

For: Tuesday, May 28, 2013, City Council Meeting

Advance Packet Information

Dated: May 20, 2013

Included in this packet is documentation to support the following Agenda items:

PUBLIC HEARINGS/ORDINANCES/FINAL ORDERS

- Public Hearing and Final Order in the matter of File CPZ-1-13 changing the Comprehensive Plan designation for Map 41-13-05CB, Tax Lot 10000 from residential to commercial. [Planning, pg. 2]
 - a. Planning Commission Staff Report for April 25, 2013 [pg. 3]
 - b. Final Order [pg. 28]
- Ordinance 13-O-710, amending the Comprehensive Plan designation for Map 41-13-05CB; Tax Lot 10000 from residential to commercial. [Planning, pg. 30]
 - a. Ordinance [pg. 31]
- Public Hearing in the matter of LDC-1-13, deleting Chapter 17.148, Vacations, and adding Chapter 12.50, Vacations, to the Brookings Municipal Code. [Planning, pg. 33]
 - a. Planning Commission Staff Report for May 7, 2013 [pg. 35]
 - b. Supplemental Planning Commission Packet for May 7, 2013 [pg. 39]
 - c. Final draft of Chapter 12.50 revisions [pg. 43]
- Ordinance 13-O-711 deleting Chapter 17.148, Vacations and adding Chapter 12.50, Vacations, to the Brookings Municipal Code. [Planning, pg. 45]
 - a. Ordinance [pg. 46]

RESOLUTIONS

- Resolution 13-R-1003 modifying vacation application fee. [Planning, pg. 49]
 - a. Resolution [pg. 50]

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 28, 2013

Originating Dept: PWDS -Planning

48 Donna Colby-Hanks
Signature (submitted by)
City Manager Approval

Subject: Request for Comprehensive Plan Change from Residential to Commercial and a zone change from Single-Family Residential (R-1-6) to General Commercial (C-3) on property located on Map 41-13-05CB, Tax Lot 10000.

Recommended Motion: Staff recommends approval of the File CPZ-1-13 changing the Comprehensive Plan designation from Residential to Commercial and the zone from R-1-6 to C-3 as well as approval of the Final Order.

Financial Impact: None.

Background/Discussion: This zone change is needed to allow the siting of a building to house firefighting equipment historically stored outside on the subject parcel owned by Coos Forest Protective Association (CFPA). The subject property is located adjacent to the east boundary of Alder Street, approximately 93 feet south of the intersection of Redwood Street and Alder Street. With the property line setback requirements in the current residential zone, a structure of the size needed with adequate back-up and turning area for the fire trucks is not feasible. The C-3 zone does not have setback requirements thus allowing for a configuration of development which suites the needs of CFPA.

After reviewing the attached Staff Report, Applicant's findings, and testimony at their May 7, 2013 hearing, the Planning Commission recommended approval of the above requested Comprehensive Plan and Zone Change.

Attached is the Staff Report describing this application and a draft Final Order for your review.

Policy Considerations: None.

Attachment(s):

- A. Planning Commission Staff Report
- B. Final Order

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Zone Change
FILE NO: CPZ-1-13
HEARING DATE: May 7, 2013

REPORT DATE: April 25, 2013
ITEM NO: 5.1

GENERAL INFORMATION

OWNER: Coos Forest Protective Association (CFPA).

APPLICANT: Chris Cline, Unit Forester CFPA.

REPRESENTATIVES: John Bischoff, Wildwood Planning Consultants.

REQUEST: A Comprehensive Plan change from residential to commercial and a zone change from Single Family Residential (R-1-6) to General Commercial (C-3).

TOTAL LAND AREA: .28 acre/ 12,020 sq ft.

LOCATION: Adjacent to the east boundary of Alder Street, approximately 93 feet south of the intersection of Redwood Street and Alder Street.

ASSESSOR'S NUMBER: 41-13-05CB, Tax Lot 10000.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: R-1-6, Single Family Residential.

PROPOSED: C-3, General Commercial.

SURROUNDING: C-3 to the south and west, R-1-6 to the north and east.

COMP. PLAN: Residential.

LAND USE INFORMATION

EXISTING: The subject parcel is developed with two sheds and historically has been used for parking of firefighting equipment.

PROPOSED: Construction of a building to house firefighting equipment.

SURROUNDING: A fast food restaurant is to the south, additional facilities for Coos Forest Protective Association are to the east and north, and a vacant commercial parcel and a non-conforming dwelling are to the west of the subject property.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local newspaper.

APPLICABLE CRITERIA

Land Development Code – Ordinance No. 06-O-572

Brookings Municipal Code (BMC), Chapter 17.140 – Amendments

BACKGROUND INFORMATION

The subject property is a rectangular shaped, .28 acre parcel of land located adjacent to the east right-of-way boundary of Alder Street, approximately 93 feet south of the intersection of Alder Street and Redwood Street. The parcel is generally flat but contains a steep slope at the southern boundary which is adjacent to the right-of-way of Chetco Avenue. The property is accessed by Alder Street, which in the area of the subject property has a one lane gravel travel surface within a 50 ft. right-of-way with no other improvements.

The subject parcel along with the two adjacent parcels to the north and east, under the same ownership, are zoned Single Family Residential (R-1-6, minimum lot size 6,000 sq ft). All three parcels were purchased by the United States of America in 1936. They were then developed with office space, warehouses, woodshops, and storage of related equipment as the United States Forest Service (USFS) Compound. The USFS continued with this legal, pre-existing, and non-conforming use in a residential zone until 2008 when the property was sold to CFPA. CFPA continues with the same types of uses on the three parcels. CFPA is only requesting a zone change for one of the parcels.

The parcels further to the east are zoned R-1-6 and are vacant. The parcels further to the north are zoned R-1-6 and developed with single family dwellings and Headstart, a pre-school. The two parcels adjacent to the west are zoned C-3. One is vacant and one is developed with a non-conforming single family dwelling. The parcels to the south, beyond Chetco Avenue, are zoned C-3 and are developed with a fast food restaurant and a fueling station.

The C-3 zone provides for public buildings such as courthouses, libraries, post offices, or fire stations without further land use review (outright). The Applicant's future development plans for the subject parcel involve constructing a building to house firefighting equipment that is currently stored outside or moved off-site for inside storage. The Applicant has stated the off-site storage is less efficient when the equipment is needed in this area. The proposed storage building will not intensify the use of the property, it will only provide cover for the equipment already being stored there. Due to this and the fact that there are no adjacent street improvements, the Applicant will not be required to install street improvements at the time the building is constructed. However, a Deferred Improvement Agreement (DIA) will need to be recorded.

PROPOSED PLAN and ZONE CHANGE

Amendments to the Comprehensive Plan and zoning maps are governed by Chapter 17.140 of the Brookings Municipal Code (BMC). The Applicant is requesting a comprehensive plan change from residential to commercial and a zone change from the R-1-6 designation to the C-3 designation to allow the siting of a structure to house firefighting equipment on the subject property. With the property line setback requirements in the current residential zone, a structure of the size needed with adequate back-up and turning area for the fire trucks is not feasible. The C-3 zone does not have setback requirements thus allowing for a configuration of development which suites the needs of the Applicant.

ANALYSIS

The following is staff's analysis of the proposed zone change in relation to the criteria found in BMC Chapter 17.140, Amendments. The Applicant's findings are **Attachment A**.

Compatibility of the proposed zoning designation with the surrounding land uses.

- The subject property is adjacent on the south and west to other C-3 zoned parcels. To the south, Chetco Avenue provides a buffer to the fueling station and a fast food restaurant. One commercial parcel to the west is vacant and the other is developed with a single family dwelling. The applicant owns the residential parcels to the north and east, currently developed with commercial uses, which provides a buffer to the vacant residential property further to the east. The parcel to the north is developed with a commercial pre-school, Headstart, which required a Conditional Use Permit to verify compatibility with surrounding uses. The subject property was first used by the USFS and most recently by CFPA, for forestry/firefighting activities.

Conclusion: The fire trucks and equipment have historically been stored outside on this property. The same employees will be accessing the property, operating the machinery, and providing maintenance. The intensity of the use will not change. With outside storage being transferred to the proposed structure, the impact to adjacent properties will remain the same or be reduced. Comments from the Brookings Fire & Rescue, Operations Fire Chief are provided as **Attachment B**. Coos-Curry Electric has provided a utility confirmation form (**Attachment C**). Site Plan Committee reviewed this proposal and finds the zone change is consistent with City ordinances and policies.

Impacts on City Services and Streets.

- City sewer, water, and storm drainage facilities have been considered for the project and **Attachment D** is confirmation regarding this from Public Works Department. Sewer infrastructure is adequate to serve the property. However, neither City water nor storm drainage facilities in the area are adequate. Since the proposed structure will not require water service, this is not germane. However, prior to receiving a building permit, storm drainage plans addressing impervious surfaces added by the proposed structure need to be submitted to the City for approval. These plans must be designed in accordance with BMC Title 18, Engineering Requirements and Standard Specifications for Public Works Construction.
- Access to the subject property is from Alder Street. Alder Street in this area has a one lane gravel travel surface within a 50 ft. right-of-way with no other improvements. In these circumstances, BMC Chapter 17.170.070, Off-site street improvements, provides for a Deferred Improvement

Agreement (DIA) to be recorded in lieu of the needed improvements being installed. This will be a requirement prior to the building permit for the proposed structure being issued.

- As the Applicant has stated in their findings, the Brookings Transportation System Plan (TSP) designates Redwood Street with an existing Level of Service (LOS) of "A" which indicates little traffic or congestion. Even less of this traffic uses the short section of Alder Street adjacent to the subject property. The impacts to the streets from the proposed use will be minimal. In the future, should a project be proposed with a high traffic use, a Traffic Impact Study would be required to determine the necessary mitigation for impacts to the City streets.

Thomas Guevara Jr, Oregon Department of Transportation, has provided comments included as **Attachment E**.

Conclusion: Water and sewer service will not be needed for the proposed project. Since City storm drainage facilities in the area are not adequate, the Applicant will need to provide plans showing how storm drainage will be dealt with.

Needed improvements to Alder Street can be deferred per BMC Chapter 17.170.070. The recordation of a DIA will be required prior to a building permit being issued.

Conformance with the Comprehensive Plan, provisions of the Code, and any applicable Statewide Planning Goals.

The Applicant's Representative has provided findings (**Attachment A**) addressing the criteria and the Comprehensive Plan and Statewide Planning Goals. Staff addresses the applicable Goals as follows:

Goal 1 Citizen Involvement

To provide a citizen involvement process that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The City of Brookings submitted a notice for publication in the local newspaper and mailed notice of the hearing with a map to property owners within 250 feet of the subject property. Additional notice will be provided at the time this application is heard by City Council. These notices have been provided in compliance with BMC, Chapter 17.84, Public Hearings Notice Procedures for quasi-judicial hearings.

