is adopted to satisfy specific work tasks identified in the above-referenced DLCD Orders. The following is a brief description of the attachments:

1) Attachments A & B:

These attachments are Transportation System Plans (TSP) for the City of Brookings and Curry County, adopted to address work task #4. The TSP's are separate, for the separate jurisdictions of the city and county, but must be consistent in the area of the UGB. The Curry County TSP is adopted and applicable by this action only to the UGB, and contains elements of the City of Brookings TSP to ensure consistency. The City's TSP is adopted in its entirety as a supporting document to the Goal 12 element of the Curry County Comprehensive Plan (CCCP).

2) Attachment C:

This attachment is the Goal 12 element of the CCCP which must be amended to include the adopted TSP to address work task #4. ~~2~~  
4

3) Attachment D

This attachment is the City of Brookings Public Facilities Plan, adopted to address work task #3. The Public Facilities Plan is adopted as a supporting document to the Goal 11 element of the CCCP. It should be noted that remand issue #6 of the above-referenced remand issues approved by LCDC at the hearing held on May 22, 2001, required a specific amendment to the Special District Planning Coordination Agreements. This amendment required that detailed "urban service agreements" be completed with each special district at the time of adoption of the Public Facilities Plan for the UGB.

It is the county's responsibility to coordinate and negotiate these agreements, and extensive efforts have been made with no results. Exhibit A of this report is a copy of all activity to-date on the part of the county to obtain these agreements. The county has requested assistance from DLCD in further efforts to obtain these agreements.

4) Attachment E:

This attachment is adopted to address work task #3 as supporting documents to the city's Public Facilities Plan and therefore supporting documents to the CCCP. It includes a report and water conservation plan which conservation plan includes a water curtailment ordinance. This material is adopted to address the requirements in CCCP Section 14.8 (Plan Policies Regarding Urbanization).

5) Attachment F:

This attachment is adopted to address work task #3 by amending the CCCP Chapter 11 to include reference to the City of Brookings Public Facilities Plan, which is adopted as a supporting document to the CCCP Goal 11 element.

6) Attachment G:

This attachment is adopted to amend Section 14.8 (Plan Policies Regarding Urbanization) to reflect that the requirements of the existing policy have been met. This attachment addresses work task #3.

B. Ordinance #02-04

This is an “enabling ordinance” the purpose of which is to amend the Curry County Zoning Ordinance (CCZO) by adoption of items identified as attachments. The attachments are specific products that accomplish two things; 1) the legislative rezoning of the land in the Urban Growth Area; and 2) implementation of the Curry County Transportation System Plan. The material is adopted to satisfy specific work tasks identified in the above-referenced DLCD Orders. The following is a brief description of the attachments:

1) Attachment A:

This attachment is adopted to amend the Curry County Zoning Ordinance Zoning Map for the land in the Urban Growth Area. The new map will accomplish rezoning of portions of this land according to the level of services present on the properties, and formerly adopted material that identifies the amount and types of land needed within the UGB. This attachment addresses work tasks #1 & #3.

2) Attachments B through S:

These attachments change all or portions of the CCZO to implement the Curry County Transportation Plan. The attachments address work task #4.

C. Ordinance #02-05

This is an “enabling ordinance” the purpose of which is to amend the Curry County Land Division Ordinance (CCLDO) by adoption of items identified as attachments. The attachments are specific products that accomplish implementation of the Curry County Transportation System

Plan within the Urban Growth Area. The material is adopted to satisfy a specific work task identified in the above-referenced DLCD Orders. The following is a brief description of the attachments:

1) Attachment A:

This attachment amends a specific section of the CCZO to implement the changes in the Goal 12 element of the CCCP that incorporate the Curry County Transportation System Plan. This attachment addresses work task #4.

#### **IV. PROCESS**

The public hearing will take place as advertised on August 30, 2002 in the City of Brookings. Each jurisdiction has a packet of materials which differ somewhat from each other for consideration. Public testimony, both written and oral, must be taken and time given for analysis and addressing, if possible, issues raised. When the public portion of the hearing is closed, consideration must be given to all issues raised, and a determination of when to adopt the material made. There are several choices; 1) close the public portion, consider all oral and written testimony, address all issues and adopt at the hearing; 2) close the public portion and determine to adopt at separate (City Council and Board of Commissioners) hearings at a later date.

Careful consideration should be given as to whether or not adequate time has been given to allow public participation, and whether or not adequate coordination has occurred with affected agencies. If both are determined to be adequate, options 1 or 2 above are valid. If determined otherwise, additional time should be allowed for corrective measures. These determinations will depend on the course of the hearing.

#### **V. EXHIBITS** (Attached and included as part of this report).

Exhibit "A" Special District Package

cc: City of Brookings  
City of Brookings Counsel  
Curry County Board of Commissioners  
Curry County Counsel  
Staff  
DLCD  
Office File

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
September 9, 2002  
7:00 p.m.**

**I. CALL TO ORDER**

Mayor Bob Hagbom called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

Led by Terry Clawson and members of the Brookings Emblem Club

**III. ROLL CALL**

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Councilors Frances Johns Kern, Lorraine Kuhn, and Rick Dentino, a quorum present.

