

# Agenda

City of Brookings  
Common Council Meeting  
Brookings City Hall Council Chamber  
898 Elk Drive, Brookings Oregon  
April 24, 2006 7:00 p.m.

**Beginning at 6:00 p.m., before the regularly scheduled Common Council meeting, the Council will be meeting for a work/study session to discuss the water system status and projects.**

**I. Call to Order**

**II. Pledge of Allegiance**

**III. Roll Call**

**IV. Ceremonies/Appointments/Announcements**

**A. Ceremonies**

1. Proclamation – Curry Good Samaritan Volunteers

**V. Public Hearing**

- A.** In the matter of File No. **LDC-1-06**, an amendment to Section 80 – Site Plan Approval, of the Land Development Code; City initiated. The criteria used to decide this case is found in Section 144 of the Land Development Code.

1. Ordinance No. 06-O-446.VV, in the matter of an Ordinance amending Ordinance 89-O-446, an Ordinance creating the Land Development Code to amend Section 80, Site Plan Committee in its entirety.

- B.** In the matter of File No. **ANX-1-06**, a request to annex 31.94 acres of land consisting of 7 tax lots; Assessor's Map 40-13-32B, Tax lots 1001, 1201, 1202, and 1300 and 40-13-32C, Tax Lots 211, 213, and 216; located on Old County Road; currently zoned Residential 2 by Curry County; Garry Cooper for K&D Properties and Ron Hedenskog, applicants. Criteria used to decide this application can be found in Section 148-Annexations, of the Land Development Code.

City of Brookings  
898 Elk Drive  
Brookings, OR 97415



## COUNCIL AGENDA REPORT

To: Mayor & City Council

From: ~~Dianne Snow~~, Deputy City Planner

Date: March 24, 2006

Re: Revisions to Land Development Code, Section 80, Site Plan Committee

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Subject: LCD 1-06. An amendment to the Land Development Code to clarify Site Plan Committee's review process.

Recommendation: The Land Development Code Review Committee prepared this draft version of Section 80. At the Planning Commission's meeting on March 21, 2006, they reviewed this Section and recommended several changes. The suggested changes are in red type. With these changes, the Planning Commission recommends approval of this draft version of Section 80.

Background /Discussion: Section 80, in its present form, combined application requirements of both building permits and land use applications causing confusion. It also provided minimal direction regarding construction of public improvements, bonding and issuance of a warranty bond. The draft of Section 80 is such a complete change from the current version it would have been extremely confusing to leave old text with strikethroughs, new text in italics etc. as is often done. Instead staff has provided you with a copy of the new draft version and the existing version for you to compare in the review process. The attached Planning Commission staff report gives a brief overview of the changes.

Financial Impact(s): None.

City Manager Review and Approval for placement on Council Agenda:

  
Dale Shaddox, City Manager

**CITY OF BROOKINGS PLANNING COMMISSION**  
**STAFF REPORT**

SUBJECT: Land Development Code Amendment  
FILE NO: LDC-1-06  
HEARING DATE: March 21, 2006

REPORT DATE: March 2, 2006  
ITEM NO: 8.4

**GENERAL INFORMATION**

APPLICANT: City Initiated.

REPRESENTATIVE: City Staff.

REQUEST: Revisions to Section 80, Site Plan Approval, of the Land Development Code, to clarify process amend bonding provisions.

PUBLIC NOTICE: Published in local newspaper.

**BACKGROUND INFORMATION**

There are numerous sections in the Land Development Code that are in need of corrections or major revisions. In Oct. 2005 a committee was formed to work on preparing drafts for these various sections. The Community Development Director, Planning Staff, Public Works Director, and one member from both the City Council and Planning Commission form this committee. Meetings have been held weekly. This draft of Section 80, Site Plan Approval, represents the first revisions slated to be reviewed by the Planning Commission. The Planning Commission will make a recommendation to the City Council. Section 80, in its present form, combined application requirements of both building permits and land use applications causing confusion. It also provided minimal direction regarding construction of public improvements, bonding and issuance of a warranty bond.

**PROPOSED AMENDMENT**

The draft of Section 80 is such a complete change from the current version it would have been extremely confusing to leave old text with strikethroughs, new text in italics etc. as is often done. Instead staff has provided you with a copy of each version for you to compare in the review process.

**Section 80.030** separates building permit and land use application requirements.

**Section 80.040** describes specific improvement standards. The Committee agreed these need to be moved to the appropriate zones where an applicant would expect to find the standards applicable to a certain zone. To relocate these standards in the many zones that would be affected would delay amending Section 80 until staff could prepare changes to

each affected zone. For the present time these standards will remain in Section 80 until at a future date the needed changes can be accomplished.

Section 80.080 describes the process and provisions for bonding in lieu of completing all the public improvements required for a project. Section 80.080 (E) discusses when building permits may be issued if only some of the public improvements have been installed.

Section 80.090 details the requirements for the Warranty Bond after completion and acceptance of the public improvements. The Land Development Code Committee could not reach concurrence regarding the requirement to have a 5 year bond for hillside developments. A decision was made to leave the "5 year" language in the draft, realizing further discussion will occur in the hearing process.

#### RECOMMENDATION

Staff supports a recommendation of approval of file LDC-1-06, Section 80, Site Plan Approval, to the City Council.



DRAFT March 29, 2006

Language suggested by the Planning Commission is in red type.  
Additional language added by Land Development Code Committee.

**Section 80**  
**SITE PLAN APPROVAL**

**Sections:**

- 80.010 Purpose.
- 80.020 Site plan committee.
- 80.030 Application.
- 80.040 Improvement standards.
- 80.050 Action of site plan committee.
- 80.060 Appeal.
- 80.070 Revisions.
- 80.080 Security, and the Secured Improvement Agreement (SIA).
- 80.090 One Year Warranty of Public Improvements.

**80.010 Purpose.** The purpose of site plan approval is to establish a review process insuring that new development is in compliance with the objectives and requirements of the Land Development Code and all other applicable City ordinances.

**80.020 Site plan committee.** There is hereby created a Site Plan Committee consisting of the City Manager, Public Works Director, Planners, Building Official, Fire Chief or their designees, to carry out the duties set forth in this section. This committee shall have the authority to approve, disapprove or to approve with conditions, the site plans for all proposed new buildings or structures, or the expansion of existing structures. This committee shall also have the authority to review building permits and land use applications for completeness pursuant to the submittal requirements of the pertinent section of the Land Development Code. [As amended by Ordinance No. 93-O-446.N, effective April 20, 1993]

**80.030 Application.**

**A. Building Permits**

Before any building permit shall be issued, a plot plan for the total parcel or development site shall be prepared and submitted to the city, together with a

Permit Clearance Form, 2 full sets of construction plans, including elevations showing existing and proposed grade, and topographic details.

The plot plan for a building permit shall be drawn to scale and shall indicate the following:

1. Property lines with dimensions and a north arrow.
2. Locations of buildings and structures, existing and proposed, including dimensions, the height, , front, rear and side yard setbacks of the proposed structures.
3. Location and layout of off-street parking and loading facilities.
4. Existing and proposed driveways and adjacent roads.
5. Location of any streams, drainages or wetlands.
6. Indications of exterior lighting standards and devices, if required.
7. Location and size of existing and proposed water and sewer lines.
8. For commercial structures, the location and size of exterior signs and outdoor advertising.
9. Location of any required landscaping.
10. Any other architectural or engineering data required to permit findings that the provisions of the Land Development Code and other applicable requirements have been met.

#### **B. Land Use Applications**

Materials to be submitted, including site plans, for land use applications are found in specific sections:

1. Section 70, Master Plan Development
2. Section 116, Planned Unit Development
3. Section 136, Variances

4. Section 140, Conditional Use Permits
5. Section 148, Annexation
6. Section 168, Wireless Communication Towers
7. Section 176, Land Divisions

**80.040 Improvement standards.** The site plan committee in its review of projects subject to the provisions of this section shall apply the following standards and requirements in addition to those found in the applicable zoning district, and listed in Section 172 of this code. Developments and activities that are exempt from these requirements are listed in Section 4.070.

- A. For multiple-family residential development an area equal to at least 15% percent of the site area, inclusive of required setback yards, shall be devoted to usable open space recreation areas. This area must be cleared of brush or obstructions and not used for temporary or regular parking of vehicles.
- B. An access way to a commercial or industrial off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet for two-way traffic. If the access way is a one-way in or one-way out, it shall be a minimum width of 10 feet and have appropriate signage.
- C. Proposed development in any zone, except the Public Open Space Zone, subject to the provisions of Section 80, which fronts upon an unimproved street shall either be required to improve same to city standards by the installation of curb, gutter, pavement and sidewalk on the side abutting the said development, plus 12 feet of pavement beyond the center line or match existing pavement whichever the City deems appropriate. The owner may request a deferred improvement agreement for future street improvements which shall run with the land. The City Council, with recommendations from the Site Plan Committee, will determine the extent of needed off-site improvements in regard to the nature of off-site improvements in the Public Open Space Zone on a case by case basis. **[As amended by Ordinance No. 93-O-446.P, effective August 10, 1993]**
- D. Provide for the improvement of an existing dedicated alley way which is intended to be used for egress and ingress, or backup space of off-street parking for the development.

