

**RESOLUTION NO. 94-R-572**

**A RESOLUTION APPROVING THE MARINE TERRACE SUBDIVISION  
AFTER AN APPEAL.**

**WHEREAS, the Planning Commission approved the Marine Terrace Subdivision, File No. SUB-4-93, on December 7, 1993; and**

**WHEREAS, the Planning Commission's approval of the subdivision was appealed to the City Council; and**

**WHEREAS, the City Council heard the appeal in a public hearing on January 24, 1994 and granted approval of the subdivision, subject to Planning Commission Conditions of Approval dated December 7, 1993, and subject to three additional conditions concerning density of the subdivision, cul-de-sac design and off-site storm drainage; and**

**WHEREAS, the applicant filed a request for reconsideration of the density and cul-de-sac conditions by written request dated February 8, 1994 and also requested a time extension pursuant to ORS 227.178; and**

**WHEREAS, on February 14, 1994 the City Council granted the request for reconsideration, instructed staff to schedule a public hearing and limited the scope of the public hearing to reconsideration of the approval conditions relating to density requirements and cul-de-sac design; and**

**WHEREAS, on March 14, 1994 the City Council conducted a public hearing concerning the conditions relating to density and cul-de-sac design and at that public hearing testimony and exhibits were presented by the applicant and opponents; and**

**WHEREAS, the City Council makes the following findings:**

**1. The applicant is requesting a subdivision of a 3± acre parcel to create 11 lots ranging in size from 6,302 sq. ft. to 11,742.49 sq. ft.**

**2. The property and all of the surrounding property is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. min. lot size) and is designated as residential by the Comprehensive Plan.**

**3. Slopes on the subject property reach grades of greater than 60% with an average slope of 22%.**

**4. The proposed subdivision has a cul-de-sac street with a right-of-way width of 40 feet and a hammerhead turnaround.**

**5. The grade of the new street is indicated as being 19% according to the centerline profile provided by the applicant.**

**6. The Land Development Code provides that minor streets should have a grade of no more than 15%, but allows approval of a steeper grade if necessary to provide buildable lots.**

**7. The subject property has frontage on both Marina Heights Rd. and Marine Dr. The new cul-de-sac street will intersect Marine Dr. Access to the proposed lots will be from the new cul-de-sac street.**

**8. The proposed subdivision will not create a remainder lot.**

**9. All of the lots surrounding the subject property will have frontage on either Marine Dr. or Marina Heights Rd. Several of these lots have been developed with single family houses.**

**10. Marine Dr. consists of a 16 foot wide paved travelway within a 50 foot right-of-way with no other improvements.**

**11. There is a water main located in the Marine Dr. right-of-way.**

12. A sewer line will be placed in the Marine Dr. right-of-way as a condition of approval for the Riviera Heights Subdivision located to the north of the subject property. The City of Brookings has identified a limited maximum capacity in its waste water treatment plant. Approval of this subdivision does not constitute a representation or commitment that capacity will exist in the waste water treatment system to serve the proposed development. The availability of connection approval as to the waste water treatment system is on a first come-first serve basis and regulated under the provisions of Brookings Ordinance No. 88-0-430.

13. There are no other subdivisions in Curry County with the same or similar name as "Marine Terrace Subdivision".

14. Marine Dr. and Marina Heights Rd. have names similar to the proposed "Marine Terrace Drive."

15. Section 172.020.C of the Land Development Code provides that narrower right-of-way widths may be allowed where it is shown by the developer that the topography or the small number of lots served and the probable future traffic development are such as to justify a narrower width.

16. Section 100.030.A(2) of the Land Development Code provides that in the review of applications for subdivisions, the City shall employ the following density standards: density shall generally not exceed two (2) dwelling units per acre for slopes between 12% and 24%.

17. Section 100.030.B provides that in the review of applications for subdivision specific density shall be established after deliberation between the City, geologists, engineers or other qualified persons, and that a determination shall be made as to whether a greater or lesser density is suitable for any specific site. Based upon the slope and topography of the site and consideration of geological conditions, the City finds that density in the proposed subdivision should not exceed two (2) dwelling units per acre.

**WHEREAS, the Council makes the following additional findings and conclusions:**

**1. The lots created by the proposed subdivision are consistent with the requirements of the R-1-6 Zone and the proposed use is consistent with the Comprehensive Plan designation Residential.**

**2. Although the 19% slope of the proposed new street exceeds the slope grade requirement set forth in Land Development Code Section 172.020.P, the City may accept steeper grades where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots. The City Fire Chief has indicated that the 19% grade can be negotiated with the City's fire trucks since it is a relatively short distance. The Fire Chief also indicated that if the applicant provides a fire hydrant at the intersection of Marine Dr. and at the westerly end of the new street, the grade would be acceptable. Based upon existing conditions, particularly topography, the 19% grade for the street proposed by the applicant is justified and necessary to provide buildable lots.**

**3. Land Development Code 172.020.C allows the City to approve the requested 40 foot street right-of-way based upon the topography of the project or the small number of lots served and the probable future traffic development. Based upon the proposal submitted by the applicant, a narrower width right-of-way for the proposed street is justified.**

**4. The proposed subdivision will not prevent development or access to any surrounding lots.**

**5. The conditions of approval will require full street improvements along the frontage of the subject lot on Marine Dr. and the widening of the paved travelway property line to Old County Rd.**

6. Pursuant to Land Development Code Section 100.030.B, following deliberation between the City, a geologist and an engineer, the City concludes that the density of the subdivision shall be no greater than two (2) dwelling units per acre. The proposed subdivision must be reduced to this density level.

7. The proposed hammerhead turnaround is acceptable in design and may be utilized in this subdivision.

8. The proposed subdivision will conform with the Comprehensive Plan, the development standards of the Land Development Code and state and federal laws if the applicant complies with the Conditions of Approval dated December 7, 1993 and the additional requirements as to density and storm drainage set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the Brookings City Council approves the Marine Terrace Subdivision based on the findings and conclusions stated above and subject to the Conditions of Approval dated December 7, 1993 as approved by the Planning Commission and with the addition of the following conditions:


1. The density of the subdivision shall be no greater than two (2) dwelling units per acre; and

2. Storm drainage leaving the site shall be engineered so as to create no significant impact on the downstream properties.

PASSED by the Council of the City of Brookings and signed by the Mayor this 28th day of March, 1994.

  
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Mayor Tom Davis

ATTEST:

  
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Beverly S. Shields  
City Recorder

RESOLUTION - 5

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