

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

In the Matter of the Adoption of Revisions to the City of Brookings Comprehensive Plan and the Public Facilities Plan for Urban Growth Expansion for the Brookings and Harbor Study Areas and by Adopting a New Storm and Surface Water Facilities Plan for Brookings-Harbor Area, and Declaring an Emergency.

ORDINANCE NO. 09-O-626

Sections:

- Section 1. Findings
- Section 2. Amendments
- Section 3. Severance Clause
- Section 4. Effective Date
- Section 5. Emergency

The City Council for the City of Brookings ordains as follows:

Section 1: Findings

1. On August 30, 2002, the Brookings City Council amended the City of Brookings Comprehensive Plan for the purpose of adopting the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* (City of Brookings Ordinance No. 02-O-548).
2. Portions of the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* are in need of amendment. Those portions of the Plan in need of amendment are attached hereto and incorporated by reference.
3. The *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* (October of 2007), a copy of which is attached hereto and incorporated by reference, was prepared by HGE Inc., a private consulting firm. The development of this plan was a joint effort between the City of Brookings and Curry County using a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD). The *Storm and Surface Water Facilities Plan for the Brookings-Harbor area* is a supplemental section to the *Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas* of the City of Brookings Comprehensive Plan.
4. The initial draft of the Plan was adopted in December of 2006. The draft text was subsequently modified following input from the public, the Brookings City Council, the Board of Curry County Commissioners, and the City of Brookings and Curry County Planning Commissions.
5. With the concurrence of both the City Council and the Board of Curry County Commissioners, staff sent to DLCD the 45 day notice required under ORS 197.610 for post acknowledgment plan amendments for the proposed changes to the Comprehensive Plans.
6. Following public notice as required by law, the Brookings City Council and the Board of Curry County Commissioners held a joint hearing on the proposed amendments on Monday, December 8, 2008, at 5:30 P.M. at the Brookings City Hall.

7. On Monday, January 12, 2009, the Brookings City Council approved the Comprehensive Plan amendment changes that are attached hereto and incorporated by reference.

Section 2 Amendments

The City of Brookings Comprehensive Plan (Ordinance No. 02-O-548, and its subsequent amendments) is amended as shown by the attached changes in the *Comprehensive Plan, Public Facilities Plan for Urban Growth Expansion for the Brookings and Harbor Study Areas* and by adopting the attached *Storm and Surface Water Facilities Plan for Brookings-Harbor Area* with Addendums 1, 2 and 3.

The Public Facilities Plan for Urban Growth Expansion: Brookings and Harbor Study Areas, Appendix A: Facilities Maps/ Projects Descriptions is further amended by removing the four (4) "Storm Facilities" maps.

Section 3: Severance Clause

If any section, subsection, sentence, clauses or phrases of this ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4: Effective Date:

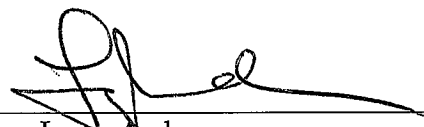
Consistent with ORS Chapters 197 and 227, this ordinance shall take effect upon its passage, due to an emergency as stated in Section 5.

Section 5: Emergency

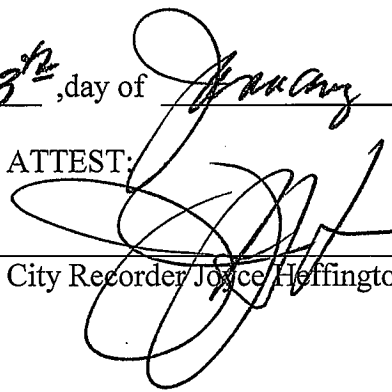
It is hereby determined that it is in the best interest of the public that immediate action be taken. The revisions being adopted by this Ordinance were previously adopted by the Curry County Board of Commissioners on December 9, 2008. By law these revisions must be co-adopted by both the County and the City. In an effort to keep the adoption and effective dates within responsible proximity, this emergency clause is being used. Therefore, an emergency is declared to exist and the Ordinance shall be in full force and effect immediately on its passage by the City Council and signing of the Mayor.

First Reading: January 12, 2009
Second Reading: January 12, 2009
Passage: January 12, 2009
Effective Date: January 12, 2009

Signed by me in authentication of its passage this 13th day of January, 2009.



Mayor Larry Anderson

ATTEST:


City Recorder Joyce Heffington

CITY OF BROOKINGS – COMPREHENSIVE PLAN

**DRAFT REVISIONS
SEPTEMBER, 2008**

CITY OF BROOKINGS – COMPREHENSIVE PLAN
DRAFT REVISIONS – Sept., 2008

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GOAL 11 PUBLIC FACILITIES AND SERVICES

GOAL:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.

