

FILE

City of Brookings
CITY COUNCIL WORK SESSION
Council Chambers
898 Elk Drive, Brookings, Oregon
November 25, 1996 - 6:00 p.m.

- 1. Discussion of Water Hookups outside Urban Growth Boundary**

Memorandum

TO: Mayor, City Council
FROM: Leo Lightle, Community Development Director
THROUGH: Tom Weldon, City Manager *TW*
DATE: November 21, 1996



Issue: Water service outside the Urban Growth Boundary

Synopsis: The City Council wishes to study and possibly amend Ordinance 190 to allow hookups outside the Urban Growth Boundary. Staff previously did a memo regarding this matter. While staff's recommendation still stands, to help in your establishing guidelines for water hook-ups outside the Urban Growth Boundary, we present possible items for consideration if the Council wishes to pursue amending the Ordinance

Recommendation: Staff still recommends not changing the Ordinance.

Rationale: See previous memo attached

Background: See previous memo attached

Options/Alternatives: See previous memo attached plus possible items to consider if the Council wishes to pursue amending Ordinance 190:

- A health hazard exists (as determined by the City)
- The lot fronts on an existing main line (the City determines if capacity exists)
- The building existed before 1979 (this was the year that the City enacted the ordinance that would not allow hook-ups outside the City)
- Reasonable diligence in obtaining other sources of water has been pursued
- There is water capacity available at the existing main.

It should also be stated that the main line has to be treated water, not raw water. The requesting party also had to sign a Consent to Annex, a Waiver of Time Limits and a Deferred Improvement Agreement.

Memorandum

TO: Mayor, City Council
FROM: Leo Lightle, Community Development Director
THROUGH: Tom Weldon, City Manager *Tom*
DATE: October 24, 1996



Issue: Consideration of revising Ordinance No. 66-O-190 to allow water hookups outside the Urban Growth Boundary

Synopsis: Both the original background material attached and the background material in this section are relevant to understanding this issue.

Recommendation: Council not revise this ordinance.

Rationale: Without annexing, any improvements needed to maintain pressure or volume in lines that do not have capacity are paid for by the taxpayers and increases the need to expand or improve the system. Providing services without annexing eliminates some of the advantages of annexing which in turn limits the areas in which the City can expand.

Additional Background: The original memo with background material is attached for your review.

There are three basic areas outside the Urban Growth Boundary that have water lines installed. Two of the areas have a volume/pressure problem or may have a problem if additional hook-ups are approved.

- **Mountain Drive**

The subdivision lots are allocated water service per a map approved by the City Council. The County will allow future land divisions but the City of Brookings is not obligated to serve those lots. The water system was designed to serve only so many lots. The system already had problems without all of the lots. The City had to install a tank and may still have to do further system upgrades.

At a City Council meeting the original developer requested that only the lots approved at that Council meeting be hooked up to the water, as per the map approved by the City Council.

Memo to Mayor, Council
RE: Water hook-ups outside UGB
Page 2 October 24, 1996

- Marina Heights
The upper reaches of this system were built by the land developer and sized for their development. Essentially the residents not in the subdivision do not front on a City main which is one of the criteria for being able to hook to the water system.
- North Bank of Chetco River
It appears as though this area has sufficient pressure for the existing homes.

Previously the requirements for a hook-up were:

- That a health hazard exists (as determined by the City)
- That the lot front on an existing main line (the City determines if capacity exists)
- Building existed before 1979 (this was the year that the City enacted the ordinance that would not allow hook-ups outside the City)
- Reasonable diligence in obtaining other sources of water had been pursued
- There was water capacity available at the existing main.

It should also be stated that the main line has to be treated water, not raw water. The requesting party also had to sign a Consent to Annex, a Waiver of Time Limits and a Deferred Improvement Agreement.

There were cases where if a water connection was approved there were stipulations, which included:

- No sale of the land for one year
- No partitioning of the land
- The connection was to serve one dwelling.

Options/Alternatives:

Option #1

Should include all of the requirements listed above, perhaps with modifications which should include limiting hook-ups to the North Bank Chetco River Road.

Option #2

Allow hook-ups on existing mains with no restrictions.

Memorandum

TO: Mayor, City Council
FROM: Leo Lightle, Community Dev. Director
THROUGH: Tom Weldon, City Manager
DATE: October 10, 1996



This item is for requested background on outside Urban Growth Boundary water hookups

Issue: Consideration of revising Ordinance No. 66-O-190 to allow water hookups outside the Urban Growth Boundary.

Synopsis: Staff has outlined the background in the Background section of this memo. We need to be cautious as explained in the background, but staff needs direction from the Council if they wish to amend the ordinance.

Recommendation: Council not revise this ordinance.

Rationale: The City bought and operates our water system for people living and/or doing business in the City. To extend this utility outside the City (and especially outside the Urban Growth Boundary) may not be in the best interests of the City.

Background: The City of Brookings in 1979 passed an ordinance that stated, "Any area, tracts or parcels of real property, or the owner of any interest therein, requesting water service from the City of Brookings must be within the incorporated limits of the City of Brookings." The City, at that time, was honoring any pre-commitment to serve water and would also serve outside the City if:

- A health hazard existed; and
- They fronted on an existing City main; and
- The building existed prior to September, 1979.
- Reasonable diligence in obtaining other sources of water.
- There was water capacity available and the main was of sufficient size to handle the connection without jeopardizing existing water users.

There were cases where if a water connection was approved that there were stipulations, which included:

- No sale of the land for one year.
- No partitioning of the land.
- The connection was to serve one dwelling.

Some years later new connections also were required to sign a Consent to Annex, a Waiver of Time Limits and a "Deferred Improvement Agreement.

DLCD, at some point, said that cities and districts could not extend urban services outside of an Urban Growth Boundary. Later DLCD made those involved in providing service that even if a meter was installed the act of turning the meter on was extending the service inasmuch as before you turned the meter on, the urban service was not provided.

DLCD now takes the position that if the main exists even outside the Urban Growth Boundary that connecting water to the main does not constitute extending urban services.

Issues that the Council might want to consider in their deliberations that have been expressed in the past are:

- The taxpayer in the City bought and improved the system for the residents of the City.
 - We do charge Systems Development Charges, but charges are set up to serve inside the City which has urban densities. We do charge one and a half (1-1/2) time the inside charge, but that may not be enough. I have attended seminars in the past that have touched upon the fact that groups are trying to get legislation through that will require cities to, in detail, justify their charges. Our experience with the Harbor Sanitary District has given us insight as to how hard that may be, in as much as people may not accept how you are addressing meeting water needs in the future.
- If you extend services into the area surrounding the City, there is less incentive for the area to annex, which limits the area into which the City can grow in the future.

- We do require a Consent to Annex, which should be legally binding, but from a practical and political standpoint the use of the Consent to Annex to unhappy residents is not the preferred action.

Previously the City allowed only hookups only if a health hazard existing, they had to front on a mainline, they had to use reasonable diligence in getting another source, and the condition had to exist prior to 1979, as well as the conditions generally that the hookup was not to allow partitioning of property or more sellable inasmuch as people build outside city limits often so as not to pay for city facilities, although in so doing, they do so at some risk.