Conclusion: With the required notices, citizens have an opportunity to be involved in all phases of the planning process.

Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The Planning Commission and City Council base decisions on the criteria in the Land Development Code which is the implementing document for the Comprehensive Plan. The Comprehensive Plan was developed and adopted to meet the Statewide Planning Goals.

Conclusion: The notices discusses in Goal 1 outline the process for citizens to provide oral and written testimony. This along with the criteria for a decision, provides assurances that there is an adequate factual base for recommendations made by the Planning Commission and decisions made by the City Council.

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

To conserve open space and protect natural, scenic resource, cultural, and historic areas while providing for orderly growth and development of the City.

Finding: The City of Brookings Comprehensive Plan Inventories do not identify any Goal 5 resources on the subject property. The subject property is within the City and designated for urban use.

Conclusion: The approval of a zone change from residential to commercial will not impact any Goal 5 resources.

Goal 6 Air, Water, and Land Resource Quality

To maintain and improve the quality of the air (including the control of noise pollution), water and land resources of the Brookings area.

Finding: As stated by the Applicant, the subject parcel is designated for urban uses. Mitigation of storm drainage issues will be addressed at the time a building permit is applied for.

Conclusion: To maintain clean water, the storm drainage system will be designed in accordance with Title 18, Engineering Requirements and Standard Specifications for Public Works Construction.

Goal 7 Areas Subject to Natural disasters and Hazards

To protect life and property from natural disasters and hazards.

Findings: The City has adopted a Flood Damage Prevention Ordinance in BMC, Chapter 15.15. Each new development is reviewed for compliance with the Federal Emergency Management Agency (FEMA) Flood Hazard Maps. The FEMA Flood maps do not identify any flood hazards on the subject property.

The City has adopted Hillside Development Standards in BMC Chapter 17.100 to reduce the effects of flooding, erosion, and landslides. As the Applicant has stated, the area where the structure is proposed does not have slopes greater than 15 percent. Materials consisting of a geologic report and an engineering grading plan will not be required.

Conclusions: No flood hazards are identified on the subject property. Prior to any site preparation, an erosion control plan must be provided and implemented for compliance with BMC, Chapter 17.100, General Mitigation. This will be required prior to issuance of a building permit.

Goal 8 Recreational Needs

To satisfy the recreational needs of the citizens of the Brookings area, State, and visitors.

Finding: As the Applicant has stated in their findings, the subject property is designated for urban, residential development.

Conclusion: A zone change to urban, commercial development will not impact the recreational needs of the community.

Goal 9 Economy of the State

To diversify and improve the economy of the Brookings area.

Finding: ECONorthwest prepared an Economic Opportunity Analysis (EOA) which was adopted into the Brookings Comprehensive Plan in 2009. Although the EOA did not identify a need for commercial sites of less than one acre, it did identify a deficit in commercial sites in the one to two acre size.

Conclusion: The adjacent residential properties are within the same ownership and developed with the same commercial use as the subject property. There is the potential for a zone change of these adjacent properties and when combined with the subject property, create a parcel of the size that is deficient. With a future zone change, the existing non-conforming commercial use would become conforming.

Goal 10 Housing

Provision of varied housing types that are safe, sanitary and adequate for all residents of the community.

Finding: Oregon Administrative Rule (OAR) 660-024 contains a generally accepted housing mix. The Safe Harbor Housing Mix for a city with a population of 2,500 to 10,000 residents is 60% low density (R-1), 20% medium density (R-2), and 20% high density (R-3). The City of Brookings has 76% low density, 14% medium density, and 10% high density. This zone change will remove one parcel from the available low density category.

Conclusion: The City has a higher percentage of low density than recommended by the Safe Harbor Housing Mix so removing this lot will not negatively impact the housing mix. The requested zone for this parcel is C-3 which allows for dwelling units on all floors except for the ground floor. This zone change has the potential to provide for additional dwelling units on upper floors of proposed structures.

Goal 11 Public Facilities and Services

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

Goal 12 Transportation

To provide and encourage safe, convenient and economic transportation system.

The findings and conclusions for Goal 11 and Goal 12 are discussed above in *Impacts on city services and streets serving the area.*

FINDINGS AND CONCLUSIONS

1. Applicant has filed a complete application requesting a Comprehensive Plan/Zone Change from Single Family Residential (R-1-6) to General Commercial (C-3) on the .28 acre subject property. The application is supported by findings of fact and conclusion of law and evidence submitted by

Applicant's Agent (**Attachment A**) as well as Staff's analysis addressing the criteria.

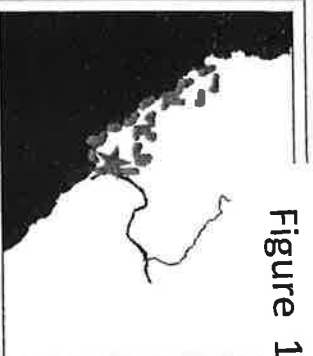
2. The subject property is presently developed with two storage buildings which serve the pre-existing non-conforming commercial forestry /firefighting use on adjacent parcels owned by the Applicant.
3. City water and sewer are not required for the proposed storage building for firefighting equipment. If in the future, this property develops with a commercial use that does require these services, improvements to the water infrastructure will be required. Sewer infrastructure is adequate to serve the parcel.
4. The subject property is currently used for outside storage of firefighting equipment. With the outside storage being transferred to the proposed structure, the impact to adjacent properties will remain the same or be reduced.
5. Storm drainage will need to be taken to drainage facilities on Chetco Avenue, be retained/detained on-site or improvements to existing City infrastructure to accommodate the additional stormwater will be required. Plans to address the additional storm water from new impervious surfaces must be submitted and approved by the City prior to the building permit for the storage structure being issued.
6. Access to the subject property is provided from Alder Street off of Redwood Street. The Brookings Transportation Plan designates Redwood Street with a "A" Level of Service. Currently the Applicant is the only property owner obtaining access from the short section of Alder Street. The zone change will not create any additional traffic.
7. There are no street improvements on Alder Street adjacent to the subject property. Therefore as an option to installing the necessary street improvements, a Deferred Improvement Agreement (DIA) must be recorded prior to the building permit being issued.
8. The Safe Harbor Housing Mix for a city with a population of Brookings' size is 60% low density. The City has 76% of residential properties zoned for low density. Removal of one parcel from residential use will not negatively impact the housing mix.
9. The General Commercial zone allows for dwelling units on upper floors thereby providing potential for additional housing units.

RECOMMENDATION

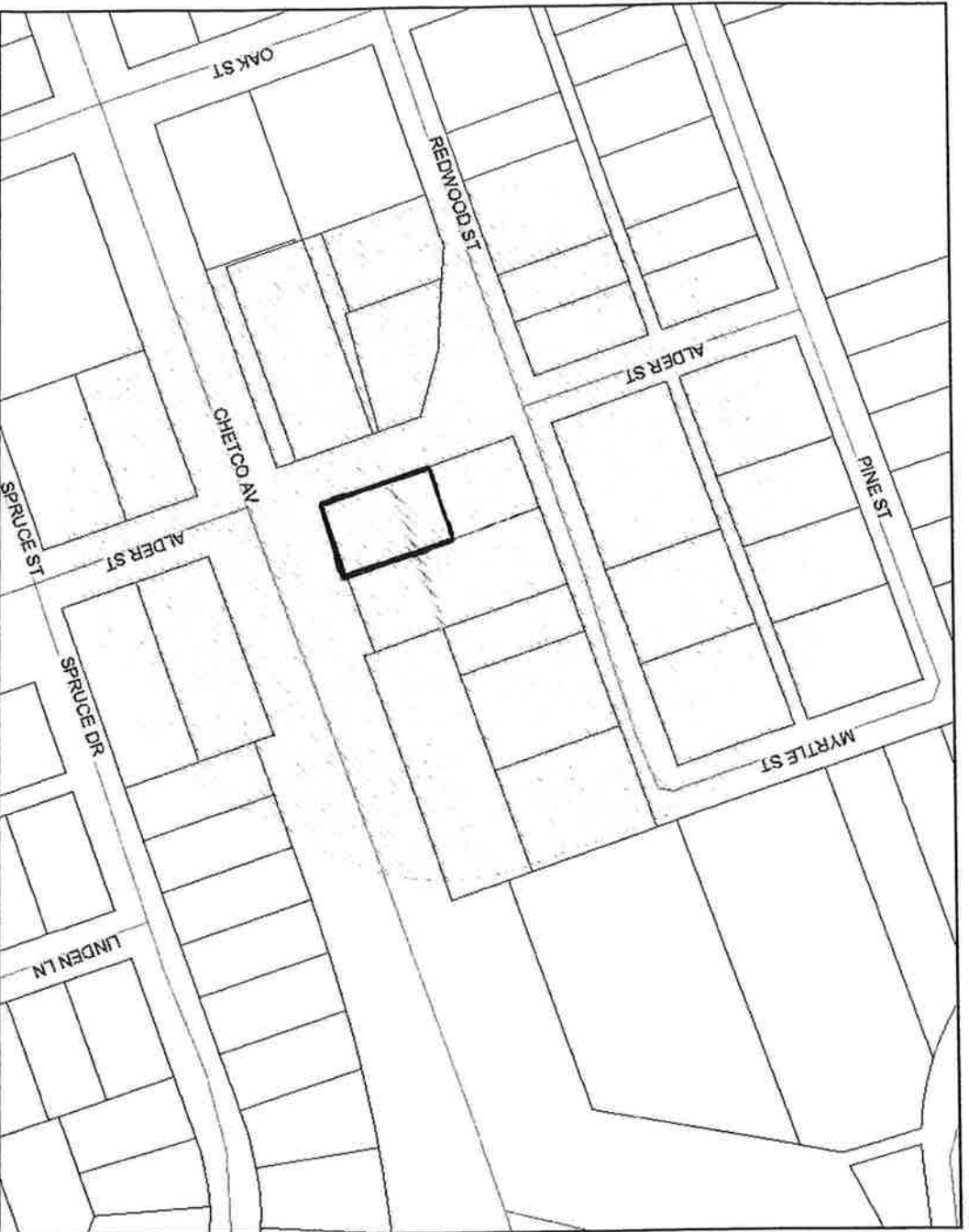
Staff supports a recommendation of **APPROVAL** of File No. CPZ-1-13 to City Council, based on the findings submitted by the Applicant and the findings and conclusions stated in the staff report.