FINDINGS:

1. The City has adopted a Public Facilities and Services Plan that establishes the framework for the distribution of water and sanitary sewer services and storm drainage systems throughout the expanded Urban Growth Boundary.
3. The City has adopted a Water Master Plan/Conservation Management Plan.
4. The City has adopted a Water Curtailment ordinance that provides the city with the mechanisms to curtail water use in emergencies, including low surface water flows in the Chetco River.
5. *On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." New policies from this Plan are found in the "Public Facilities Plan for Urban Growth Expansion."*
56. The city currently provides the following facilities and services within the City Limits:

CITY OF BROOKINGS – COMPREHENSIVE PLAN
DRAFT REVISIONS – Sept., 2008

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POLICIES:

To insure timely, orderly and efficient arrangement of public facilities and services the following policies will be implemented by the City of Brookings.

1. Public Works

- A. Water treatment facilities. Facilities will be maintained with the proper observation and planning to expand facilities on a timely basis to provide continued service to existing customers and projected growth. Expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.
- B. Water distribution, pumping and storage. New development requiring extension of water mains, pumping and storage facilities will be paid for and constructed by the developer pursuant to the provisions of the City of Brookings Standard Specifications document dated August 1988.
- C. Water Master Plan/Conservation Management Plan. The city will maintain a Water Master Plan/Water Conservation Management Plan, which will be updated as required.
- D. Wastewater treatment facility. Expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.
- E. Wastewater collection facilities. New development requiring extension of sewer mains and new pumping stations will be paid for and constructed by the developer City of Brookings Standard Specifications document dated August 1988.
- F. Streets and other infrastructure facilities. The City's Public Works Department will inspect and maintain all public street and subsurface infrastructure facilities. The extension of existing streets for new development shall be paid for and constructed by the developer pursuant to the provisions of the City of Brookings Standard Specifications document dated August 1988.
- G. Storm drain facilities. New development requiring new storm drain systems

or the extension of existing systems including provision of retention basins, will be paid for and constructed by the developer pursuant to the provision of the City of Brookings Standard Specifications document dated August 1988.

On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." New policies from this Plan are found in the "Public Facilities Plan for Urban Growth Expansion."

2. Fire Prevention and Protection

The fire chief will continue to serve as the head of prevention and protection services. He will continue to maintain the high level of training and service that the community has come to expect through the conduct of local and regional training sessions and a continued education for himself.

3. Police Protection

The chief of police shall be responsible for continually monitoring the department's facility requirements and operations. In conjunction with the annual preparation of his budget request, a written evaluation shall be prepared for the city manager, who in turn, may call attention to specific items for consideration by planning commission, council or staff.

CITY OF BROOKINGS – PUBLIC FACILITIES PLAN

**DRAFT REVISIONS
SEPTEMBER, 2008**

CITY OF BROOKINGS - PUBLIC FACILITIES PLAN
DRAFT REVISIONS - July 8, 2008

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Stormwater Needs

On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." ~~A public education program is recommended to disseminate information on the importance of preventing negative impacts from stormwater. In the Plan are design and development standards and proposed improvements to the storm drainage facility. There are also maps depicting the various basin areas, hydrologic/hydraulic analysis, and the discussion of the effects on specific areas in the Plan.~~

Using the Santa Barbara Urban Hydrograph computer model, ~~pre and post development storm flows were calculated for each basin. A 25 year return period was assumed. The flows for North and South of the Chetco are as follows. (See figures in Appendix A for reference)~~

North of the Chetco River (Brookings)

Area Number	Acreage	Pre-Development Peak Flow (cfs)	Post-Development Peak Flow (cfs)
1	109	69	101
2	222	110	260
3	107	35	92
3a	152	43	115
3b	67	20	53
3c	15	7	17
4	343	90	235
4a	10	8	16
5	154	53	136
5a	164	60	151
5b	258	60	147
6	286	93	240
7	52	30	68
8	125	64	150
9	125	19	42

South of the Chetco River (Harbor)

Area Number	Acreage	Pre-Development Peak Flow (cfs)	Post-Development Peak Flow (cfs)
10	204	61	161
10a	115	63	146
11	53	32	73
12&13	23	18	36
14	14	12	23
15	134	98	206
16	113	61	142
17	435	183	447
17a	342	151	368
17b	82	17	42
17e	54	17	44
18	257	116	280
19	19	14	30
20	226	35	74
21	42	40	72
22	446	59	122
23	90	60	132

CITY OF BROOKINGS - PUBLIC FACILITIES PLAN
DRAFT REVISIONS - July 8, 2008

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Storm Drainage Needs

Historically, runoff from the Harbor Hills drained down onto the Harbor Bench, over which flow a number of drainage swales. When the flow capacity of the swales was exceeded, the runoff flooded the flatland; the soils eroded from the hills onto the delta created farmland. Construction of Highway 101 altered this natural pattern by concentrating the more diffuse swale flows into culverts under the highway. The areas downstream of these culverts now convey additional, more concentrated flows with resultant flooding and erosion.