- E. Make provision for screening the visibility of roof, wall or ground mounted mechanical equipment and devices, in addition to propane tanks in commercial and industrial zones.

**80.050 Action of the site plan committee.** Within ten (10) working days from the date of submission of an application containing required materials, the Building Official or City Planner or their designee shall present the application to the Site Plan Committee for determination. The Site Plan Committee shall have ten (10) working days to approve the application and issue the building permit or, in the case of a Land Use Application, forward it to the Planning Commission. If the application is denied or found to be incomplete, the applicant will be informed in writing. The decision of the committee shall be final unless appealed to the Planning Commission.

**80.060 Appeals.** The applicant may appeal a decision of the site plan committee to the Planning Commission in the form prescribed by the City. Such appeal shall be filed with the City Manager or his designee within ~~five (5)~~ fifteen (15) days of the decision of the site plan committee. The appeal shall be forwarded to the Planning Commission. The Planning Commission shall review the site plan and shall approve, approve with conditions, or disapprove the plan based upon the considerations listed in Sections 80.030, building permit requirements.

**80.070 Revisions.** Revisions made by the applicant to an approved site plan shall be resubmitted for review and approval by the Site Plan Committee. Where required site plan approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement or use in any manner except in complete compliance with the approved site plan.

**80.080 Security, and the Secured Improvement Agreement Process.** The ability to provide security in lieu of immediate installation of required public improvements is available for various development projects. The Security guarantees that the required public improvements will be completed. The Security provides the funds, as outlined in the Secured Improvement Agreement, for the City to use if the applicant fails to complete installation of the required public improvements. The standards for security protect the public from additional expenditures. In general, security is accepted exclusively on a short-term basis to allow for certain events to occur, such as securing final plat approval of a partition or subdivision, while guaranteeing the work will be completed within an identified time frame.

A. Projects eligible for Security. The City Manager or designee can require the installation of public improvements for the following:

1. Tentative Partition Plan
2. Tentative Subdivision Plan
3. Conditional Use Permit
4. Variance
5. Master Plan of Development
6. Detailed Development Plan
7. Planned Unit Developments
8. Building Permits

B. General Provisions.

1. Security is accepted for the following public improvements: final paving, street lights, street signs, and miscellaneous above ground elements that do not impact the overall integrity of the project. ~~and are less than 10% of each component of the public improvement costs.~~ Public improvement costs are defined as the total value of all required improvements for a project. The applicant's engineer determines the cost of the required improvements. The City will review the applicant's engineer's estimate of the cost of the improvements and has the right to determine the true value.
2. The applicant must pay the City's actual processing costs. Actual costs will reflect and include all types of staff time and any consultant fees, including planning, engineering, geologic, archeological, public works, City administration and legal services, in accordance with the City's adopted fee schedule.

The Planning Commission suggests a legal opinion is needed to determine when the City can require peer review of materials submitted by the applicant.

3. The signing of a Secured Improvement Agreement and the posting of a form of security identified in 80.080(C) may be accepted for public improvements identified in number 1 above.

(a) The applicant's engineer shall provide an itemized estimate for review by the City to establish the cost of the required public improvements. An amount equal to 50% will be added to the cost for potential liability associated with the improvements.

(b) A Processing Fee, as established by general resolution of the City Council, is required and is not refundable.

(c) The applicant shall sign a Secured Improvement Agreement. If the applicant fails to install the required public improvements in the time frame indicated in the Secured Improvement Agreement, the City shall use the security to perform the work.

C. The form of Security shall be

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon.
2. An irrevocable standby letter of credit
3. An irrevocable security instrument acceptable to the City

D. Criteria for Security. Security may be deposited in lieu of the final installation and final acceptance of public improvements identified in Section 80.080 (B), General Provisions. The applicant shall meet all of the following criteria:

1. Has not forfeited a form of security requiring the City to complete a project within the last ~~five (5)~~ seven (7) years.
2. The applicant has paid all permit fees, engineering fees, and other required fees which are due and payable for the current project.
3. All other conditions of approval are complete except for those that cannot be completed until the installation of the secured improvements.

E. Issuance of building permits.

1. Building permits for the project will NOT be issued until the final plat has been recorded and received by the City. Any fire access or fire flow requirements must be in place and approved by the City Fire Chief prior to construction of any structure.
2. For those public improvements for which security has been allowed, construction of all remaining improvements shall be completed within a negotiated time frame not to exceed 12 months after the recording of the final plat. Occupancy of homes, businesses, dwellings, etc. shall NOT be permitted until all public improvements have been installed, tested, received final acceptance by the City, a one year warranty bond is completed, conditions of approval are completed, and final inspection of the homes, businesses, dwellings, private improvements, etc. have occurred.

F. Use of the Security and Secured Improvement Agreement

1. At the time of installation of the required public improvements, the City shall authorize release, to the applicant, of any funds remaining after completion of the work. The improvements must be approved and accepted by the City. There will be no partial release of the security. The applicant must make the request for release of the security deposit in writing to the City.

If the applicant fails to install the required public improvements, the City shall use the Security to complete the work.

2. Cost above and beyond the amount stated in the SIA will be charged to the applicant.
3. The applicant shall indemnify the City, Mayor, Council Members, officers, boards, commissioners, employees, the City's engineering consultant firm, and any agents of the City from claims of any nature arising or resulting from the performance of any acts required by the City to be done in accordance with the SIA.
4. The Secured Improvement Agreement may be used to create a Local Improvement District for properties identified in the agreement.
  - (a) At the time of installation of the deferred public improvements, if the cost is greater than the amount originally deposited, plus accrued

interest, the City may use the Security and Secured Improvements Agreement to create a Local Improvement District.

- (b) The formation and function of the Local Improvement District must comply with Brookings Ordinance # 92-0-486.

**80.090 Warranty of Public Improvements.**

- A. When all public improvements have been inspected and accepted by the City, the applicant shall provide a one year warranty bond in the amount equal to 10% of the value for the total public improvements for a period of one year. On hillside developments, with slopes greater than 15% or other hazards as identified in Section 100, the warranty bond shall be extended to 5 years, and the bond shall be for ~~a minimum of~~ 10% of the value of all public improvements. The warranty shall be in a form acceptable to the City.
- B. The applicant's engineer shall provide a detailed statement of the value of the completed improvements. The City reserves the right to determine the final value.
- C. The form of Warranty Bond shall be:
1. A surety bond executed by a surety company authorized to transact business in the State of Oregon.
  2. An irrevocable standby letter of credit.
  3. An irrevocable security instrument acceptable to the City.



Section 80  
SITE PLAN APPROVAL

EXISTING  
VERSION OF  
SECTION 80.

Sections:

- 80.010 Purpose.
- 80.020 Site plan committee.
- 80.030 Application.
- 80.040 Improvement standards.
- 80.050 Action of site plan committee.
- 80.060 Appeal.
- 80.070 Revisions.
- 80.080 Issuance of building permits.

**80.010 Purpose.** The purpose of site plan approval is to establish a review process insuring that new development is in compliance with the objectives and requirements of the Land Development Code in those zoning districts where inappropriate development may cause a conflict between existing or future uses in the same or adjoining zoning district by creating unhealthful or unsafe conditions and thereby adversely affecting the public health, safety and welfare.