Curry County Enterprise GIS

Figure 1



- Legend**
- RIVERS
 - ROADS
 - PARCELS
 - URBAN GROWTH BOUNDARY
 - OCEAN



0 1 200 400 600 ft.

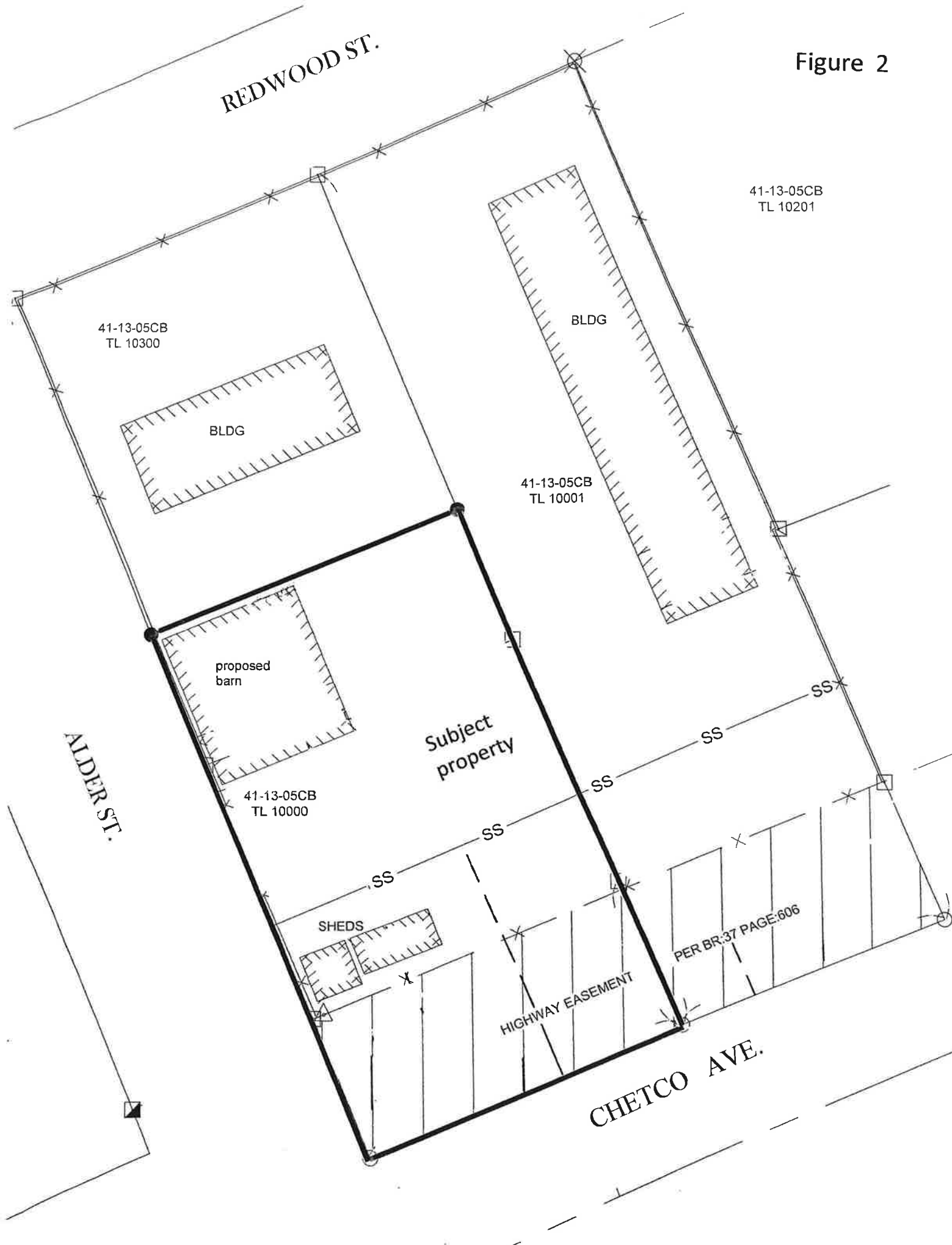
Map center: 42° 3' 16.5" N, 124° 16' 35.2" W



Scale: 1:2,000

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

Figure 2



REQUEST

The applicant is requesting a Comprehensive Plan change from a Residential designation to a Commercial designation and a zone change from Single Family Residential, 6,000 sq. ft. minimum lot size (R-1-6) to General Commercial (C-3), on a 12,020 sq. ft. lot identified as Assessor's Map 41-13-5CB, Tax Lot 10000 and located on the unimproved section of Alder St. north of Highway 101 (Chetco Ave.) The purpose of the zone change is to allow the construction of a truck barn in a location along the westerly boundary. Under the current R-1-6 Zone, the front yard setback is 20 feet, which in this case would be from Alder, and once the barn is constructed, would not allow sufficient area within the lot to maneuver trucks into the barn. (See Exhibit 1).

OWNER/APPLICANT

Coos Forest Protective Association
% Chris Cline
63612 Fifth Rd.
Coos Bay, OR 97420

PROPERTY DISCRIPTION

The subject property is a rectangular shaped parcel with 143.44 feet of frontage on the unimproved section of Alder St. and 83.80 feet of frontage on Highway 101. The easterly boundary is 143.43 feet and the northerly boundary is 83.80 feet. Neither the current county GIS map nor the tax map reflect a recent Lot Line Adjustment that increased the lot area from 9,003.47 sq. ft. to 12,020 sq. ft. A strip about 40 feet wide at the south end of the lot is within the Highway 101 right of way and thus is not usable to the owner. Although the property has frontage on the highway, access from the highway is not possible because of a steep bank that drops from the usable area to the highway. Although the right of way exists for the section of Alder St. between the highway and Redwood St., no street exists in this section because of the steep bank. (See Exhibits 2 and 3).

Access to the property is via a turnout from Redwood St. that extends into the Alder St. right of way, to what was an ally that paralleled the highway but vacated years ago by DV-72 Page: 30-31. A city sewer main crosses the subject property parallel to the highway approximately 70 feet from the sidewalk on the highway. Two sheds are located near the westerly property line and adjacent to the highway right of way easement. Topographically the property is flat with a slight downward slope toward the highway then drops steeply for about 12 feet to the highway grade.

SUROUNDING PROPERTIES

Tax Lot 10300 lies to the north of the subject lot adjacent to Redwood St. and Tax Lot 10001 is adjacent to the subject lot on the east and both are owned by the applicant and zoned R-1-6, but not included in this application. The following is a list of the properties adjacent to the *combined* ownership of the applicant, with zoning, size and use. (See Exhibit 4).

Parcel	Zoning	Size	Use
South of Chetco Ave. 41-13-5CA Tax Lot: 201 Situs: 349 Chetco Ave.	C-3	0.33 Ac.	Fast food restaurant

41-13-5CB Tax Lot: 7600 Situs: 401 Chetco Ave.	C-3	0.26 Ac.	Gas Station
West of unimproved Alder St.			
41-13-5CB Tax Lot: 8000 Situs: Not assigned	C-3	0.10 Ac	Vacant
41-13-5CB Tax Lot: 8001 Situs: Not assigned	C-3	0.38 Ac	Vacant
41-13-5CB Tax Lot: 8100 Situs: 433 Redwood St.	C-3	0.22 Ac	House
41-13-5CB Tax Lot 8200 Situs: Not assigned	C-3	0.07Ac	Vacant
North of Redwood St. West of Alder St.			
41-13-5CB Tax Lot: 9000 Situs: Not assigned	C-3	0.16Ac	Parking Lot
North of Redwood St. East of Alder St.			
41-13-5CB Tax Lot: 9700 Situs: 420 Alder St.	R-1-6	0.43Ac	Former College Campus.
41-13-5CB Tax Lot: 9800 Situs: 408 Redwood St.	R-1-6	0.28Ac	House
East			
41-13-5CB Tax Lot: 10100 Situs: Not assigned	R-1-6	0.46Ac	Vacant
41-13-5CB Tax Lot: 10201	R-1-6	0.15Ac	Vacant

SUBMITTAL REQUIREMENTS

The following is a list of the Submittal Requirements for a Comprehensive Plan/Zone change pursuant to Chapter 17.140.040 of the Brookings Municipal Code and how each is satisfied.

A. A completed land use permit application form.

A land use permit application has been submitted.

B. A description of the subject property, the requested zoning designation, and the proposed uses.

See Request and Property Description above.

C. Compatibility of the proposed zoning designation with the surrounding land uses.

Referring to the list of adjoining properties above, the properties to the northwest, west and south are zoned for commercial development. The two adjoining lots to the east are zoned for residential use but are vacant. The uses on the lots adjoining the applicant's ownership are either vacant or contain a commercial use. The only exceptions are the two lots on the north side of Redwood St. on the east side of Alder. One of these lots contains a house and the other contains a building that has been a library, a college building and is now a Head Start School. The lot directly west of the subject property, although zoned commercial, contains a residence.

Although currently zoned for residential use the subject property and the two other lots in the applicant ownership have traditionally been used for offices and vehicle storage, originally by the Forest Service and now by the current owner. There is no evidence that the property has ever contained a residential use.

Findings

1. The applicant is requesting a Comprehensive Plan change from a Residential designation to a commercial designation and a zone change from R-1-6 to C-3.
2. The subject property has been used for vehicle storage and office uses for many years.
3. The properties to the northwest, west and south are zoned C-3.
4. The properties to the east are vacant
5. The properties to the north are zoned R-1-6 one of which contains a house and the other contains a building that was a former library, a college campus and is now a Head Start School.
6. Access to the subject property is from the west which is in the commercial zone.

Conclusions

The subject property has been used in a commercial nature for many years and has had no impact on the vacant lots to the east. The library/college/Head Start building in the R-1-6 zone to the north across Redwood St. is more of a commercial use than residential. Only one lot in the residential zone north of Redwood, that can be considered to adjoin the subject property, contains a residential use. All other adjoining lots are commercially zoned and are either contain a commercial use or are vacant except for one lot which contains a nonconforming residence. The requested commercial zone is more appropriate zoning for the subject property than the current residential zone and is compatible with all of the surrounding use.

D. Impacts on city services and streets serving the area.

The requested plan and zone change will not result in a change of use on the subject property. As described above the property has for many years been used for office and vehicle storage, first by the U. S. Forest Service and now by the applicant. The only new use will be the

construction of a truck barn on the subject lot. This building will not contain any facility using water or sewer service.