The storm drainage from newly developed areas creates additional impervious surfaces such as roads, roofs, sidewalks, and other open areas. Creating impervious surface increases the amount of runoff by allowing the water to concentrate faster. This increased runoff can exceed the capacity of the existing pipes, culverts, ditches, and natural drainage channels. The drainage from the newly developed areas must be collected and transported to the ocean without creating flooding, erosion, or negative environmental impacts.

Curry County currently provides storm drainage services for the study area. Curry County provides a low level of service, primarily ditch cleaning and culvert maintenance. Development in the urban growth areas will require much higher operational activities as maintain water quality features, detention facilities and substantial new amounts of pipes and/or ditches. A method of funding a utility to provide such services is critical in any selected alternative.

Improvements to the Harbor Bench drainage channels should be considered as a possible additional benefit to existing residents and new development, given the history of flooding in this area. As part of the development the culverts can be moved or altered to bring the drainage back to the natural configuration. Any detailed master plan should examine the feasibility of culvert changes in the areas south of the Chetco River. The Harbor Bench area is prime agricultural land. It is extremely sensitive to erosion and flood impacts. Special attention and planning must be given to this area.

On _____, the City adopted the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area." Details concerning storm drainage needs can be found in that document.

Alternatives

To avoid adverse impacts created by development, ~~three~~ *five* strategies are generally utilized:

1. *There should be no post-development net increase in storm drainage discharge downstream.*
2. *Low impact development practices as described in the 2008 "Storm and Surface Water Facilities Plan" shall be implemented.*
3. The capacity of the downstream drainage infrastructure is improved to convey the increased flow. Usually this means constructing larger culverts and storm drains. Generally, the natural drainage channels are improved, but because of the study area's proximity to the ocean and the steep rocky terrain, these channel improvements may not be necessary.
4. A regional detention facility is constructed to capture the additional runoff and release the flow at a slower natural rate. A regional facility is normally associated with a single drainage way or creek.
5. An onsite detention facility is constructed for each individual development. The goal for a regional or onsite detention facility is that the runoff from the post-development condition be reduced to flow equaling the pre-development condition.

Recommendation

The numerous drainage basins in the study area were evaluated for use of the above methodologies. Pre- and post-development flows were estimated using the Santa Barbara Urban Hydrograph computer model. An appropriate strategy for each drainage basin was selected using flow generation, amount of existing development, the terrain, and other features. The areas north and south of the Chetco River were considered separately because conditions vary greatly between these study areas.

Detailed master plans for each basin must be prepared to refine facility sizing, horizontal and vertical alignments, and to refine alternatives. Each basin should have a master plan prepared prior to large-scale development in the drainage basin to coordinate improvement efforts.

The Storm and Surface Water facilities Plan for Brooking Harbor Area" contains the following policies:

- *Low impact development is preferred.*
- *Negative impacts to natural watercourses are to be avoided.*
- *Piping of a natural watercourses is to be avoided, where practicable.*
- *Protection of ground water sources is critical.*
- *Proposed facilities should address water quality impacts and mitigation measures.*
- *Erosion and sediment must be controlled using the City, County, and Department of Environmental Quality requirements.*
- *Stormwater discharges shall be maintained at current levels.*

- ~~The City will consider a stormwater utility fee to fund needed maintenance on the existing facility.~~
- A public education program is recommended to disseminate information on the importance of preventing negative impacts from stormwater.

The "Storm and Surface Water Facilities Plan for Brookings-Harbor Area" contains specific design and development standards and proposed improvements to the storm drainage facility.

North of the Chetco River (Brookings)

The storm drainage improvements north of the Chetco River will be located on steep, rocky terrain. The proposed Urban Growth Areas are generally located east of Highway 101. ~~The areas west of Highway 101, except for basins 5A and 5B, consist of steep cliffs that drop directly into the ocean. Basins 6 and 7 discharge directly to the Chetco River.~~

Since the increased runoff insignificantly impacts the natural channels west of Highway 101, the recommended improvements involve the following:

- constructing a local conveyance system;
- constructing a new collector or improving the existing channel;
- constructing a new culvert under Highway 101 (ODOT culverts are only designed for existing conditions, not anticipated development conditions), and
- erosion control improvements in the existing creek channels

~~Basins 5A and 5B discharge into developed areas that appear prone to downstream damage.~~ With the high levels of development, regional detention facilities will be expensive. To mitigate the increased flows, onsite detention facilities for each development will be the best alternative to development impacts. Development would pay for these on-site detention facilities.