**80.020 Site plan committee.** There is hereby created a site plan committee consisting of the City Manager, Community Development Director, City Engineer, Planning Director, Building Official, or their designees, to carry out the duties set forth in this section. This committee shall have the authority to approve, disapprove or to approve with conditions, the site plans for all proposed new buildings or structures, or the expansion of existing structures in those zoning districts where site plan approval is required. This committee shall also have the authority to review land use applications for completeness pursuant to the submittal requirements of the pertinent section of this code, and to schedule such applications for hearing. In the review of plans, the site plan committee shall be governed by the purpose and objectives set forth in this section. [As amended by Ordinance No. 93-O-446.N, effective April 20, 1993]

**80.030 Application.**

- A. Before any building permit and/or development permit shall be issued in any zoning district subject to site plan approval, a site plan for total parcel or development site shall be prepared and submitted to the city, together with the appropriate application form and filing fee established by resolution of the City Council. The site plan shall be drawn to scale and shall indicate the following:

1. Dimensions and orientation of the parcel.
  2. Locations of buildings and structures, both existing and proposed.
  3. Location and layout of off-street parking and loading facilities.
  4. Location of points of entry and exit for motor vehicles, and internal circulation pattern.
  5. Location of walls and fences and indication of their height and materials of their construction.
  6. Indications of exterior lighting standards and devices.
  7. Location and size of exterior signs and outdoor advertising.
  8. Location of required landscaping.
  9. Grading and slopes where they affect relationship of the buildings and drainage.
  10. Indications of the height of buildings and structures.
  11. Indication of the proposed use of buildings shown on the site.
  12. Any other architectural or engineering data as may be required to permit necessary findings that the provisions of this section are complied with.
  13. Where an attachment or minor addition to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development but need not include other data required in subsections 1 through 12 of Section 80.030.A.
- B. Within seven (7) working days from the date of submission, the Building Official or Planning Director shall present the application to the Site Plan Committee for determination. The Site Plan Committee shall have ten (10) working days to approve the application or clear it for hearing, determine that more information is needed to complete the application, or

deny the application on the grounds that it is inconsistent with the Land Development Code or Comprehensive Plan. Such determination will be made in writing to the applicant if the application is denied or found to be incomplete. If found to be incomplete, the applicant will also be informed as to what additional material is required. Upon clearance from the Site Plan Committee a building permit will be issued or, if required, the application will be scheduled for the next available Planning Commission hearing. [As amended by Ordinance No. 93-O-446.N, effective April 20, 1993]

**80.040 Improvement standards.** The site plan committee in its review of projects subject to the provisions of this section shall apply the following standards and requirements in addition to those listed in Section 172 of this code, where applicable, for site improvements to new developments or expansion of existing developments.

- A. For multiple-family residential development an area equal to at least 50% percent of the gross floor area or living facilities shall be devoted to usable open space recreation areas.
- B. Sight-obscuring landscaping or a landscaped berm, wall or fence shall be placed along a property line where appropriate, and around an unsightly area such as a trash or equipment enclosure or storage area, or an industrial or heavy commercial activity.
- C. Except for portions required for off-street parking, loading or traffic maneuvering, a required setback yard area abutting a street and an open area between the property line and the roadway in the street right-of-way shall be landscaped.
- D. All landscaping shall be maintained by means of an underground irrigation system or other approved alternative.
- E. An access way to an off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet.
- F. Proposed development in any zone, except the Public Open Space Zone, subject to the provisions of Section 80; which fronts upon an unimproved street shall either be required to improve same to city standards by the installation of curb, gutter pavement and sidewalk on the side abutting the

said development, plus 12 feet of pavement beyond the center line, or the owner shall support a future street improvement by executing a deferred improvement agreement which shall run with the land. The City Council, with recommendations from the Site Plan Committee, will determine the extent of needed off-site improvements in regard to the nature of off-site improvements in the Public Open Space Zone on a case by case basis. [As amended by Ordinance No. 93-O-446.P, effective August 10, 1993]

- G. Provide for the undergrounding of utility service lines and facilities.
- H. Provide for the improvement of an existing dedicated alley way which is intended to be used for egress and ingress, or backup space of off-street parking for the development.
- I. Make provision for screening the visibility of roof, wall or ground mounted mechanical equipment and devices, in addition to propane tanks.
- J. Dedicate public street right-of-way, a pedestrian way, or an easement for utilities, a waterway or slope protection.
- K. Provide for the installation of sidewalks.
- L. Requirements for landscaping location and material shall not interfere with solar access which the applicant desires for a building included in the development proposal. Landscaping shall not interfere with solar access to adjacent property.

**80.050 Action of the site plan committee.** Within ten (10) days after the submission of a complete site plan, the site plan committee shall approve, approve with conditions, or disapprove the site plan. Failure to render a decision within the ten (10) day period shall be deemed approval of the plan as submitted. In approving the plan, the committee shall find that all provisions of this development code are complied with and that all buildings and facilities, access points, parking and loading facilities, signs, lighting, and walls or fences are so arranged that traffic congestion is avoided, and pedestrian and vehicular safety and welfare are protected, and that there will be no adverse effect on surrounding property. The decision of the committee shall be final unless appealed to the Planning Commission.

**80.060 Appeals.** The applicant or any interested person may appeal a decision of the site plan committee to the Planning Commission in the form prescribed by the city. Such appeal shall be filed with the City Manager or his designee within five (5) days of the decision of the site plan committee. The appeal shall be placed on the agenda of the Planning Commission at their next regular meeting after the date of the filing of the appeal, unless such meeting is within ten (10) days of the receipt of the request, in which case the matter shall be placed on the agenda for the regular meeting next following. The Planning Commission shall review the site plan and shall approve, approve with conditions, or disapprove the plan based upon the considerations listed in Sections 80.040 and 80.050. The Planning Commission shall decide on the appeal within 30 days of the filing, and said filing shall suspend any building permit until the commission has decided the appeal.

**80.070 Revisions.** Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section. Where required site plan approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement or use in any manner except in complete and strict compliance with the approved site plan.

**80.080 Issuance of building permits.**

- A. If all the required improvements as specified in the conditions of approval of the site plan committee have not been satisfactorily completed prior to issuance of a building permit, as a condition of such issuance, the developer shall enter into a written agreement with the city, specifying all improvements as required by the committee pursuant to Section 80, and a time period within which said improvements shall be completed. The developer shall also warrant the materials and workmanship of said improvements in good condition and repair for an additional period of one year from date of satisfactory completion and notification of same by the city. The agreement shall be approved by the committee and signed by the City Manager or his designee on behalf of the city.
- B. The improvement agreement pursuant to Section 80.080.A shall additionally provide the following:
  1. Should the developer/owner fail to complete the listed improvements within the specified time period and/or in accordance with the terms of the agreement, the city may complete the same and recover full cost and expense thereof from the developer/owner.

2. Reimbursement to the city for all costs of inspection by the City Engineer of all improvements.
  3. Indemnification of the city, its mayor and council members, officers, boards, commissioners and employees from claims of any nature arising or resulting from the performance of any acts required by the city to be done in accordance therewith.
  4. Agreement by the city to accept streets, storm drains, sanitary sewer lines and easements in which they are located at such time as the developer/owner has fully complied with all the terms and conditions of the agreement and has satisfactorily completed the one year warranty period.
- C. The developer/owner shall file with the improvement agreement, to secure full and faithful performance thereof, one, or a combination of the following:
1. A surety bond executed by a surety company authorized to transact business in the state of Oregon.
  2. Cash.
  3. An irrevocable standby letter of credit.

IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON

In the Matter of an Ordinance Amending  
Ordinance 89-0-446, An Ordinance  
Creating the Land Development Code to  
amend Section 80, Site Plan Committee  
in its entirety.

Ordinance 06-O-446.VV

Sections:

- Section 1. Ordinance identified.
- Section 2. Amendment to Section 80.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Ordinance No. 89-0-446, enacted April 10, 1989 entitled, the Land Development Code.

Section 2. Amendment to Section 80. Ordinance No. 89-O-446, Section 80 is hereby amended to read as follows:

Sections:

- 80.010 Purpose.
- 80.020 Site plan committee.
- 80.030 Application.
- 80.040 Improvement standards.
- 80.050 Action of site plan committee.
- 80.060 Appeal.
- 80.070 Revisions.
- 80.080 Security, and the Secured Improvement Agreement (SIA).
- 80.090 One Year Warranty of Public Improvements.

**80.010 Purpose.** The purpose of site plan approval is to establish a review process insuring that new development is in compliance with the objectives and requirements of the Land Development Code and all other applicable City ordinances.

**80.020 Site plan committee.** There is hereby created a Site Plan Committee consisting of the City Manager, Public Works Director, Planners, Building Official, Fire Chief or their designees, to carry out the duties set forth in this section. This committee shall have the authority to approve, disapprove or to approve with conditions, the site plans for all proposed new buildings or structures, or the expansion of existing structures. This committee shall also have the authority to review building permits and land use applications for completeness pursuant to the submittal requirements of the pertinent section of the Land Development Code.

## **80.030 Application.**

### **A. Building Permits**

Before any building permit shall be issued, a plot plan for the total parcel or development site shall be prepared and submitted to the city, together with a Permit Clearance Form, 2 full sets of construction plans, including elevations showing existing and proposed grade, and topographic details.

The plot plan for a building permit shall be drawn to scale and shall indicate the following:

1. Property lines with dimensions and a north arrow.
2. Locations of buildings and structures, existing and proposed, including dimensions, the height, , front, rear and side yard setbacks of the proposed structures.
3. Location and layout of off-street parking and loading facilities.
4. Existing and proposed driveways and adjacent roads.
5. Location of any streams, drainages or wetlands.
6. Indications of exterior lighting standards and devices, if required.
7. Location and size of existing and proposed water and sewer lines.
8. For commercial structures, the location and size of exterior signs and outdoor advertising.
9. Location of any required landscaping.
10. Any other architectural or engineering data required to permit findings that the provisions of the Land Development Code and other applicable requirements have been met.