Council Absent: none

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, Special Projects Assistant Jeremy McVeety, and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Editor Scott Graves

Other:

Chamber of Commerce Executive Director Les Cohen,  
and approximately nine other citizens

**IV. CEREMONIES/APPOINTMENTS ANNOUNCEMENTS**

A. Ceremonies-None

B. Appointments-None

C. Announcements

1. Proclamations

a. *A Day to Remember* in remembrance of September 11, 2001.

Mayor Hagbom presented a proclamation to Bob Gilmore honoring those lost on September 11, 2001, in the unprovoked terrorist attack on the World Trade Center Twin Towers in New York City. Gilmore, Sr. Vice Commandant of Post 195 for the State of Oregon

Marine Corps League invited all to attend a memorial service at the Port of Brookings-Harbor, September 11 at 8:30 p.m. One of the response teams assigned to the initial tragedy will be at the memorial service as guests. The service is also a tribute to the first line of defense in our community, police, firefighters and ambulance personnel.

City Manager Blodgett added there will be a similar service at the Del Norte County Fairgrounds in Crescent City beginning at 5:30 p.m. on the eleventh.

- b. National Emblem Club Week, September 15 through September 21, 2002.

Mayor Hagbom presented a proclamation to nine Emblem Club members designating September 15 through September 21, 2002, as National Emblem Club Week. Members reported the club did well at the national convention, receiving first place in the most community service division; second place in most Americanism programs; and third place in drug awareness programs.

- 2. Yard of the Month and Most Improved Property of the Month for September

Mayor Hagbom announced the September winners for Yard of the Month were Steve and Malinda Morris, 434 Fir Street. Douglas and Susan Spencer, 237 Alder Street, were selected as Most Improved Property. Yard signs will be placed on their property Tuesday afternoon. September is the last month the City will be honoring properties this year. The program will start again in April, 2003.

## **V. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

- A. Committee and Liaison reports
  - 1. Chamber of Commerce

Chamber of Commerce Executive Director Les Cohen presented a promotional piece for the America's Wild Rivers Coast (AWRC) and gave each Councilor a copy. These cards have been distributed throughout Curry and Del Norte Counties, in RV parks, restaurants, motels and similar establishments. The AWRC website is doing very well and is expanding. The AWRC coordinating group will be meeting within the next two weeks. At the Chamber forum, September 12, the Brookings-Harbor Garden Club

show a video detailing the improvements to the botanical garden in the Highway 101-Constitution Way triangle area.

2. Council Liaisons

Councilor Dentino attended a day long session on periodic review, an AMF concert and a Community Agencies meeting. He also attended a meeting by Ford Motor Company explaining their recent public relations error in making a donation to the Audubon Society and he will be attending a Harbor Sanitary District meeting tomorrow and on Wednesday, two September 11 memorial functions.

Councilor Kuhn also attended the periodic review public hearing, and a Planning Commission meeting.

Councilor Johns Kern was in attendance at the period review session.

Councilor Curry attended the Community Agencies meeting, a Chetco Watershed Council meeting and the Crimestoppers meeting. At the South Coast Watershed meeting he attended, firefighters gave a presentation on the Biscuit Fire. Next month he will attend a two-day South Coast Watershed retreat at the Tranidu Lodge on the Rogue River.

B. Unscheduled

Don Nuss, 615 Mardon Court, thanked the Chamber of Commerce for the banner dedicated to the firefighters that the Chamber has flying across Highway 101. He invited the Council and community to attend a forum to be held September 19 beginning at 7:00 p.m. at the Best Western Beachfront Center at the Port of Brookings-Harbor on sexual offenders. A copy of a petition that will be circulated regarding notification of the public of sexual offenders in the community was given to the Council.

**VI. STAFF REPORTS**

A. City Manager  
2. Other

City Manager Blodgett brought up the recent increase in park vandalism, stating ideas are being explored to curtail this problem. During the recent fire at Azalea Park, the Azalea Park Foundation lost garden tools and is looking

for donations of new tools. The storage building involved will be covered by insurance but it is unlikely the tools will be covered since they do not belong to the city. The Foundation can obtain a \$1 million policy for approximately \$500 a year through the City's insurance agent and the city will pay this premium.

**VII. CONSENT CALENDAR**

- A. Approval of Council Meeting Minutes
    - 1. Minutes of August 26, 2002, Regular Council Meeting
  - B. Acceptance of Parks and Recreation Commission Minutes
    - 1. Minutes of July 25, 2002, regular Commission Meeting
  - C. Acceptance of Planning Commission Minutes
    - 1. Minutes of August 6, 2002, Regular Commission Meeting
  - D. Approval of Vouchers (\$239,068.02)
- (end Consent Calendar)

**Councilor Johns Kern moved, it was seconded, and the Council voted unanimously to approve the Consent Calendar as printed.**

**VIII. REMARKS FROM MAYOR AND COUNCILORS**

- A. Council-none
- B. Mayor-none

**IX. ADJOURNMENT**

With no further business before the Council, the meeting adjourned at 7:32 p.m.

Respectfully submitted:

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Bob Hagbom  
Mayor

ATTEST by City Recorder this \_\_\_\_ day of \_\_\_\_\_, 2002.

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Paul Hughes  
Finance Director/City Recorder