Although the requested commercial zoning would allow a wide range of commercial uses, the existing use is not likely to change in the future. The location of the lot and the nature of the access to the lot is a limiting factor and would not appeal to uses that depend on walk in clientele and thus not likely to generate a significant amount of vehicular traffic. Any traffic that may be generated by any future use will enter the property from that portion of Redwood St. that is within the commercial zone and thus would not enter the residential area.

Findings

1. The proposed truck barn will not contain any facility that will use water or sewer service.
2. Access to the subject property is via a turnout off of Redwood St.
3. Although the property fronts on Highway 101, for topographical reasons, access from the highway is not feasible.
4. The applicant has provided service provider forms from the City Fire Department, City Public Works Department and Coos Curry Electric Coop.
5. Pursuant to the City's Transportation System Plan (TSP), Redwood St. has capacity for 6,000 vehicular trips per day and in 2006 had an average of 700 trips.
6. The TSP projects the same average trips per day and street capacity in the future.

Conclusions

Because the new truck barn will not need or contain water or sewer facilities the impact on city water and sewer service will not be impacted. The existing use on the subject property is not likely to change in the future. Due to the subject lots location and the nature of access to the lot, it is not likely to appeal to uses that would generate significant amounts of vehicular traffic if the existing use should change in the future. The city's TSP indicates that Redwood St. has an existing Level of Service of A which is the best rating and is projected to retain that level in the future. The proposed zone change will not generate a significant impact on city services or on city streets.

- E. Statement and supportive evidence indicating the manner in which the proposed zone change amendment is in conformance with the comprehensive plan for the city of Brookings, applicable provisions of this code, and any applicable statewide planning goals.*

See Findings and Conclusions below.

- F. The application shall be accompanied by a nonrefundable filing fee in the amount established by general resolution of the city council. [Ord. 09-O-631 § 2; Ord. 93-O-446.N § 6; Ord. 89-O-446 § 1. Formerly 17.140.030.]*

An application fee has been submitted with this proposal.

FINDINGS AND CONCLUSIONS

Goal 1. Citizen Involvement

To provide a citizen involvement process that ensures the opportunity for citizens to be involved in all phases of the planning process.

The findings and policies of Goal 1 are directed primarily to the review of the Comprehensive Plan itself. Provisions for public involvement for quasi-judicial hearings can be found in Chapter 17.84, Public Hearings Notice Procedures, of the Land Development Code.

Finding

Chapter 17.84, Public Hearings Notice Procedures, subsection .040 states “The Notice of Public hearing for quasi-judicial hearing shall be published in a news paper of general circulation in the City of Brookings. The notice and a map showing the location of the subject property will also be mailed to all property owners within 250 feet of the subject property.”

Conclusion

State law and the City’s Land Development Code, which is deemed to be in compliance with state law, requires a “Notice of Public Hearing” to be published in a local newspaper and mailed to property owners within 250 feet of the subject property, thus by doing so, the city meets the requirements of Goal 1 in this quasi-judicial matter.

Goal 2. Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 establishes procedures and process under which all land use decision are reviewed and evaluated and other than providing procedure, does not have relevant content to any specific land use application.

Goal 3 and 4. Agricultural Lands and Forest Lands

To cooperate with the County in the preservation and maintenance of agricultural lands.
To support and cooperate with the County in its efforts to protect Forest Lands.

The subject property is not designated as either Agricultural or Forest Land and thus these goals does not apply.

Goal 5. Open Spaces, Scenic and Historic Areas and Natural Resources

To conserve open space and protect natural, scenic resource, cultural, and historic areas while providing for the orderly growth and development of the City.

Findings

1. The subject property is currently zoned Single Family Residential, 6000 sq. ft. minimum lot size (R-1-6).
2. The applicant is requesting a Comprehensive Plan change and zone change to a Commercial designation and the General Commercial (C-3) Zone.
3. The subject property is not designated as open space lands or as having scenic, historic or natural resources.

Conclusion

The subject property is currently and will continue to be used for an urban purpose under the requested zone change. The subject designated by the Comprehensive Plan for urban use.

Goal 6. Air, Water and Land Resource Quality

To maintain and improve the quality of the air (including the control of noise pollution), water and land resources of the Brookings area.

The findings and conclusions for Goal 5, above, apply to Goal 6 also. The current zoning and requested zoning are urban uses. Issues of air and water quality have been considered when the property was designated for urban use. Mitigation of issues that may arise with the type of development that may be placed on the property can be accomplished through the building codes and good building practices.

Goal 7. Areas Subject To Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

Finding

1. The subject property is not listed on the city or county Rapidly Moving Landslide Maps.
2. The subject property is not in a designated hazard area as shown on county maps.

Conclusion

The subject property is in compliance with Goal 7.

Goal 8. Recreational Needs

To satisfy the recreational needs of the citizens of the Brookings area, State and visitors.

Finding

The subject property is currently designated and zoned for urban development other than recreational uses.

Conclusion

The proposed zone change will not impact recreational needs of the community.

Goal 9. Economy

To diversity and improve the economy of the Brookings area.

Findings

1. The applicant is requesting a Plan/Zone change from the Residential designation to a Commercial designation and from the R-1-6 Zone to the C-3 Zone.
2. The existing use on the subject property will not change except that the zone change will allow the construction of a truck barn on the property.

Conclusion

The reason for the requested plan/zone change is to allow the construction of a truck barn on the property. The truck barn will allow the housing of vehicles that are currently parked in the open. The only impact that the request will have on the economy of the area is positive in that it will provide jobs while the truck barn is being constructed.

Goal 10. Housing

Provision of varied housing types that are safe, sanitary and adequate for all residents of the community.

the level of service or the functional classification of Redwood St. Potential commercial uses in the future are, as stated above, largely limited by the location of and the access to the subject site. If in the event the existing use should cease and new commercial use proposed for the site, access and impact on the street should be considered at that time.

Goal 13. Energy Conservation

To conserve energy.

Finding

1. The applicant is proposing the construction of a truck barn.

Conclusion

Energy Conservation measures can be accomplished through the building code and good building practices.

Goal 14. Urbanization

To provide for the orderly and efficient transition of land within the Urban Growth Boundary from rural to urban uses.

Finding

The subject property is within the city limits and is designated and zoned for urban development.

Conclusion

The proposed Plan/Zone change will not change the fact that the property is designated for urban development.

Goal 16. Estuarine Resources

Goal 17. Coastal Shorelands

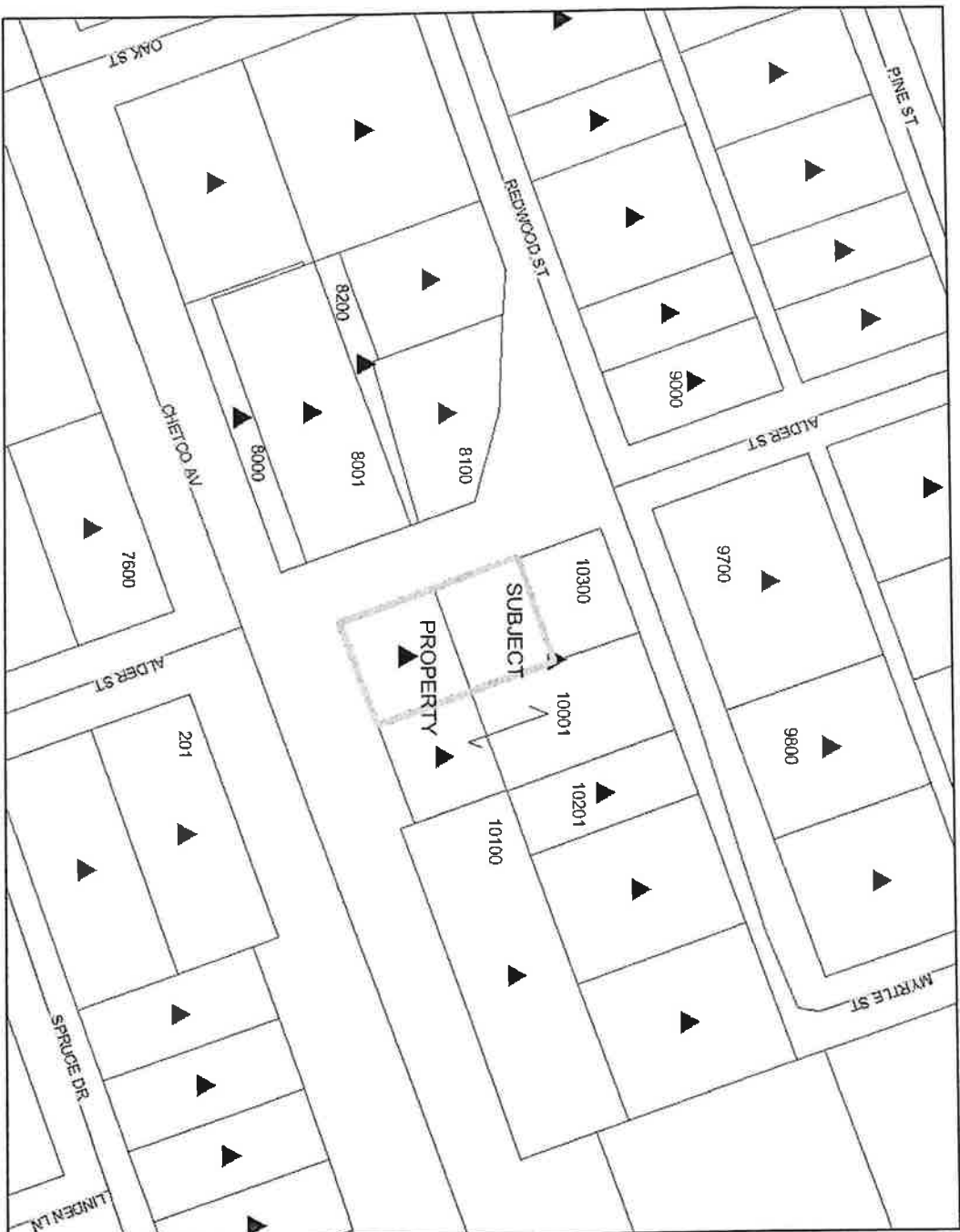
Goal 18. Beaches And Dunes

The subject property is not located on or within the near vicinity of an estuary, shoreland, beach, or dunes and the proposed Plan/Zone change will generate any greater impact on these areas that does not already exist.

Overall Conclusion

The propose Comprehensive Plan change from a Residential designation to a Commercial designation and a zone change from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to C-3 (General Commercial) is consistent will all of the goals and policies of the City's Comprehensive Plan.