Discussion concerning specific basins is found in the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area."

1. ~~Basin 1~~

- ~~Provide local collection system to service new development~~
- ~~Construct main collector storm drain in Lone Ranch Creek drainage way~~
- ~~Improve culvert under Highway 101~~
- ~~Provide channel erosion improvements between Highway 101 and ocean.~~

2. ~~Basin 2~~

- ~~Provide local collection system to service new development~~
- ~~Construct main collector storm drain in Ram Creek drainage way~~
- ~~Improve culvert under Highway 101~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

~~3. Basin 3, 3A, 3C, and 3B~~

~~Provide local collection system to service new development
Construct main collector storm drain in drainage way
Improve culvert under Highway 101
Provide channel erosion improvements between Highway 101 and ocean~~

~~4. Basin 4 and 4A~~

~~Provide local collection system to service new development
Construct main collector storm drain in Shy Creek drainage way
Improve culvert under Highway 101
Provide channel erosion improvements between Highway 101 and ocean~~

~~5. Basin 5~~

~~Provide local collection system to service new development
Construct main collector storm drain or channel improvements in Harris Creek drainage way
Improve culvert under Highway 101
Provide channel erosion improvements between Highway 101 and ocean~~

~~6. Basin 5A and 5B~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain in drainage way
Improve culvert under Highway 101
Provide channel erosion improvements between Highway 101 and ocean~~

~~7. Basin 6~~

~~Provide local collection system to service new development
Construct main collector storm drain in Ferry Creek drainage way
Improve culvert under North Chetco Road
Provide channel erosion improvements between North Chetco Road and River~~

~~8. Basin 7~~

~~Provide local collection system to service new development
Construct main collector storm drain in Hall Creek drainage way
Improve culvert under North Chetco Road
Provide channel erosion improvements between Chetco Road and River
Improve culvert under Highway 101~~

~~Provide channel erosion improvements between Highway 101 and ocean~~

South of the Chetco River (Harbor)

The study area south of the Chetco River provides a more complicated drainage situation. Basins ~~13 through 19~~ are located northeast of Highway 101 on the Harbor Hills. The terrain in the Harbor Hills basins are generally quite steep, then flatten out onto the Harbor Bench. Highway 101 provides a barrier between the Harbor Hills and the Harbor Bench.

The Harbor Bench is relatively flat and has a history of flooding. Many residences are located in this prime farmland, even though it is located outside the Urban Growth Boundary (UGB). Increasing runoff without proper controls would exacerbate an already serious flooding and erosion situation.

Unlike the areas north of the Chetco River, regional or onsite detention to service new development is the most suitable storm water control methodology for the areas discharging to the Harbor Bench. The Harbor Bench area is sensitive to erosion and flooding. The regional or on-site detention should be funded by the developer or through SDC accrual.

Basins ~~20 through 23~~ are also located on the Harbor Hills, but drain north to the Chetco River. Drainage of these basins requires use of the natural streams, so regional or onsite detention is the most likely scenario. Since the drainage crosses areas outside the UGB, constructing channel improvements or storm pipes would seem unlikely due to land use and environmental concerns. (Note: Drainage areas inside the UGB can be impacted with proper reconstruction and/or mitigation)

Discussion concerning specific basins is found in the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area."

~~The following improvements are recommended for Basins 13 through 23.~~

~~1. Basin 13~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drains or improve drainage way
Improve culvert under Highway 101~~

~~2. Basin 14~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain or improve drainage way
Improve culvert under Highway 101~~

~~3. Basin 15~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

4. ~~Basin 16~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

5. ~~Basin 17 and 17A~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

6. ~~Basin 17B~~

~~Provide local collection system to service new development~~
~~Construct main collector storm drain or improve drainage way~~
~~Provide erosion controls in natural channels~~

7. ~~Basin 18~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

8. ~~Basin 19~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Construct main collector storm drain or improve drainage way~~
~~Improve culvert under Highway 101~~

9. ~~Basin 20~~

~~Provide local collection system to service new development~~
~~Provide onsite detention for every development~~
~~Improve Jordan Creek drainage way~~

~~10. Basin 21~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Improve Carey Creek drainage way~~

~~11. Basin 22~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain or improve drainage way
Improve culvert under Highway 101~~