### **B. Land Use Applications**

Materials to be submitted, including site plans, for land use applications are found in specific sections:



1. Section 70, Master Plan Development
2. Section 116, Planned Unit Development
3. Section 136, Variances
4. Section 140, Conditional Use Permits
5. Section 148, Annexation
6. Section 168, Wireless Communication Towers
7. Section 176, Land Divisions

**80.040 Improvement standards.** The site plan committee in its review of projects subject to the provisions of this section shall apply the following standards and requirements in addition to those found in the applicable zoning district, and listed in Section 172 of this code. Developments and activities that are exempt from these requirements are listed in Section 4.070.

- A. For multiple-family residential development an area equal to at least 15% percent of the site area, inclusive of required setback yards, shall be devoted to usable open space recreation areas. This area must be cleared of brush or obstructions and not used for temporary or regular parking of vehicles.
- B. An access way to a commercial or industrial off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet for two-way traffic. If the access way is a one-way in or one-way out, it shall be a minimum width of 10 feet and have appropriate signage.
- C. Proposed development in any zone, except the Public Open Space Zone, subject to the provisions of Section 80, which fronts upon an unimproved street shall either be required to improve same to city standards by the installation of curb, gutter, pavement and sidewalk on the side abutting the said development, plus 12 feet of pavement beyond the center line or match existing pavement whichever the City deems appropriate. The owner may request a deferred improvement agreement for future street improvements which shall run with the land. The City Council, with recommendations from the Site Plan Committee, will determine the extent of needed off-site improvements in regard to the nature of off-site improvements in the Public Open Space Zone on a case by case basis.

D. Provide for the improvement of an existing dedicated alley way which is intended to be used for egress and ingress, or backup space of off-street parking for the development.

E. Make provision for screening the visibility of roof, wall or ground mounted mechanical equipment and devices, in addition to propane tanks in commercial and industrial zones.

**80.050 Action of the site plan committee.** Within ten (10) working days from the date of submission of an application containing required materials, the Building Official or City Planner or their designee shall present the application to the Site Plan Committee for determination. The Site Plan Committee shall have ten (10) working days to approve the application and issue the building permit or, in the case of a Land Use Application, forward it to the Planning Commission. If the application is denied or found to be incomplete, the applicant will be informed in writing. The decision of the committee shall be final unless appealed to the Planning Commission.

**80.060 Appeals.** The applicant may appeal a decision of the site plan committee to the Planning Commission in the form prescribed by the City. Such appeal shall be filed with the City Manager or his designee within fifteen (15) days of the decision of the site plan committee. The appeal shall be forwarded to the Planning Commission. The Planning Commission shall review the site plan and shall approve, approve with conditions, or disapprove the plan based upon the considerations listed in Sections 80.030, building permit requirements.

**80.070 Revisions.** Revisions made by the applicant to an approved site plan shall be resubmitted for review and approval by the Site Plan Committee. Where required site plan approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement or use in any manner except in complete compliance with the approved site plan.

**80.080 Security, and the Secured Improvement Agreement Process.** The ability to provide security in lieu of immediate installation of required public improvements is available for various development projects. The Security guarantees that the required public improvements will be completed. The Security provides the funds, as outlined in the Secured Improvement Agreement, for the City to use if the applicant fails to complete installation of the required public improvements. The standards for security protect the public from additional expenditures. In general, security is accepted exclusively on a short-term basis to allow for certain events to occur, such as securing final plat approval of a partition or subdivision, while guaranteeing the work will be completed within an identified time frame.

A. Projects eligible for Security. The City Manager or designee can require the installation of public improvements for the following:

1. Tentative Partition Plan
2. Tentative Subdivision Plan
3. Conditional Use Permit
4. Variance
5. Master Plan of Development
6. Detailed Development Plan
7. Planned Unit Developments
8. Building Permits

B. General Provisions.

1. Security is accepted for the following public improvements: final paving, street lights, street signs, and miscellaneous above ground elements that do not impact the overall integrity of the project. Public improvement costs are defined as the total value of all required improvements for a project. The applicant's engineer determines the cost of the required improvements. The City will review the applicant's engineer's estimate of the cost of the improvements and has the right to determine the true value.
2. The applicant must pay the City's actual processing costs. Actual costs will reflect and include all types of staff time and any consultant fees, including planning, engineering, geologic, archeological, public works, City administration and legal services, in accordance with the City's adopted fee schedule.
3. The signing of a Secured Improvement Agreement and the posting of a form of security identified in 80.080(C) may be accepted for public improvements identified in number 1 above.
  - (a) The applicant's engineer shall provide an itemized estimate for review by the City to establish the cost of the required public improvements. An

amount equal to 50% will be added to the cost for potential liability associated with the improvements.

(b) A Processing Fee, as established by general resolution of the City Council, is required and is not refundable.

(c) The applicant shall sign a Secured Improvement Agreement. If the applicant fails to install the required public improvements in the time frame indicated in the Secured Improvement Agreement, the City shall use the security to perform the work.

C. The form of Security shall be

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon.
2. An irrevocable standby letter of credit
3. An irrevocable security instrument acceptable to the City

D. Criteria for Security. Security may be deposited in lieu of the final installation and final acceptance of public improvements identified in Section 80.080 (B), General Provisions. The applicant shall meet all of the following criteria:

1. Has not forfeited a form of security requiring the City to complete a project within the last seven (7) years.
2. The applicant has paid all permit fees, engineering fees, and other required fees which are due and payable for the current project.
3. All other conditions of approval are complete except for those that cannot be completed until the installation of the secured improvements.

E. Issuance of building permits.

1. Building permits for the project will NOT be issued until the final plat has been recorded and received by the City. Any fire access or fire flow requirements must be in place and approved by the City Fire Chief prior to construction of any structure.
2. For those public improvements for which security has been allowed, construction of all remaining improvements shall be completed within a negotiated time frame not to exceed 12 months after the recording of the final

plat. Occupancy of homes, businesses, dwellings, etc. shall NOT be permitted until all public improvements have been installed, tested, received final acceptance by the City, a one year warranty bond is completed, conditions of approval are completed, and final inspection of the homes, businesses, dwellings, private improvements, etc. have occurred.

F. Use of the Security and Secured Improvement Agreement

1. At the time of installation of the required public improvements, the City shall authorize release, to the applicant, of any funds remaining after completion of the work. The improvements must be approved and accepted by the City. There will be no partial release of the security. The applicant must make the request for release of the security deposit in writing to the City.

If the applicant fails to install the required public improvements, the City shall use the Security to complete the work.

2. Cost above and beyond the amount stated in the SIA will be charged to the applicant.
3. The applicant shall indemnify the City, Mayor, Council Members, officers, boards, commissioners, employees, the City's engineering consultant firm, and any agents of the City from claims of any nature arising or resulting from the performance of any acts required by the City to be done in accordance with the SIA.
4. The Secured Improvement Agreement may be used to create a Local Improvement District for properties identified in the agreement.
  - (a) At the time of installation of the deferred public improvements, if the cost is greater than the amount originally deposited, plus accrued interest, the City may use the Security and Secured Improvements Agreement to create a Local Improvement District .
  - (b) The formation and function of the Local Improvement District must comply with Brookings Ordinance # 92-0-486.

**80.090 Warranty of Public Improvements.**

- A. When all public improvements have been inspected and accepted by the City, the applicant shall provide a one year warranty bond in the amount equal to 10% of the value for the total public improvements for a period of one year. On hillside

developments, with slopes greater than 15% or other hazards as identified in Section 100, the warranty bond shall be extended to 5 years, and the bond shall be 10% of the value of all public improvements. The warranty shall be in a form acceptable to the City.

B. The applicant's engineer shall provide a detailed statement of the value of the completed improvements. The City reserves the right to determine the final value.

C. The form of Warranty Bond shall be:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon.
2. An irrevocable standby letter of credit.
3. An irrevocable security instrument acceptable to the City.

First reading: \_\_\_\_\_

Second reading: \_\_\_\_\_

Passage: \_\_\_\_\_

Effective date \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Pat Sherman, Mayor

ATTEST:

\_\_\_\_\_  
Paul Hughes, Finance Director/Recorder

# CITY OF BROOKINGS

## City Council Agenda Report



Date: April 11, 2006

To: Mayor & City Council

From: John Bischoff, Planning Director

Subject: Annexation of 32± acres consisting of 7 tax lots in seven different ownerships and including 1,100± feet of Old County Rd. from the current city limits to the entrance of the first lot of the annexation.

