

Harbor Community Action Committee**P.O. Box 7102
Brookings OR 97415
(541) 412-1200****RECEIVED**

JAN 04 2010

CITY OF BROOKINGS

Mayor Anderson and Council
City of Brookings
898 Elk Drive
Brookings, OR 97415

December 31, 2009.

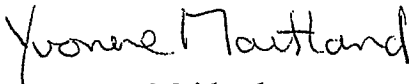
Dear Mayor Anderson and Council members;

HCAC respectfully requests that the 'Area of Special Environmental Concern' in Harbor Hills is delineated on a map and incorporated by reference into the Curry County Comprehensive Plan as required by the Joint Management Agreement (JMA).

HCAC would like to be informed as to the time line, the data and the public process used in defining this special area. HCAC would like to participate in the City of Brookings public process and providing that information will allow HCAC the opportunity to do so.

We look forward to a resolution of this important issue and the delineation of the 'Area of Special Environmental Concern.' Thank you for your attention to this matter.

Sincerely,



Yvonne Maitland
HCAC - Secretary

CC: ~~Planning Director~~ Dianne Morris

Harbor Community Action Committee
P.O. Box 7120
Brookings, OR 97415
(541) 412-1200

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DEC 31 2009

CITY OF BROOKINGS

Dianne Morris
Planning Director
City of Brookings 898 Elk Drive
Brookings, OR 97415

December 29, 2009

Re: JMA Exhibit F - Staff Comments
for CP-2-06

Dear Planning Director Morris,

In response to my written comments (Exhibit C) you wrote, "The PFP does have provision for an 'urban level treatment system' (sewer) only in a Master Plan Area." Also, "...and is only a possibility in a Master Plan Area." What about the Harbor Hills Special Plan Area (HHSPA) where different provisions apply?

Either the sewer provision is relevant, or it isn't. If it is only a possibility, an explanation of the processes should be forthcoming as to how you consider and define the rationale for excluding an urban level treatment system in the Master Plan Area. City and County are considering 2-acre zoning and DLCD recommends 10-acre zoning. The recent approach to clustering and Planned Unit Development housing is more consistent with an urban level of development than interim rural. Currently the Harbor Hills are zoned Forestry Grazing, resource land.

Steep complex topography, ravines, streams, poor soils and unstable land should discourage development and efforts to make things easier for large landowners. The excessive cost of infrastructure in Harbor Hills should advance the commonsense approach to restrict development on marginal land. (1,437 acres of unbuildable land was added to the UGB expansion.)

The Harbor Hills are on the Statewide Landslide Inventory Data for Oregon (SLIDO) Map. The SLIDO Map **must be interpreted to be of any value** to public safety, health and welfare. County Commissioners have stated their interest and support of LiDAR imagery interpretation.

JMA Article X (2) "The Harbor Hills Special Plan Area is established as an Area of Environmental Concern and shall be so designated on the Comprehensive Plan." Article X (2) is crucial and specific for the area of environmental concern in the UGB. Have the City and County designated this area in their respective Comprehensive Plans?

Your response to delineate the specific Area of Environmental Concern in Harbor Hills is confusing. "...the 'Area of Environmental Concern' discussed in Article X(D) (2)." In the past Article X (2) was remanded by DLCD and amended to safeguard the Harbor Bench. X(D) is a separate article in the JMA, just as other articles are separate,

including X (2), the most important Article regarding the Special Plan Area of Environmental Concern within the Master Plan Area as stated by DLCD.

Why would planning staff want to commingle the two Articles X (D) and X (2)? It is not only confusing but appears unnecessary. What is the purpose of this decision?

Article X (2) and subsections were specifically crafted with safeguards for this sensitive area. Serious concerns with the effect of surface water runoff are addressed by the many provisions in Article X (2). **The Comprehensive Surface Water Management Plan (CSWMP) is the most critical element in that portion of the Harbor Hills.** The safeguards include establishing an area of 'Environmental Concern' within the Harbor Hills Master Plan Area that drain through the agricultural lands on the Harbor Bench. [Goal 14 Findings UGB Amendment]

Your statement, "A map showing topography demonstrates which properties are a part of this area" needs some clarification. This is important information. Please reference the map for Harbor Community Action Committee's review.

Other comments are; **"One property owner has begun work on the Plan required in Article X (D). As of this date it has not been completed and adopted by the City and County as required in the JMA."** These statements/responses are extremely vague and difficult to follow. Please answer the questions below for the City's Public Hearing as further response to your written comments was not allowed.

What 'topographical' Map are you referring to?
Is the specific Area of Environmental Concern delineated?
What 'Plan' is required in Article X (D)? and
Is the 'Plan' a Master Plan?
Who is the 'property owner', HW3 LLC or Harbor Construction?

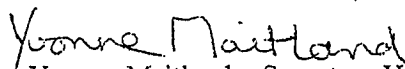
The requirement for the HHSPA and HW3 is embodied in Article X (2) not X (D).

The CSWMP is a critical element of the HHSPA and has not been completed or adopted by the City and County because of its many significant deficiencies.

"Parametrix interprets the JMA requirements to include standards and specifics. Not providing specific standards is also contrary to the requirements of the Work Plan." [Fundamental JMA Interpretation Review, one of the comments made Re: HHSPA, CSWMP Peer Review. September 10, 2007.]

"The document [CSWMP] does not effectively provide a basis for Curry County to make decisions on the appropriateness of future development proposals within the Harbor Hills Special Plan Area." Also, "It does not include the analysis that is critical to the County's role in facilitating sound development on the Harbor Hills."

[DLCD Amanda Punton, May 6, 2008]


Yvonne Maitland – Secretary HCAC.