~~12. Basin 23~~

~~Provide local collection system to service new development
Provide onsite detention for every development
Construct main collector storm drain or improve drainage way
Improve culvert under Highway 101~~

CITY OF BROOKINGS – PUBLIC FACILITY PLAN

DRAFT REVISIONS – Sept., 2008

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Funding Sources

Implementing the infrastructure for the new urban growth areas requires capital funding. The following mechanisms are feasible for providing capital resources:

System Development Charges

Oregon law allows cities and service districts to charge system development charges for future growth. System development charges are fees that the developer pays to connect to the infrastructure system. The receipts from these fees can be saved, applied to bond payments, or applied to actual project expenses. Oregon law provides a specific methodology to justify charging these fees since the fees can only be applied towards growth related projects. System development charges are a common method of financing system growth.

Developer Financing

In cities and service districts that are unable to capitalize infrastructure improvements, developers have the ability to provide the improvements. Generally a developer provides the infrastructure improvements, transfers the facilities to the jurisdiction, then is reimbursed for the capacity outside the developers needs. Usually the developer is compensated on a per connection basis when the actual connection takes place. Generally the developer is not guaranteed full repayment.

Revenue Bonds

A common method of financing improvements to the infrastructure system is revenue bonding. Revenue bonds are repaid through rate charges for the service provided. The city or service district pledges to charge rates sufficient to repay the debt. In Oregon, a governing body such as a city council can implement revenue bonds, but revenue bonds can be referred to the voters through the petition process.

General Obligation Bonds

General obligation bonds assess a tax against property values in the taxation district as a capital source. This funding source was recently used by the City of Brookings to expand the wastewater treatment plant. General obligation bonds require a majority vote of the registered voters in the taxation district. The revenue stream can come from property tax receipts. However, the City is collecting user fees to pay for plant expansion. Use of general obligation bonds for development related projects presents obstacles. The requirement for a majority vote puts the project in the voters' hands. If there are no clear benefits to the public, then the bond issue can be defeated.

Grants

Federal or state grants do not appear to be feasible for providing the infrastructure. Many state and federal agencies provide grant assistance, but these funds are many aimed at assisting existing communities with long-standing problems. Unfortunately grant requests far outstrip available funds. With the current political climate, grant funds to provide infrastructure for new development appear unlikely.

Utility Fee

The City has adopted a stormwater utility fee to be added to monthly bills of properties within City limits to fund needed maintenance of stormwater facilities.

Recommendations

It is recommended that the City of Brookings and the Harbor Water PUD study and develop mechanisms for funding growth-related projects. These funding mechanisms will revolve around System Development Charges, Developer Contributions and Revenue Bonding. Other funding mechanisms should be explored where feasible or appropriate. The city will require all new development to pay for the expansion of services to the area being developed. While the use of bonds is a common revenue source for such projects, their inclusion in this document does not bind the city to their use. When bonds are determined to be the necessary mechanism to fund a project, the city shall bring the issue to the vote of the citizens.

CITY OF BROOKINGS - PUBLIC FACILITIES PLAN
DRAFT REVISIONS - JULY 8, 2008

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INTRODUCTION (PAGE 11)

Pump Stations

Flows from the entire Harbor collection system enter HSD pump station No. 4. Discharge from this station is to the Brookings WWTP by means of an 8-inch force main over the Chetco River. Space for additional force mains is available. Pump station No. 4 is rated at 1,000 gpm and 125 feet. The number one pump station has a capacity of 650 gpm at 95 feet. The other three pump stations are small and serve limited areas.

City of Brookings Storm Drainage System

The City of Brookings operates a storm drainage system within the city boundaries. ~~Eight~~ Drainage basins flow to the ocean or the Chetco River. Generally local area flows are conveyed via pipes to discharge points at surface drainage ways. The majority of the existing piping system is located in the western old portions of the city draining to the Chetco. Highway 101 presents a major flow obstruction to natural drainage pattern, requiring culvert crossings. Some limited historical flooding has occurred, but the problems are related to site-specific causes.

Curry County Storm Drainage System

Curry County services all storm drainage in the study areas north and south of the Chetco. The service level is mainly rural road maintenance that mainly consists of ditch culvert cleaning associated with road maintenance. All other drainage features are privately owned. The Harbor Bench area, which is outside the urban growth area, has experienced flooding and erosion due upstream growth and diversion of flows due to culvert placement.



Project #:06.16

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STORM AND SURFACE WATER FACILITIES PLAN for BROOKINGS-HARBOR AREA

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for:
■ **City of Brookings, Oregon**

and

Curry County, Oregon

Adopted (Brookings) January 2009

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