### Recommendation:

The Planning Commission and staff recommend approval of the annexation with the recommendation that at the time of development Old County Rd. will be developed to the city and county hillside road standards. (Two travel lanes of 12 feet each and a 4 foot paved walking path on one side).

### Background /Discussion:

The subject property consists of 6 tax lots located on the west side of the road beginning approximately 1,100 feet north of the city limits and extending approximately .57 miles north of the city limits and a seventh lot located on the east side of the road at the northerly end of the area to be annexed. The property is currently zone R-2 (Residential Two) by the county which would allow a minimum lot size of 6,000 sq. ft. if both water and sewer is available, 12,000 sq. ft if only water service is available and 1 acre if neither service was available. The applicant is requesting the city's R-1-12 (Single Family Residential, 12,000 sq. ft. minimum lot size) on all of the lots. The largest lot of 16.85 acres is planned for development as a Planned Unit Development with a total of 50 units with a mixture of single family homes and condominiums to take advantage of the benched flatter areas of the lot. The next larger lot of 8.27 acres is planned for development with eight lots. The remaining five lots are all less than 2 acres in size and do not have a great development potential.

The Planning Commission Staff Report is attached and contains the applicants findings, exhibits and all letters received concerning this application.

### Financial Impact(s):

At this time the financial impact is primarily the staff time for review and hearings, cost of filing with the state and county if approved and cost of advertisement.

### City Manager Review and Approval for placement on Council Agenda:

  
Dale Shaddox, City Manager

**CITY OF BROOKINGS PLANNING COMMISSION**  
**STAFF AGENDA REPORT**

SUBJECT: Annexation  
FILE NO: ANX-1-06  
HEARING DATE: March 21, 2005

REPORT DATE: March 10, 2006  
ITEM NO: 8.3

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**GENERAL INFORMATION**

APPLICANT: KD Properties, Inc.

REPRESENTATIVE: Jim Capp, Western Land Use Services.

REQUEST: Annexation of a parcel of land consisting of 7 tax lots in seven different ownerships and including approximately 0.57 miles of Old County Rd.

TOTAL LAND AREA: 32± acres.

LOCATION: Six of the lots are located on the west side of Old County Rd. beginning approximately 1.100 feet north of the current city limits and one lot located on the east side of Old County Rd. approximately 0.57 miles north of the city limits.

ASSESSOR'S NUMBER: 40-13-32B, Tax Lots 1001, 1201, 1202, 1300.  
40-13-32C, Tax Lots 211, 213, 216.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: County R-2 (Residential Two).

PROPOSED: City SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size and R-1-12 (Single Family Residential, 12,000 sq. ft. minimum lot size).

SURROUNDING: North and South—County R-2; West—County C-1 (Light Commercial) and PF (Public Facilities); East—County R-2 and R-1 (Residential One).

COMP. PLAN: Residential.

PROPOSED: Same.

**LAND USE INFORMATION**

EXISTING: Two of the lots, Tax Lots 211 and 216 have a single family house on them. The rest are vacant.

PROPOSED: Residential uses on all lots.

SURROUNDING: Residential uses and vacant lots on all sides.

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



## BACKGROUND INFORMATION

The subject property is an irregular shaped, 32± acre, parcel consisting of seven tax lots in seven different ownerships. Six of the subject tax lots are located on the west side of Old County Rd., with one lot, Tax Lot 1002, on the east side opposite Tax 1300 at the northerly extent of the area to be annexed. The annexation would also include approximately 0.57 miles of Old County Rd. beginning at the city limits line to the northerly boundary of Tax Lot 1002. Two of the subject tax lots Tax Lots 211 and 216 have houses on them and the remaining lots are vacant.

The first tax lot within the annexed area, Tax Lot 213, fronts on Old County Rd. at approximately 1130 feet from the city limits. The southerly boundary of Tax Lot 213 extends west of Old County Rd. for 802 feet to west line of Section 32 where it turns north along the section line for 758 feet where it joins Tax Lot 1201 and continues another 1,330 feet to the north boundary of Tax Lot 1201. The boundary of the area subject to the annexation then follows the north boundary of Tax Lots 1201 and 1202 back to Old County Rd. From that point the boundary follows the south and line of the road, which is also the north boundary of Tax Lot 1300, around a curve to the south and jumps across the road and follows the north boundary of Tax Lot 1002 to Eastwood Ln., a total distance of approximately 1,380 feet. The boundary then follows Eastwood Ln. south for about 255 feet, then pulls away from Eastwood and continues southerly for 140 feet, then follows the south boundary of Tax Lot 1002, westerly for 321 feet back to Old County Rd. From this point the Old County Rd. right-of-way is included in the annexation back to the city limits, a distance of about 2,900 ft. The largest tax lot is T/L 1201 at 16.85 acres and T/L 213 is the next largest at 8.27 acres. The remaining five lots are all less than 2 acres in size.

All of the lots subject to this application are zoned by the county as R-2 (Residential Two) as are the properties to the north and south except for Tax Lot 208, which has split county zoning of R-2 and C-1 (Light Commercial). The area to the west is by the county as C-1, PF (Public Facilities), which is the cemetery, and FG (Forrest Grazing). The area to the east is R-2 and then R-1. The residential areas are developed with single family houses on large lots with many scattered vacant lots. The area to the west is primarily the Ransom Creek canyon and is vacant.

Topographically the area varies with areas of flatter land and areas of very steep slopes. Tax Lot 213, at the south end of the area to be annexed, is bounded by a ravine on the south border, then has a large relatively flat area in its center. Another ravine cuts through the tax lot along the north boundary of Tax Lot 216, and then flattens again in its northerly portion that joins Tax Lot 1201. Tax Lot 1201 consists of varied topography with sever slopes in the northeast corner lesser slopes in the south east with benched areas in the center portion. T/L 1201 is cut by several ravines that drain toward the west into Ransom Creek. This entire area is the westerly side of a ridge that slopes to the south and west.

Old County Rd. is a paved travel way within a 50 foot wide right-of-way throughout the length of the portion to be annexed. Currently the paved section is very narrow with just enough room for two vehicles to pass with tight curves. The shoulders are non existent in most areas and the roadway is slumping in some areas on the downhill side. Tall Tree Rd. enters and travels through Tax Lot 1300 at the northerly most end of the area subject to this annexation. Tall Tree Rd. is a narrow unimproved road that was probably created as a logging road at some point in the pass. Another unnamed unimproved road enters the southerly portion of T/L 1201. See Exhibit 1. Tax Lots 211 and 216 currently have city water service.

## PROPOSED ANNEXATION

The applicant is requesting that the subject seven lot be annexed to the city along with the portion of Old County Rd. that extends from the city limits to the point where the northerly boundary of T/L 1002 intersects the road. All of the property owners within the subject area have signed an agreement to annex. The applicant is requesting the city's R-1-12 (Single Family Residential, 12,000 sq. ft. minimum lot size) Zone to be applied over the all seven of the tax lots subject to this annexation request.

## ANALYSIS

Section 148, Annexations, of the Land Development Code, sets out the application procedure and impact analysis criteria that the applicant is required to provide when applying for annexation. The applicant has provided a document with findings address both the application procedure and impact criteria. In the following sections staff has commented on each item of the applicant's submitted material.

### Applicant's Submittal

#### Part 1 Land Development Code, Section 148, Annexations

##### 148.020–Application Procedures.

*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. No part of the filing fee is refundable. Said application shall contain the following information:*

- A. Vicinity map.
- B. Assessor's parcel maps.
- C. Consent to annex forms.
- D. Legal metes and bounds, or lot and block description.
- E. Specific information:
  - 1. Current assessed valuation as shown on the Curry County Assessor's tax rolls.
  - 2. Acreage.
  - 3. Map and tax lot number.
  - 4. Owner or owners of record.
- 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. Written findings of fact prepared by the petitioner(s) or petitioner(s) representative, 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 systems, streets, sanitary sewer, storm drainage.
  - 4. Special service districts in the territory proposed to be annexed, such as water, irrigation, fire, school, sanitary, etc.

5. *Urban services needed and necessary to service the territory proposed to be annexed, the availability of same relative to capacity, condition and cost of extension and or improvement to urban standards and an estimated time line for any required improvements.*
6. *Compliance with all applicable goals and policies of the Comprehensive Plan.*
7. *Compliance with any of the below listed criteria A through E of subsection 148.030.*

The applicant has provided all of the materials required to be submitted with this application. Discussion of the Comprehensive Plan goals and policies are under Part 2 of the analysis.

148.030—Annexation criteria.

- 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 on the plan map is requested concurrent with annexation the uses allowed under the proposed designation must comply with the Brookings Comprehensive Plan.*

Staff agrees with the applicant's finding regarding this criterion.