EXHIBIT 1 SUBJECT PROPERTY



This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

Notes: The county GIS and the Tax Maps do not show the correct property lines for T/Ls 10000, 10001 & 10300

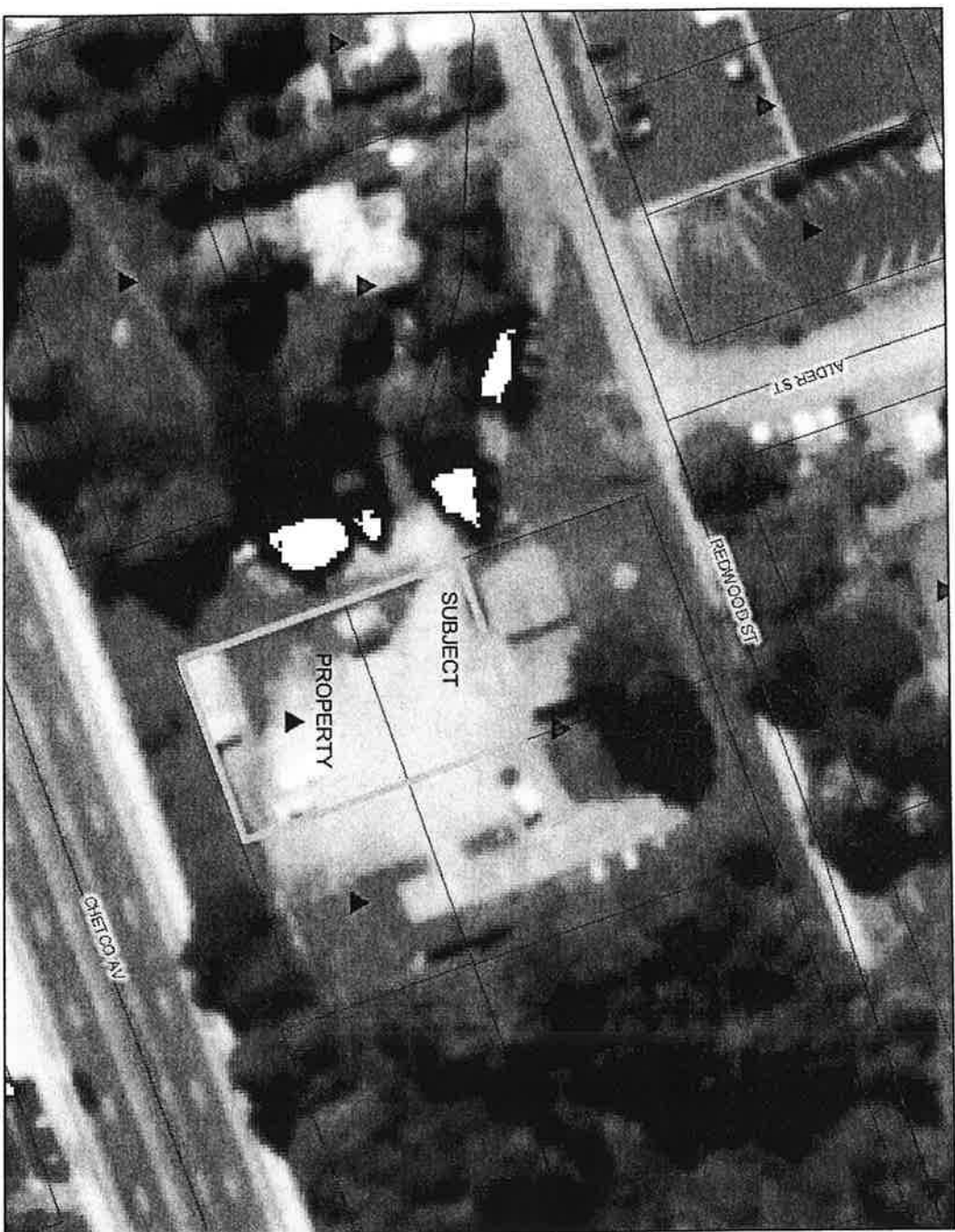
Map center: 42° 3' 15.9" N, 124° 16' 36.6" W



- Legend**
- ☐ TOWNSHIPS
 - ☐ SITUS
 - ☐ ASSESSMENT
 - ☐ ROADS
 - ☐ PARCELS
 - ☐ CITY LIMITS
 - ☐ URBAN GROWTH BOUNDARY



EXHIBIT 2

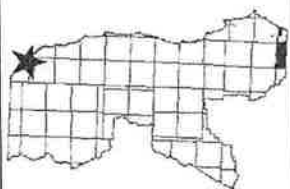


0 80 160 240 ft.

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

Notes: See note on Exhibit 1

Map center: 42° 3' 16.18" N, 124° 16' 36.91" W



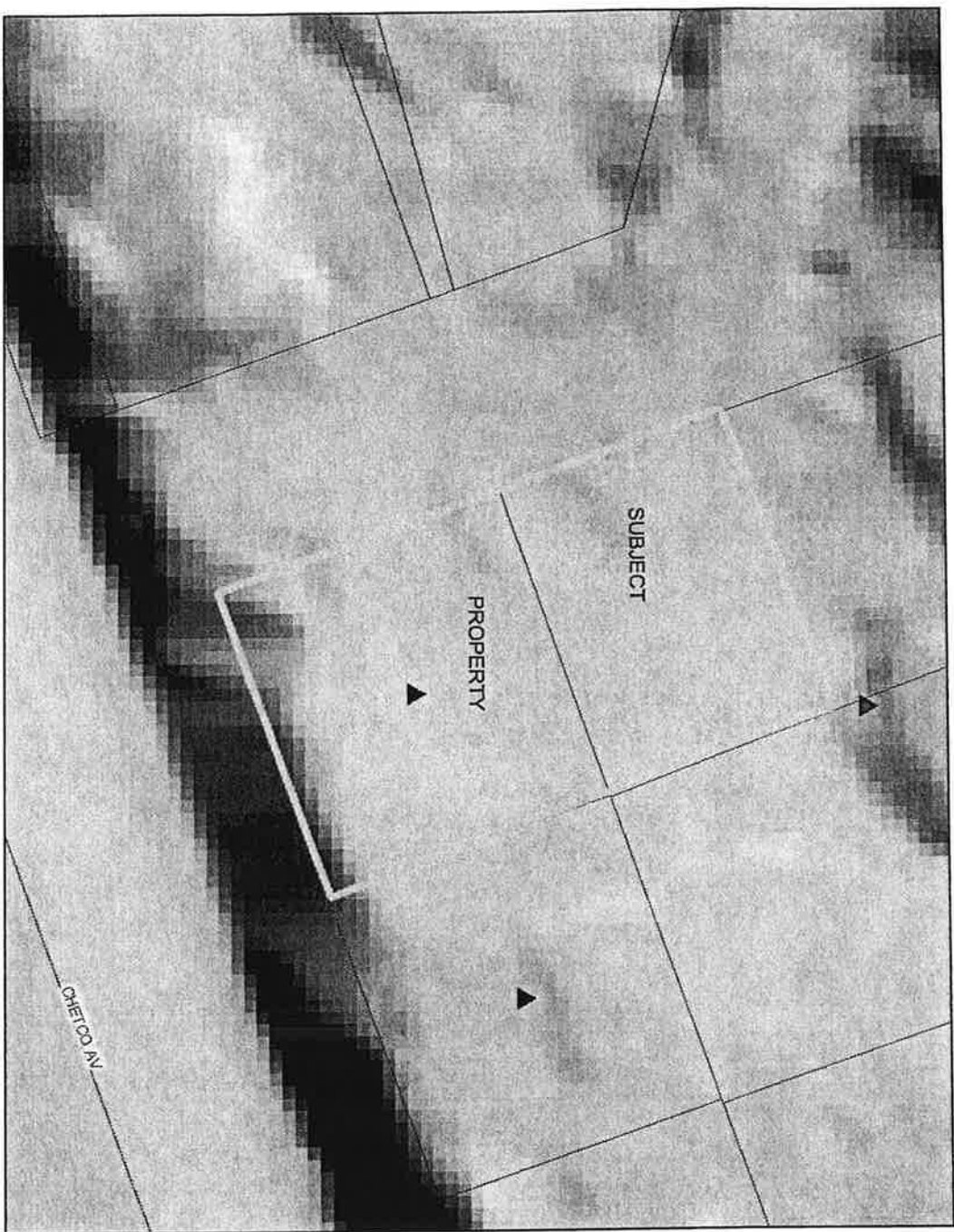
Legend

- TOWNSHIPS
- SITUS
- ▲ ASSESSMENT
- ~ ROADS
- PARCELS
- ▬ CITY LIMITS
- ▬ URBAN GROWTH BOUNDARY



Scale: 1:818

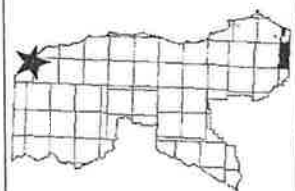
EXHIBIT 3 Ground Lidar



0 45 90 135 ft.

