

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

ORDINANCE NO. 10-O-658

IN THE MATTER OF ORDINANCE NO. 10-O-658, AN ORDINANCE AMENDING CHAPTER 17.144, ANNEXATIONS, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN ITS ENTIRETY.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Chapter 17.144, in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.144, Annexations, Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amend Chapter 17.144. Chapter 17.144, Annexations is amended to read as follows:

**Chapter 17.144
ANNEXATIONS**

Sections:

- [17.144.010](#) Generally.
- [17.144.020](#) Application materials
- [17.144.030](#) Annexation impact analysis.
- [17.144.040](#) Zoning of annexed property.
- [17.144.05](#) Hearing Process

17.144.010 Generally.

A proposal to annex territory to the City of Brookings shall be processed in accordance with the requirements contained herein; provided, that the proposal complies with the provisions of ORS 222.111 to 222.180 and ORS 222.840 to 222.915. [Ord. 05-O-446.UU § 2; Ord. 89-O-446 § 1.]

17.144.020 Application Materials.

An application for annexation may be filed with the city on a form prescribed by the City, accompanied by a filing fee in the amount established by general resolution of the City Council. Said application shall contain the following information:

- A. Vicinity map identifying the proposed area of annexation and existing City limits.
- B. Assessor's parcel maps of the proposed annexation area, which maps shall indicate and identify those parcels for which consents to annex have been signed by either electors and/or owners depending on which annexation process is used under the provisions of the ORS.
- C. Consent to annex forms completed and signed by all property owners within the territory proposed to be annexed.
- D. Legal metes and bounds, or lot and block description of the territory proposed to be annexed.

- E. Specific information on each parcel within the territory proposed to be annexed as follows:
1. Current assessed valuation as shown on the Curry County assessor's tax rolls.
 2. Acreage.
 3. Map and tax lot number.
 4. Owners of record and/or registered electors residing on the premises of the subject parcel.
- F. Addresses of all dwelling units and businesses within the territory proposed to be annexed.
- G. Significant natural features within the area proposed for annexation including, but not limited to, streams, wetlands, slopes, and areas of geological significance.
- H. Adjoining land uses.
- I. Proposed land uses/ development plan of the territory proposed to be annexed.
- J. Written findings of fact prepared by the petitioner(s) or petitioner(s) representatives which address the following:
1. Existing land uses within the territory proposed to be annexed.
 2. Existing zoning and comprehensive plan designations within the territory.
 3. Existing improvements, such as water system, streets, sanitary sewer, and storm drainage.
 4. Proposed or existing Local Improvement Districts within the territory proposed to be annexed.
 5. Urban services needed and necessary to service the territory proposed to be annexed, including the availability of the same relative to capacity, condition and cost of extension and/or improvement to urban standards and an estimated time line for any required improvements. City Staff will provide written information regarding existing infrastructure and any improvements that would be necessary to serve the territory proposed to be annexed.
 6. Compliance with all applicable goals and policies of the comprehensive plan.
 7. Compliance with all of the items listed in BMC [17.144.030](#).
 8. The burden of providing the findings is the responsibility of the applicant. [Ord. 05-O-446.UU § 2; Ord. 89-O-446 § 1.]

17.144.030 Annexation impact analysis.

The following criteria shall apply to all annexation requests:

A. The proposed use for the site complies with the Brookings Comprehensive Plan and with the designation on the Brookings Comprehensive Plan map. If a redesignation of the Plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Brookings Comprehensive Plan.

B. An adequate level of urban services and infrastructure to accommodate anticipated future development either is available, or can reasonably be made available. An adequate level of urban services shall be defined as: municipal sanitary sewer, storm drainage, and water service meeting the requirements enumerated in the Brookings Public Facilities Plan and the Land Development Code for provision of these services. The adequacy of these services shall be considered in relation to annexation proposals. If any substandard infrastructure exists within the boundaries of the area proposed for annexation, the City may deny an annexation application.

C. Documentation of impacts on existing streets within the annexation area and adjacent transportation facilities by future development of the area. The adequacy of the transportation facilities shall be considered in relation to annexation proposals.

D. As development occurs within the annexed area new streets shall be constructed to the standards of the Brookings Transportation System Plan and Land Development Code. While it is preferred that public streets located within the City limits be a part of the City maintained street system, streets within the annexed area shall remain in the County's jurisdiction until such time as they are improved to the City street standards. If the proposed annexation includes the transfer of County maintained roads to the City maintained street system, said streets located within the annexation area shall be improved to City standards prior to annexation approval, or the formation of a Local Improvement District to fund said street improvements shall accompany the annexation application.

E. Documentation of the availability and adequacy to serve the proposed annexation with police, fire, parks, and school facilities and services.

F. Improvements for needed infrastructure shall be secured by a funding mechanism that will place the economic burden on the territory proposed for annexation and not on the City of Brookings. [Ord. 05-O-446.UU § 2; Ord. 91-O-446.G § 2; Ord. 89-O-446 § 1. Formerly 17.144.040.]

17.144.040 Zoning of annexed property.

A request for a City zoning designation for the territory proposed to be annexed shall be considered at the time of the annexation proposal; however, the City Council will ultimately determine the zoning to be applied. The zoning designation of annexed territory shall be specified in the annexation ordinance and shall become effective upon acceptance of the annexation by the Secretary of State. [Ord. 05-O-446.UU § 2; Ord. 89-O-446 § 1. Formerly 17.144.050.]

17.144.050 Hearing Process

A. The Planning Commission will conduct a public hearing to consider the application request. The Commission will review the materials submitted and analyze how the application relates to the criteria stipulated in 17.144.040, BMC. A recommendation from the Planning Commission will be forwarded to the City Council.


B. The City Council will consider the Planning Commission's recommendation and whether the application meets the appropriate criteria. The Council will make a decision to approve or deny the requested annexation.

First Reading: March 8, 2010
Second Reading: March 8, 2010
Passage: March 8, 2010
Effective Date: April 7, 2010

Signed by me in authentication of its passage this 9th day of March, 2010


Mayor Larry Anderson

ATTEST:


City Recorder Joyce Heffington