- B. *An adequate level of urban services and infrastructure to accommodate anticipated future development either is available, or can reasonably be made available. And 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 and Services Plan and the Land Development Code for provision of these services. The adequacy of these services shall be considered in relation to annexation proposals.*

Staff agrees with the applicant's finding regarding this criterion. City sewer mains extend to the city limits within the Old County Rd. right-of-way and both of the existing residences in the subject area have city water service. The applicant has demonstrated how both water and sewer mains can be extended to serve the annexed area. The actual location, size and construction of these mains will be determined at the time of development. Under the requested R-1-12 Zone the area of the annexation could theoretically result in a total of 113 dwelling units, however, the owners of the two largest parcels within the area are proposing a total of 58 units and topography and other constraints may not allow the other five lots to develop to the 12,000 sq. ft. lot level. The city has the capacity to server this area with water and sewer service.

A minor correction in the applicant's finding "F" of this criteria is that the city had a population of 6,185 in July of 2005. The figure quoted in the finding, 6,050, was the population estimate for 2004.

- 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.*

Staff agrees with the applicant's finding regarding this Goal to the extent of the statement, however, the nature of Old County Rd. has been the primary concern of staff in regard to this annexation. Old County Rd. is a narrow paved travel way within a 50 foot wide right-of-way with very sharp curves and of areas where road failure is occurring. At the time of development on the subject property, Old County Rd. must be improved to the city and county's Hillside Rd. standard of two 12 foot travel lanes and a four foot paved walking shoulder on one side. At this time the existing travel way is not 24 feet wide and in most places along the road there is not sufficient room for a 4 foot waking shoulder. Another complication is that is places along the road on the downhill side, there is no shoulder and the edge of what is now a narrow travel way is slumping away. Where the actual paved roadway lies within the 50 foot right-of-way is also a concern that potentially affects the ability to mitigate these deficiencies. The applicants have stated that they are willing and able to construct Old County Rd. to the required Hillside Rd. standard. Approval of development plans beyond placing one house on each parcel will require Old County Rd. to be improved to the Hillside Rd. standard and improvements must be completed prior to final approval of any subdivision or other development of the properties. If the applicants cannot cause the road to be improved or it does not get improved then the property will remain vacant until a developer has the means to do the required improvements.

*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. Existing streets within the annexed area shall remain in the county's jurisdiction until such time as they are improved to the city street standards.*

Staff agrees with the applicant's finding regarding this criterion.

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

Staff agrees with the applicant's finding regarding this criterion. The area in which the lots to be annexed are located is currently within the Brookings Rural Fire District, which is currently serviced by the City Fire Department and thus fire protection service will not change. Police service to the area will be pursuant to the attached memo from the Police Department. The applicant has submitted an addendum to the findings addressing the impacts on the area schools.

*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.*

Staff agrees with the applicant's finding regarding this criterion. The cost of extending water, sewer, storm drainage and streets, including improvement of Old County Rd., will be incurred by the applicant. The applicant's findings also indicate the tax revenue that the city would gain at the proposed buildout.

#### 148.040, Zoning of Annexed Property.

*A. A proposal for annexation shall include a request for a city zoning designation for the territory proposed t be annexed which 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 be effective upon acceptance of the annexation by the Secretary of State.*

The applicant is requesting that the entire area subject to this annexation be zoned with the city's R-1-12 (Single Family Residential, 12,000 sq. ft. minimum lot size) Zone and has presented a statement supporting the request. Generally the slopes on most of the subject property would be more suited to the SR (Suburban Residential) Zone with a minimum of 20,000 or 40,000 sq. ft. lots. The 8.27 acre parcel has a large area of rather flat ground in its center area that would be suitable for the R-1-12 Zone. The developer of the largest tax lot, T/L 1201, has expressed the desire to develop the 16.85 acre parcel with 50 dwelling units through the Planned Unit Development process in order to have the ability to cluster the units into a combination of single family homes and condominiums in order to take advantage of the flatter benched areas of the property and leaving large areas of steeper slopes in a natural common area. Staff supports this concept and there are flatter benched areas that would be suitable for this purpose. However, the question arises of what happens if the property is sold to another developer with the R-1-12 zoning.

Staff believes that due to the nature of the property, regardless of the zoning placed on the property, the topography and geological constraints will limit the amount of dwelling units to something below 50 if a developer attempted a standard subdivision process. If the parcel was flat and the developer attempted to place 12,000 sq. ft. lots evenly across the entire 16.85 acres, the property would technically accommodate 61 lots. However, to do a 12,000 sq. ft. lot subdivision, streets would be required to access the lots and thus the total lot count would fall well below 61, and probably below the desired 50. On this parcel the steeper slopes and geological concerns would probably hold the lots to a size much larger than 12,000 sq. ft. in most areas. For these reasons staff believes that regardless of who develops the property the best yield would be through the Planned Unit Development process with a R-1-12 zone, and staff would support this request.

## Part 2 Policies of the Comprehensive Plan

### Goal 1—Citizen Participation:

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

Staff agrees with the applicant's finding regarding this Goal. In the case of an individual application for an annexation or other land use procedure the act of notifying property owners within 250 feet and publishing the action in the newspaper provides the ability for the public to comment on the application.

### Goal 2—Planning:

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

Staff agrees with the applicant's finding regarding this Goal. Goal 2 provides the basic framework for the city's land use planning process.

Goal 3–Agricultural Lands:

*To cooperate with the County in the preservation and maintenance of agricultural lands.*

Staff agrees with the applicant's finding regarding this Goal.

Goal 4–Forrest Lands:

*To support and cooperate with the County in its efforts to protect forest land.*

Staff agrees with the applicant's finding regarding this Goal.

Goal 5–Open Spaces, Scenic and Historic Area and Natural Resources

*To conserve open space and protect natural and scenic resources and historic areas while providing for the orderly growth an development of the City.*

*Policy 1. It is the policy of the City of Brookings to protect natural and scenic resources by encouraging the conservation of ecologically and scientifically significant natural areas, scenic views and sites, historic areas, local energy sources, and mineral and aggregate resources.*

*Policy 3. It is the policy of the City of Brookings to preserve forest and agricultural lands which serve as valuable open space areas by focusing development within the City limits/Urban Growth Boundary.*

Staff agrees with the applicant's finding regarding this Goal. Although there may be streams crossing the subject property and possibly small areas of wetlands, these features are required to be identified at the time of development. If such natural features exist and mitigation is required, the mitigation must be compatible with the proposed development and vise versa, and thus is appropriate at the development stage.

Goal 6–Air, Water and Land Resources Quality:

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

*Policy 3. It is the policy of the City of Brookings to utilize programs to manage land conservation and development activities in a manner that reflects the desires of the community for a quality environment and a healthy economy and is consistent with environmental quality statutes, rules, standards and implementation plans.*

Staff agrees with the applicant's finding regarding this Goal. Conservation measures are a factor of the building codes and efficient use of the land. As the applicant's findings state this area is located in the UGB and designated and zoned for residential use and through this designation the policies of Goal 6 have been determined and satisfied. Annexation to the city will provide for the extension of sewer mains into the property and thus eliminate septic systems that could potentially degrade both surface and ground water quality.

#### Goal 7—Areas Subject To Natural Disasters and Hazards:

*To protect life and property from natural disasters and hazards.*

*Policy 2. When development is planned in areas of identified hazards, the developer will be required to show that property development will not be endangered by the hazard and that appropriate safeguards will be taken.*

Staff agrees with the applicant's finding regarding this Goal. In the subject application the greatest potential natural hazard is that of slope failure. Section 100, Hazardous Building Sites/Hillside Development Standards, of the Land Development Code, requires a geological survey, grading plans, erosion control plans and drainage plans for all development on slopes greater than 15% grade. The type of development and where on the property development will occur will determine the extent of mitigation required in relation to the topography of the site. Other potential natural hazards are also necessarily mitigated at the time of development.

#### Goal 8—Recreational Needs:

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

*Policy 1. It is the policy of the City of Brookings to encourage better utilization of existing recreational facilities and to plan for and develop new recreational facilities and opportunities.*

*Policy 2. The City of Brookings encourages the development of neighborhood parks to be coordinated with future expansion of residential areas.*

Staff agrees with the applicant's finding regarding this Goal except that the applicant's statement can be taken even further. The Brookings area offers several city parks including Azalea Park, Stout Park, Bud Cross Park, and several smaller parks. State parks in the area include Harris Beach State Park, Lone Ranch Park, and Boardman State Park on the coast to the north, and McVay Wayside Park to the south. The owner of the largest tax lot within the subject area, Tax Lot 1201 at 16.85 acres has stated the desire to develop the property through the Planned Unit Development process of the city's Land Development Code, using a combination of single family houses and condominium that would allow the clustering of buildings on the flatter benched areas of the site and leaving large natural areas. The natural areas can be crossed by trails and picnic areas for additional recreational use by the residents of the project.