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

Map center: 42° 3' 15.60" N, 124° 16' 36.58" W

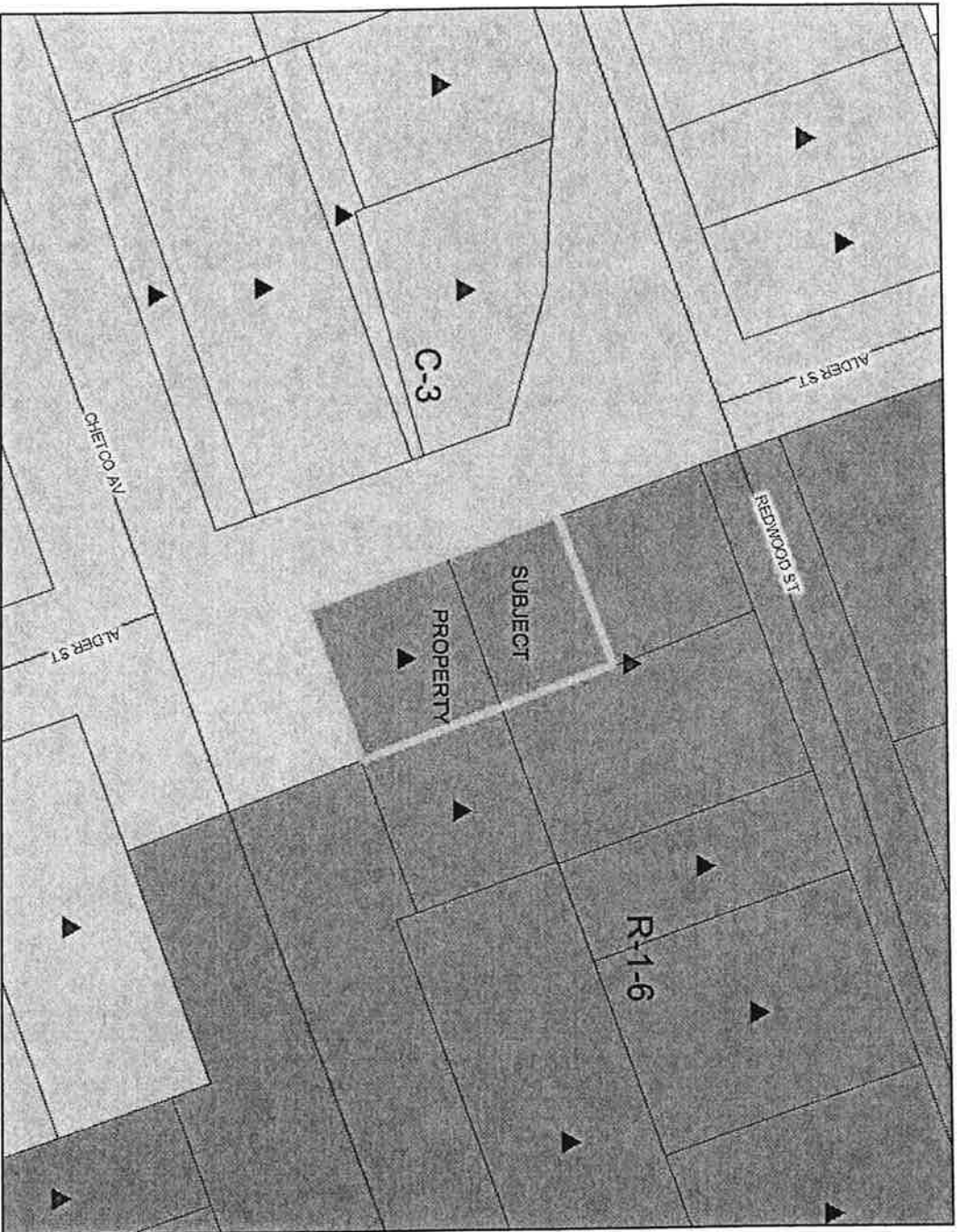


- Legend**
- TOWNSHIPS
 - SITUS
 - ▲ ASSESSMENT
 - ~ ROADS
 - PARCELS
 - ▬ CITY LIMITS
 - ▬ URBAN GROWTH BOUNDARY



Scale: 1:484

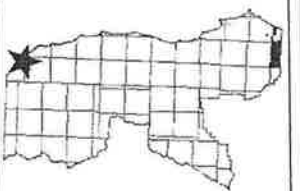
EXHIBIT 4 Zoning



This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.



Map center: 42° 3' 15.7" N, 124° 16' 36.6" W



Legend

- ☐ TOWNSHIPS
- ☐ SITUS
- ☐ ASSESSMENT
- ☐ ROADS
- ☐ PARCELS
- ☐ BROOKINGS ZONING
- ☐ C-3
- ☐ C-4
- ☐ LP
- ☐ M-2
- ☐ MPD
- ☐ PIOS
- ☐ PO-1
- ☐ R-1-10
- ☐ R-1-12
- ☐ R-1-6
- ☐ R-1-8
- ☐ R-2
- ☐ R-3
- ☐ RMH
- ☐ SR-20
- ☐ CITY LIMITS
- ☐ URBAN GROWTH BOUNDARY



Scale: 1:967



City of Brookings

FIRE / RESCUE

898 Elk Drive, Brookings, OR 97415

(541) 469-1142 Fax (541) 469-3650

TTY (800) 735-1232

jwatson@brookings.or.us

2/26/2013

415 Redwood Street, Coos Forest Protective Agency

From a fire point of view I can't think of any thoughts or concerns with this project that should keep it from going forward.

Jim Watson
Operations Fire Chief
Brookings Fire & Rescue

Your Safety Is Our Business

**America's
Wild Rivers
Coast**
101 MILES OF NATURE'S BEST

UTILITY CONFIRMATION FORM

This form must be signed by Coos-Curry Electric, the electric utility provider, and then submitted with your application. Bring a copy of your plot plan or plat when discussing your proposal with the utility provider.

I. Application Information – This section to be filled out by applicant

Applicant Name: COOS FOREST PROTECTIVE ASSOCIATION Date: 2-25-13

Assessor Map #: 41-13-05CB Tax Lot: 10000

Site Address: 415 REDWOOD ST BROOKINGS OR 97415

Proposal: Subdivision/ Partition Variance
Conditional Use Permit ☒ Other ZONE CHANGE
40X36' TRUCK BARN

II. Utility Provider Confirmation:

Utility Provider: Coos Curry Electric Coop. Inc.

I have reviewed the above referenced proposal and can confirm that the subject property is within this utility provider's district boundary and service can be provided. Any needed extension of service lines and all applicable fees and required charges have been discussed with the applicant.

Signature: Walter J. Jones Title: Staking Engineer

Date: 3-4-13

CITY OF BROOKINGS
Public Works Department
898 Elk Drive, Brookings, OR 97415
Telephone – 541.469.1135
FAX – 541.469.3650

Attachment D

FOR CITY USE ONLY:

Date - 02-26-13 to ☒ Admin Services
 Date - _____ to ☐ Planning
 Date - _____ to ☐ PW
 Final Approval
 Date - N/A to ☒ Building
 Applicant notified: _____

WATER/SEWER/STORM DRAIN SERVICE AVAILABILITY REQUEST

Depending on the research required requests may take up to 10 days to process.

Applicant: COOS FOREST PROTECTIVE ASSOC. Date: 2-25-13
 Telephone: (541) 247 6241 Fax: (541) 247 0222 email: _____
 Current Property Owner: SAME
 Property Address: 415 REDWOOD Map & Tax Lot No. 41-13-05CB T/L 10000
 Is the property located within the current City Limits? ☒ YES ☐ NO * If no, DIA forms required.
 Does property have a well? ☐ YES ☒ NO ♦ If yes, backflow protector will be required.
 Describe project and proposed sized of piping to serve development: _____
ZONE CHANGE
BUILD TRUCK BARN

Are you requesting service at this time? If yes, complete service request form. ☐ YES ☒ NO

For City Use Only:			
Administrative Services			
Is there a current water account/service for this property?	<input checked="" type="checkbox"/> YES/How many <u>1</u>		NO
Is there a current sewer account/service for this property?	<input checked="" type="checkbox"/> YES/How many <u>1</u>		NO
Are there any liens on this property?	<input type="checkbox"/> YES		<input checked="" type="checkbox"/> NO
Planning			
*Out of city limits, DIA Forms Submitted: YES NO		In UGB: YES NO	
Public Works			
Location and size of existing infrastructure:			Adequate?
Water: <u>2" COPPER ON REDWOOD</u>	<u>NOT</u> ADEQUATE	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Sewer: <u>8" CONCRETE ON ALDER</u>	<u>8" PVC ON SITE</u>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Stormdrain: <u>18" CMP</u>	<u>ROTTED OUT BOTTOM</u>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Additional Comments: <u>THERE ISNT A UTILITY EASEMENT OVER 8" PVC SEWER.</u> <u>TYPICALLY THIS WOULD HAVE A 15' CITY UTILITY EASEMENT. PW</u> <u>WOULD LIKE OWNER NOT CONSTRUCT PERMITTABLE STRUCTURE WITH</u> <u>7.5' OF SEWER MAINLINE</u>			
<div style="display: flex; justify-content: space-between;"> Pay Backs: \$ _____ SDC's: <u>\$ tbd when plans submitted</u> Other: <u>SDC for storm water</u> </div>			
<div style="display: flex; justify-content: space-between;"> Backwater Valve Required <input type="checkbox"/> YES <input type="checkbox"/> NO <u>plumbing in building</u> </div>			

Attach/Draw Site Location Map with cross streets, etc. on back of this form

REDWOOD ST.

(N 68°10'00" E 157.00')³
(N 68°02'53" E 155.87')²
(N 68°02'53" E 155.87')

41-13-05CB
TL 10201

41-13-05CB
TL 10300

(20)

BLDG

BLDG

(19)

41-13-05CB
TL 10001

SEE DETAIL "C"

NEW LINE

S 68°02'53" W 83.80'

proposed barn

OLD LINE

LINES TO BE
VACATED

41-13-05CB
TL 10000

(1)

SHEDS

SEE DETAIL "B"

L1

TIE

HIGHWAY EASEMENT

PER BR:37 PAGE:606

S 68°02'22" W 155.31'
(S 68°02'22" W 155.31')²
(S 68°10'00" W 156.00')³

777+00

U.S. HWY 101

ENGINEERS STA.
776+00.17 70.00' LEFT

BOREPTS & ASSOCIATES HAS NOT MADE AN



Oregon

John A. Kitzhaber, M.D., Governor

Attachment E

Department of Transportation

Region 3 Planning

3500 NW Stewart Parkway

Roseburg, OR, 97470-1687

Phone: 541.957.3692 / Fax: 541.672.6148

Thomas.Guevara@odot.state.or.us

Donna Colby-Hanks, Planning Director
City of Brookings Planning
898 Elk Drive
Brookings, OR 97415

April 25, 2013

Re: Coos Forest Protective Association C-3 Zone Change (CPZ-1-13)

Donna
~~Ms. Colby-Hanks:~~

Thank you for sending agency notice of a proposed Zone Change from Single Family Residential (R-1-6) to C-3 (General Commercial) located on Alder Street, approximately 93 feet south of the Alder Street and Redwood Street intersection (Map 41-13-05CB Tax Lot 10000). It's my understanding the subject property has historically been used as the United States Forest Service (USFS) Compound for offices, warehouses, woodshops and storage of related equipment. The proposed commercial zone change is necessary to accommodate a storage building with adequate backing and turning area for fire trucks.

We reviewed the proposed land use change and determined that C-3 land uses do not significantly affect US 101. Although Alder Street is platted to connect to US 101, the topography does not make connection practical. Moreover, the City's Transportation System Plan (TSP) does not identify a connection for Alder Street to US 101. Please be advised that a traffic analysis may be required for any future land use changes that intensify traffic demand on US 101 and/or a TSP amendment to connect Alder Street to the highway.

Please enter this letter into the public record and send me a copy of the City's final decision.

Sincerely,

Thomas Guevara Jr.

THOMAS GUEVARA JR.

Development Review Planner

CC: RVDRT

**BEFORE THE CITY COUNCIL
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

In the matter of City Council File No. CPZ-1-13;)	Final ORDER
application for a Comprehensive Plan and Zone)	and Findings of
Change; Chris Cline, Coos Forest Protective)	Fact
Association, Applicant.)	