#### Goal 9—Economy of the State:

*To diversify and improve the economy of the Brookings area.*

*Policy 2. The City of Brookings will encourage the diversification of the City and the regional economy. The City wishes to create new employment opportunities while sustaining and expanding existing economic sectors.*

The applicant's findings for this Goal are correct. The subject area is designated as residential by the county's Comprehensive Plan and will remain as residential upon annexation. The

nature of the area does not lend its self as feasible for either commercial or industrial use. The construction of housing on the property will provide jobs in the construction industry and residents will provide a customer base for retail and service businesses in the commercial areas of the community. A larger population base generally tends to bring more commercial and industrial variety to the area.

#### Goal 10–Housing:

*Provision of varied housing which is safe, sanitary and adequate for all residents of the community.*

*Policy 1. City shall not unduly restrict land development thereby artificially inflating the cost of both new and existing housing, but rather provide land in suitable quantities and encourage the construction of new residential units to meet increased demand.*

*Policy 2. City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized the private sector will continue their leadership role in this function.*

*Policy 3. City shall advance where possible the evolution of safe and aesthetically pleasing residential neighborhoods that are efficiently integrated with business and commercial property, schools, parks, public facilities and other urban development.*

Staff agrees with the applicant's finding regarding this Goal. Development of condominiums on at least a portion of the property as discussed under Goal 8 above would make good use of the flatter benched areas of the site and thus the clustering of dwelling units, allowing for efficient use of the land while leaving the steeper areas in a natural state. This concept would provide for a variety of housing and of housing cost.

#### 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.*

- A. Water treatment facilities will be maintained with the proper observation and planning to expand facilities on a timely basis to provide continued service to existing customers and projected growth.*
- B. Water distribution, pumping and storage construction will be constructed for new development by developers. The city council is presently reviewing methods of implementing a "pay as you go" development policy.*
- C. Wastewater treatment facility expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.*
- D. All public works construction to serve newly developed areas will be on the "pay as you go" policy with developers designing and constructing new facilities in accordance with the city Standard Detail and Specifications adopted September, 1981.*



The City's Public Facilities and Services Plan (PFP), which is a separately bound document of the Comprehensive Plan, provides the framework for the provision of water, sewer and storm drainage throughout the UGB. The plan also determines that the city has the capacity to provide these services to buildout of the UGB through the planning period ending in 2015. The subject area was included in the original UGB that was adopted in 1981 and as the applicant's findings states, remains in the boundary as expanded in 1995, which was the beginning of the 20 year planning period. The applicant and/or developer is responsible for the cost of extending these facilities into the subject area and the city has the capacity to provide the services.

Goal 12-Transportation:

*To provide and encourage a safe convenient and economic transportation system.*

See the discussion under Criterion C, in Part 1 Annexation Criteria, above.

Goal 13-Energy Conservation:

*To conserve energy.*

*Policy 2. Brookings will encourage the infilling of undeveloped parcels of land within the City as well as the re-use of vacant land to the extent possible. The City will encourage land development practices which conserve energy as well as utilize renewable energy sources whenever possible. The City desires high density development to be located adjacent to major shopping areas and along major transportation routes, as appropriate.*

Staff agrees with the applicant's finding regarding this Goal.

Goal 14-Urbanization:

*To minimize the expansion of the urban service area outside of the city limits in order to provide for the efficient use of land, eliminate the unnecessary and uneconomical expansion of public facilities, and to conserve agricultural and forest lands outside of the City.*

*Policy 1. City shall maintain the livability of Brookings while providing appropriate land-use designation and adequate areas to accommodate expected growth.*

*Policy 2. City shall encourage the orderly outward growth of the community in order to maintain costs of construction, maintenance, and extension of streets, utilities and public facilities at the lowest level possible.*

*Policy 3. City shall annex lands that are contiguous to the city limits and continue to extend city services only to areas within the corporate limits. City shall continue to honor present agreement for provision of public services in areas presently outside the corporate limits.*

Staff agrees with the applicant's finding regarding this Goal. The inclusion of the area that contains the subject property in the city's original UGB demonstrates that the area is to be developed or "urbanized".

Goals 16, 17, 18: These goals deal with estuarine, coastal shore, beach, and dune areas and resources and do not apply to the proposed annexation.

## **FINDINGS**

The applicant's findings are the primary findings in this matter and will be made a part of the Final Order upon approval. The following are general findings to show that all of the criteria have been met.

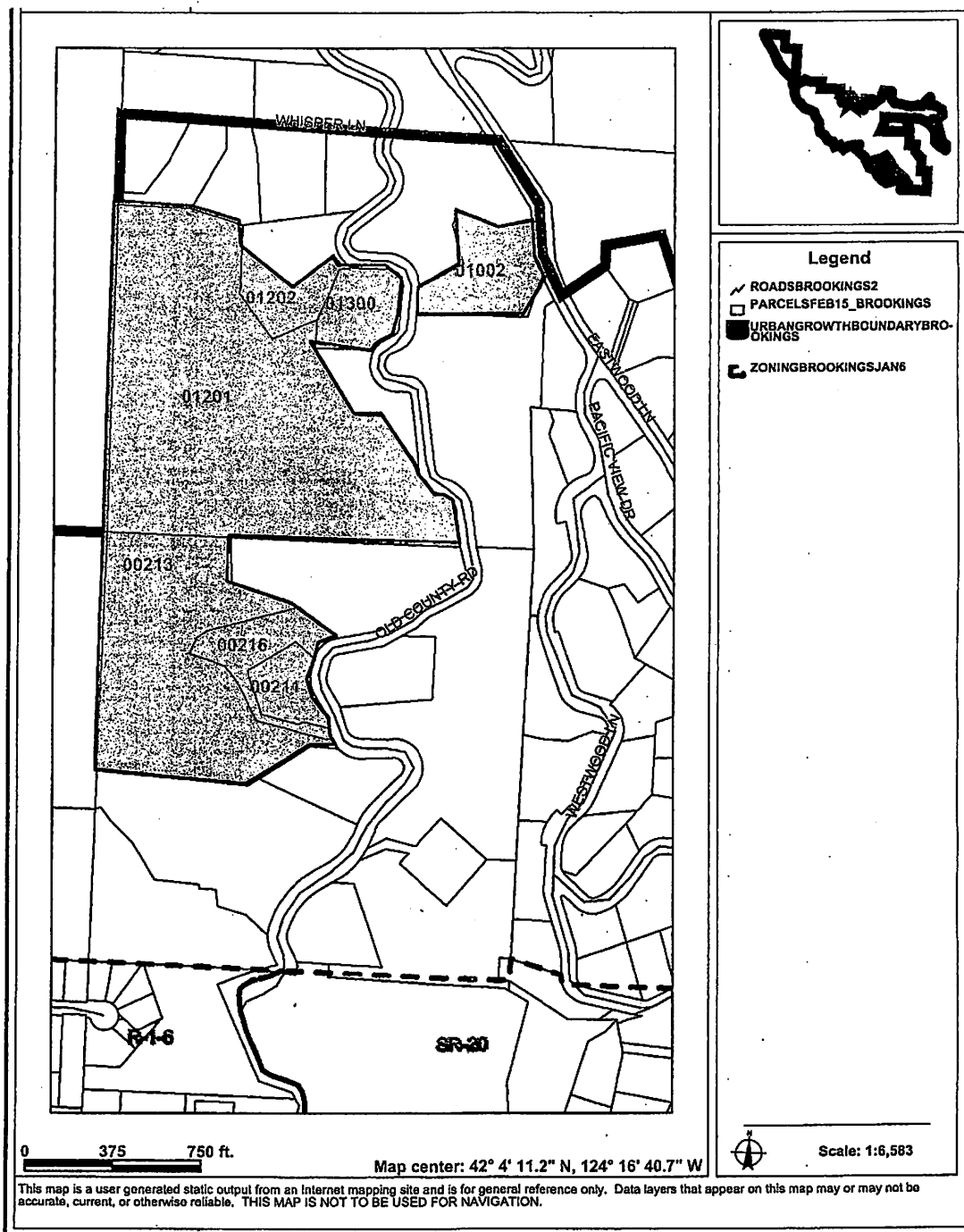
1. The applicant has submitted findings addressing each of the goals of the city's Comprehensive Plan.
2. The applicant has submitted findings addressing the submittal required in Section 148.020, Annexations, of the Land Development Code.
3. The applicant has submitted findings addressing all of the criteria in Section 148.030.
4. The applicant has submitted findings addressing all of the criteria in Section 148.040.

## **CONCLUSIONS**

The materials submitted by the applicant are complete and satisfy all of the criteria presented in Section 148, Annexations, of the Land Development Code, to justify the proposed annexation.