ORDER approving an application for a Comprehensive Plan designation change from Residential to Commercial and a zone change from R-1-6 (Single-family Residential) to C-3 (General Commercial), on a .28 acre parcel located on Assessor's Map 41-13-05CB, Tax Lot 10000; Zoned R-1-6 (Single-family Residential).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Chapter 17.140, Amendments, Brookings Municipal Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its scheduled public hearing on May 7, 2013; and,
3. Recommendations were presented by the Planning Manager in the form of a written Staff Report dated April 25, 2013, and by oral presentation, and evidence and testimony was presented by the Applicant at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Report and recommended that the City Council approve the request; and,
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on May 28, 2013, and it is a matter of record; and,
6. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Planning Commissions recommendation.

THEREFORE, LET IT BE HEREBY ORDERED that the application for an amendment/ zone change on the subject parcel is approved. This approval is supported by the following findings and conclusions:

FINDINGS and CONCLUSIONS

1. Applicant has filed a complete application requesting a Comprehensive Plan/ Zone Change from Residential (R-1-6) to Commercial (C-3) on the .28 acre subject property. The application is supported by findings of fact and conclusion of law and evidence submitted by Applicant's Representative as well as Staff's analysis addressing the criteria as found in the staff report for CPZ-1-13 and included by this reference.

2. The subject property is presently developed with two storage buildings which serve the pre-existing non-conforming commercial forestry /firefighting use on adjacent parcels owned by the Applicant.
3. City water and sewer are not required for the proposed storage building for firefighting equipment. If in the future, this property develops with a commercial use that does require these services, improvements to the water infrastructure will be required. Sewer infrastructure is adequate to serve the parcel.
4. The subject property is currently used for outside storage of firefighting equipment. With the outside storage being transferred to the proposed structure, the impact to adjacent properties will remain the same or be reduced.
5. Storm drainage will need to be taken to drainage facilities on Chetco Avenue, be retained/detained on-site or improvements to existing City infrastructure to accommodate the additional stormwater will be required. Plans to address the additional storm water from new impervious surfaces must be submitted and approved by the City prior to the building permit for the storage structure being issued.
6. Access to the subject property is provided from Alder Street off of Redwood Street. The Brookings Transportation Plan designates Redwood Street with a "A" Level of Service. Currently the Applicant is the only property owner obtaining access from the short section of Alder Street. The zone change will not create any additional traffic.
7. There are no street improvements on Alder Street adjacent to the subject property. Therefore as an option to installing the necessary street improvements, a Deferred Improvement Agreement (DIA) must be recorded prior to the building permit being issued.
8. The Safe Harbor Housing Mix for a city with a population of Brookings' size is 60% low density. The City has 76% of residential properties zoned for low density. Removal of one parcel from residential use will not negatively impact the housing mix.
9. The General Commercial zone allows for dwelling units on upper floors thereby providing potential for additional housing units.

LET IT FURTHER BE OF RECORD that the City Council APPROVED the requested Comprehensive Plan and Zone Change requested by File # CPZ-1-13.

Dated this 28th day of May, 2013.

Ron Hedenskog, Mayor

ATTEST:

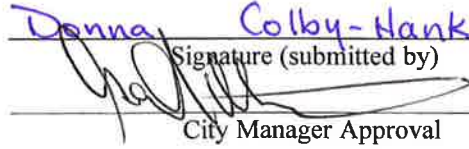
Donna Colby-Hanks, Planning Manager

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 28, 2013

Originating Dept: PWDS -Planning

Donna Colby-Hanks
Signature (submitted by)

City Manager Approval

Subject: Adopting Ordinance for Comprehensive Plan/ Zone Change for File CPZ-1-13, approving the change from Residential to Commercial (R-1-6 to C-3).

Recommended Motion: Motion to approve Ordinance 13-O-710.

Financial Impact: None.

Background/Discussion: This application was reviewed and approved at the City Council meeting held on May 28, 2013.

Policy Considerations: None.

Attachment(s): Adopting Ordinance 13-O-710.

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

ORDINANCE 13-O-710

IN THE MATTER OF ORDINANCE 13-O-710, AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN DESIGNATION ON A PARCEL OF LAND LOCATED ADJACENT TO THE EAST BOUNDARY OF ALDER STREET APPROXIMATELY 93 FEET SOUTH OF THE INTERSECTION OF REDWOOD STREET AND ALDER STREET; TAX LOT 10000, ASSESSOR MAP 41-13-05CB; FROM RESIDENTIAL TO COMMERCIAL AND THE ZONING FROM R-1-6 (SINGLE-FAMILY RESIDENTIAL) TO C-3 (GENERAL COMMERCIAL).

Sections:

- | | |
|------------|---|
| Section 1. | Comprehensive Plan designation to Commercial. |
| Section 2. | Zoning Map amendment to General Commercial (C-3). |

The city of Brookings ordains as follows:

Section 1. Amendment to the Comprehensive Plan to designate property Commercial. The Comprehensive Plan of the City of Brookings is amended to show that the property described in Exhibit "A", attached, is designated as Commercial.

Section 2. Amendment to the Zoning Map to designate property C-3 (General Commercial). The Zoning Map of the City of Brookings is amended to show that the property described in Exhibit "A", attached, is zoned C-3 (General Commercial).

First Reading:	_____	Passage:	_____
Second Reading:	_____	Effective Date:	_____

Signed by me in authentication of its passage this _____, day of _____, 2013

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

EXHIBIT A

A parcel of land lying in Northwest Quarter of the Southwest Quarter of Section 5, Township 41 South, Range 13 West, Willamette Meridian, City of Brookings, Curry County, Oregon, more particularly described as follows:

COMMENCING at the Northwest corner of Block 30 of Plat No. 1 Brookings, which was approved and filed December 1, 1920 in the Official Records of Curry County, Oregon;

thence, along the Southerly right-of-way of Redwood Street, North $68^{\circ}02'53''$ East (record North $68^{\circ}10'00''$ East) 83.80 feet;

thence, leaving said right-of-way, South $22^{\circ}17'33''$ East 93.55 feet to the TRUE POINT OF BEGINNING;

thence, continuing, South $22^{\circ}17'33''$ East 143.43 feet to the Southerly line of said Block 30;

thence, along said Southerly line, South $68^{\circ}02'22''$ West (record South $68^{\circ}10'00''$ West) 83.80 feet to the Southwest corner of said Block 30;

thence, along the Westerly line of said Block 30, North $22^{\circ}17'33''$ West (record North $21^{\circ}50'00''$ West) 143.44 feet;

thence, leaving said Westerly line, North $68^{\circ}02'53''$ East 83.80 feet to the POINT OF BEGINNING.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 28, 2013

Originating Dept: PWDS-Planning

4 Donna Colby-Hanks
Signature (submitted by)
City Manager Approval

Subject: A hearing on File LDC-1-13 for consideration of the deletion of Chapter 17.148, Vacations and the addition of Chapter 12.50, Vacations, Brookings Municipal Code (BMC).

Recommended Motion: A motion to approve the deletion of Chapter 17.148, Vacations and the addition of Chapter 12.50, Vacations, BMC.

Financial Impact: This will result in a savings of staff time and application fees charged to the applicant.

Background/Discussion: The current procedure for vacating a public street, alley, easement or other public place is found in Chapter 17.148, Vacations of the Land Development Code. Notice of the vacation request is published in the newspaper and mailed to property owners within 250 feet of the area to be vacated prior to the Planning Commission hearing the matter. Prior to City Council hearing the matter, notice is provided as required by Chapter 271, Oregon Revised Statute (ORS) which includes a notice being published in the newspaper for two consecutive weeks and notice being posted on the property.

The City's representative from the Department of Land Conservation and Development verified that vacations typically are not land use decisions required to be heard by the Planning Commission. To streamline the process, Staff proposes removing the requirements from Title 17, Land Development Code and locating them in Title 12, Streets, Sidewalks, and Public Places. The requests would no longer be heard by the Planning Commission, therefore the newspaper notice and mailed notice for this meeting would not be required. The request would be heard by City Council who would continue to make the decisions. Property owners effected by the vacation would be provided notice of the request as required by ORS 271. This would provide an opportunity for citizens to provide written testimony and/or to explain any concerns to City Council.

In some instances, such as when required street frontage or public access to coastal waters is eliminated, the vacation action would be a land use decision. Language has been inserted into proposed BMC Section 12.50.030 to have vacations that are determined by Planning Staff to be land use decisions follow the same process currently in place for all land use decisions.

By streamlining the process and requiring most vacations to only be heard by City Council, there would be a savings of Planning Commission, applicant, and Staff time. Due to this saving of time, staff will propose a reduction of the application fees for vacations.

Site Plan Committee reviewed the proposal and finds the relocation and revisions of the vacation process to be consist with City ordinances and policies.

The Public Works Development Services Director expressed a concern that the process of retaining easements over existing public infrastructure might be overlooked as it currently is not addressed in the procedures. Additional draft language was added as Sub-section 12.50.030(D) to address this concern. This was provided to the Planning Commission as Exhibit B during their May 7, 2013 meeting. The Commission felt the easement language should also cover private infrastructure such as that belonging to Coos-Curry Electric, Charter Communications, or Frontier. The Commission recommended approval of the draft revisions with the easement language to include private infrastructure as well as public infrastructure to City Council.

Policy Considerations: N/A

Attachment(s):

- A. Planning Commission Staff Report
- B. Exhibit B - Staff memo with proposed easement language
- C. Final draft Chapter 12.50 Vacations including the easement language with the Planning Commissions addition

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-1-13
HEARING DATE: May 7, 2013

REPORT DATE: April 22, 2013
ITEM NO: 5.2

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Relocation and revisions of Chapter 17.148, Vacations to Title 12 Streets, Sidewalks, and Public Places new Chapter 12.50, Vacations, Brookings Municipal Code (BMC)
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

Currently the procedure for vacationing a public street, alley, easement or other public place is found in BMC, Chapter 17.148, Vacations of the Land Development Code. The process requires notice of the vacation request to be published in the local newspaper and mailed to all property owners within 250 feet of the area to be vacated prior to the Planning Commission hearing the matter. After hearing all the evidence, the Planning Commission makes a recommendation to City Council. Prior to City Council hearing the matter, notice is provided as required by Chapter 271, Oregon Revised Statute (ORS) which includes a notice being published in the newspaper for two consecutive weeks and notice being posted on the property.

Staff contacted the City's representative from the Department of Land Conservation and Development who verified that vacations are typically not land use decisions required to be heard by the Planning Commission. To streamline the process, Staff proposes removing the requirements from Title 17, Land Development Code and locating them in Title 12, Streets, Sidewalks, and Public Places. The requests would no longer be heard by the Planning Commission, therefore the newspaper notice and mailed notice for this meeting would not be required. The request would be heard by City Council who would continue to make the decisions. Property owners effected by the vacation would be provided notice of the request as required by ORS 271. This would provide an opportunity for citizens to provide written testimony or/and to explain any concerns to City Council.

In some instances, such as when required street frontage or public access to coastal waters is eliminated, the vacation action would be a land use decision. Language has been inserted into proposed BMC Section 12.50.030 to have vacations that are determined by Planning Staff to be land use decisions follow the same process currently in place for all land use decisions.

The Site Plan Committee reviewed the proposal and finds the relocation and revisions of the vacation process to be consist with City ordinances and policies.

By requiring most vacations to only be heard by City Council, there would be a savings of Planning Commission, applicant, and Staff time. Due to this saving of time, staff will propose a reduction of the Vacation fee to the City Council.

New Chapter 12.50, Vacations with the proposed text is included at **Attachment A**.

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-1-13, relocating Chapter 17.148, Vacations with revisions to new Chapter 12.50, Vacations, BMC, to the City Council.

Original text to be deleted is ~~stricken~~.

Proposed new text is **bold**.

Title 12 Streets, Sidewalks, and Public Places

Chapter ~~17.148~~ 12.50 VACATIONS

Sections:

~~17.148~~**12.50.010** Generally.

~~17.148~~ **12.50.020** Application procedures.

~~17.148~~ **12.50.030** Vacation criteria.

~~17.148~~ **12.50.040** Recording costs.

~~17.148~~ 12.50.010 Generally.

A request to vacate a public street, alley, easement, plat or public place shall, ~~in addition to the requirements contained herein,~~ be subject to the provisions of Chapter 271 ORS, which requires the holding of a public hearing. Vacations may be initiated either by petition pursuant to ORS 271.080, ~~upon recommendation of the planning commission,~~ or on the council's own motion, pursuant to ORS 271.130. [Ord. 89-O-446 § 1.]

~~17.148~~ 12.50.020 Application procedures.

Petitioners or persons requesting the council to initiate a vacation on its own motion, pursuant to ORS 271.130, shall file an application which shall contain the following:

- A. Vicinity map drawn to scale of one inch equals 1,000 feet identifying the area proposed to be vacated and adjoining properties;
- B. Legal description of area proposed to be vacated;
- C. County assessor's parcel maps of the proposed vacation area identifying abutting and affected properties. Identified upon the assessor's parcel maps shall be those abutting and affected properties whose owners have consented to the proposed vacation;
- D. Consent to vacate forms completed and signed by all consenting property owners within the abutting and/or affected area;
- E. Names and addresses of all abutting and/or affected property owners, including map and tax lot numbers prepared on mailing labels;
- F. Written findings of fact prepared by the petitioner(s) or the petitioner(s) representative;

G. The application shall be accompanied by a filing fee in the amount established by general resolution of the city council, no part of which is refundable. [Ord. 89-O-446 § 1.]

47.148 12.50.030 Vacation criteria.

A request to vacate will be reviewed by the Site Plan Committee to verify consistency with City ordinances and policies. If the Planning Staff determines the proposed vacation affects any of the Brookings Comprehensive Plan statewide planning goal policies, the vacation request will be heard by the Planning Commission who will make a recommendation to City Council. In these cases, the vacation matter will be processed as a land use decision and notice will be provided as required by BMC Chapter 17.84, Public Hearing Notice Procedures.

A request to vacate **that is determined not to be a land use decision** will be considered by the planning commission for recommendation to the City Council following a determination based upon the findings prepared and submitted by the petitioner(s), which shall address the following criteria:

A. Compliance with the comprehensive plan, circulation element or other applicable sections of the document.

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C. If initiated ~~upon a recommendation of the planning commission and/or~~ by the city council on its own motion pursuant to ORS 271.130, a determination shall be made that the vacation will not substantially affect the market value of all such abutting property to the area proposed to be vacated, unless the city council proposes to provide for paying such damages. [Ord. 89-O-446 § 1.]

47.148 12.50.040 Recording costs.

Pursuant to ORS 271.150, following an action by the city council to vacate an area, such enacting ordinance vacating any street, alley, easement, plat or public place shall be recorded with the county clerk, together with any maps, plat or other record in regard thereto. The petitioner(s) for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. [Ord. 89-O-446 § 1.]

Supplemental Packet For Planning Commission

Hearing Date: May 7, 2013 7:00 pm - Council Chambers

File No. LDC-1-13

Doc. #	Date received:	From	Description
Exhibit B	4/30/2012	Staff	memo w/revised draft text



Memo

To: Planning Commission
From: Donna Colby-Hanks, Planning Manager *sc LP*
Date: April 30, 2013
Re: LDC-1-13, existing public infrastructure

Currently there is no language in Chapter 17.148, Vacations that addresses existing public infrastructure such as water or sewer mains, electrical line conduit, or other facilities for providing utilities. Staff has called for a locate each time a vacation has been requested to verify there were no utility facilities within the area. When facilities were located within the area, needed easements were included on a map recorded with the ordinance finalizing the vacation.

Loree Pryce, Public Works Development Services Director, expressed concern that this process might be overlooked and suggested language be drafted to address any utility facilities located within an area proposed for vacation. The additional draft text is found as 12.50.030(D) and is included as Attachment A.

Original text to be deleted is ~~stricken~~.

Proposed new text is **bold**.

Easement language is **bold and underlined**.

Title 12 Streets, Sidewalks, and Public Places

Chapter ~~17.148~~ 12.50 VACATIONS

Sections:

~~17.148~~**12.50.010** Generally.

~~17.148~~ **12.50.020** Application procedures.

~~17.148~~ **12.50.030** Vacation criteria.

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D. Nothing in this ordinance shall cause or require the removal or abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole or object used or intended to be used for any public service and the right hereby is reserved for the owner of any such utility or object to maintain, continue, repair, reconstruct, renew, replace, rebuild or enlarge all utilities and objects.

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Text recommended by Planning Commission is **bold and dash underlined**.

Title 12 Streets, Sidewalks, and Public Places

Chapter ~~17.148~~ 12.50 VACATIONS

Sections:

~~17.148~~**12.50.010** Generally.

~~17.148~~ **12.50.020** Application procedures.

~~17.148~~ **12.50.030** Vacation criteria.

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D. Nothing in this ordinance shall cause or require the removal or abandonment of any public or private sewer, water main, gas main, conduit of any kind, wire, pole or object used or intended to be used for any public service and the right hereby is reserved for the owner of any such utility or object to maintain, continue, repair, reconstruct, renew, replace, rebuild or enlarge all utilities and objects.

17.148 12.50.040 Recording costs.

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CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 28, 2013

Originating Dept: PWDS - Planning

Donna Colby-Hanks
Signature (submitted by)
[Signature]
City Manager Approval

Subject: Ordinance deleting Chapter 17.148, Vacations and adding Chapter 12.50 Vacations, Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 13-O-711.

Financial Impact: None.

Background/Discussion: The deletion and addition of these Chapters were approved by the City Council at their May 28, 2013 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 13-O-711.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 13-O-711**

IN THE MATTER OF ORDINANCE 13-O-711, AN ORDINANCE DELETING CHAPTER 17.148, VACATIONS, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN ITS ENTIRETY AND ADDING CHAPTER 12.50, VACATIONS TO TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Deletes Chapter 17.148, in its entirety.
- Section 3. Adds Chapter 12.50

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance deletes Chapter 17.148, Vacations, Title 17, Land Development Code, and adds Chapter 12.50 Streets, Sidewalks, and Public Places of the Brookings Municipal Code.

Section 2. Deletes Chapter 17.148. Chapter 17.148, Vacations, is deleted in its entirety.

Section 3. Adds Chapter 12.50. Chapter 12.50, Vacations, is added to read as follows:

**Chapter 12.50
VACATIONS**

Sections:

- 12.50.010 Generally.
- 12.50.020 Application procedures.
- 12.50.030 Vacation criteria.
- 12.50.040 Recording costs.

12.50.010 Generally.

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First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2013

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 28, 2013

Originating Dept: PWDS -Planning
Dept.

Donna Colby-Hanks
Signature (submitted by)
[Signature]
City Manager Approval

Subject: Reduction in application fees for vacations of public areas.

Recommended Motion: Motion adopting Resolution 13-R-1003 to reduce application fees for Vacations.

Financial Impact: This will result in a savings of staff time and fees charged to the applicant.

Background/Discussion: At the Council's May 28, 2013 meeting revisions were approved to the Brookings Municipal Code that provides for proposed vacations that are not considered land use decisions to only be heard by City Council. This significantly reduces staff time and the number of public notices required to process an application.

The current fee for processing a vacation application is \$2,437. With staff time and number of notices reduced in half, a reduction in the fee in half to \$1,218 would be reasonable. The current fee for processing vacations would continue to apply to requests that are considered a land use decisions and are required to be heard by both the Planning Commission and City Council.

Attached is a Resolution with the reduced fees.

Policy Considerations: None.

Attachment(s): A. Resolution 13-R-1003

CITY OF BROOKINGS
STATE OF OREGON
RESOLUTION 13-R-1003

A RESOLUTION REVISING THE MASTER FEE SCHEDULE TO INCLUDE PLACING THE VACATION FEE UNDER THE GENERAL ADMINISTRATIVE SECTION AND AMENDING THE VACATION FEE AMOUNT.

WHEREAS, the City of Brookings has adopted a Master Fee Schedule (Schedule), last updated in 2012 by Resolution 12-R-993; and

WHEREAS, the 2012 Schedule includes a Vacation Fee of \$2437.00 in the Planning section of the Schedule; and

WHEREAS, recent revisions to the Brookings Municipal Code have removed the Code section dealing with Vacations from the Land Development Code, thereby reducing the cost of handling Vacations not requiring a hearing before the Planning Commission; and

WHEREAS, the fee for Vacations should be moved to the General Administrative section of the Schedule and the fee amount amended to accurately reflect costs;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Brookings, Curry County, Oregon, that Resolution 13-R-1003 is hereby adopted and the 2012 Master Fee Schedule is revised as follows:

2012 Brookings Master Fee Schedule

<u>Planning</u>	<u>Fee</u>
<u>Vacation</u>	<u>\$2437</u>
<u>Administrative - General</u>	
<u>Vacation (12)</u>	<u>\$1218</u>

(12) Standard fee. Vacations requiring an additional hearing before the Planning Commission will be charged at twice the standard fee. (Standard fee includes a hearing before the City Council).

Adopted by City Council and made effective on _____, 2013.

Attest:

Mayor Ron Hedenskog

City Recorder Joyce Heffington