## **RECOMMENDATION**

Staff recommends **APPROVAL** of Case File No. ANX-1-06, based on the findings and conclusions stated in the staff report.



Applicant: Gary Cooper for KD Properties and Ron Hedenskog

Assessor's Map: 40-13-32B, Tax Lots 1002, 1201, 1202, 1300

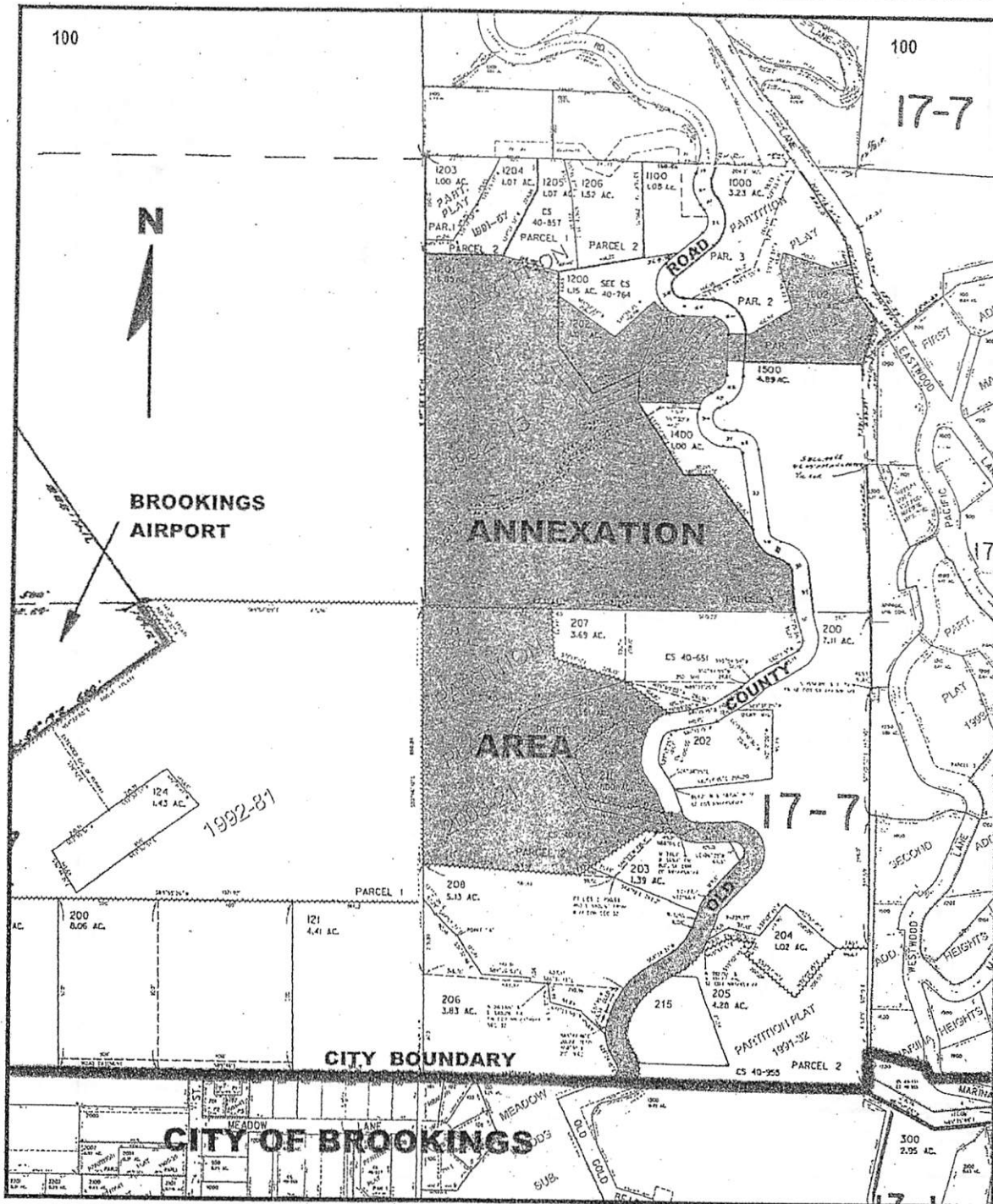
40-13-32B, Tax Lots 211, 213, and 216

Size: 31.94 acres

Location: Old County Road

Zone: Curry County R-2 (Residential)





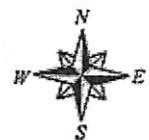
Applicant: Gary Cooper for KD Properties and Ron Hedenskog

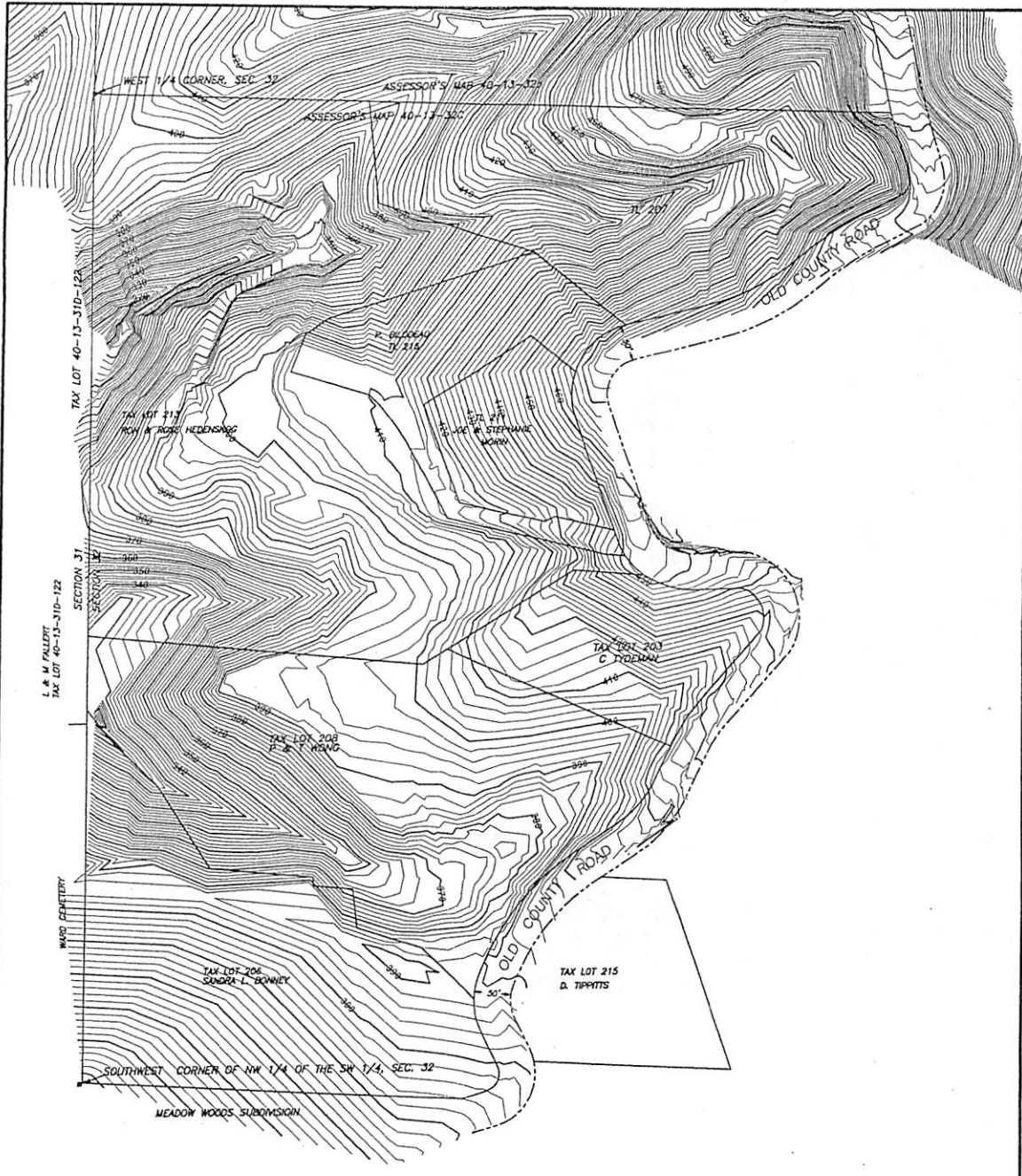
Assessor's Map: 40-13-32B, Tax Lots 1002, 1201, 1202, 1300  
40-13-32B, Tax Lots 211, 213, and 216

Size: 31.94 acres

Location: Old County Road

Zone: Curry County R-2 (Residential)





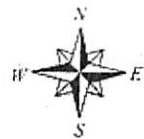
Applicant: Gary Cooper for KD Properties and Ron Hedenskog

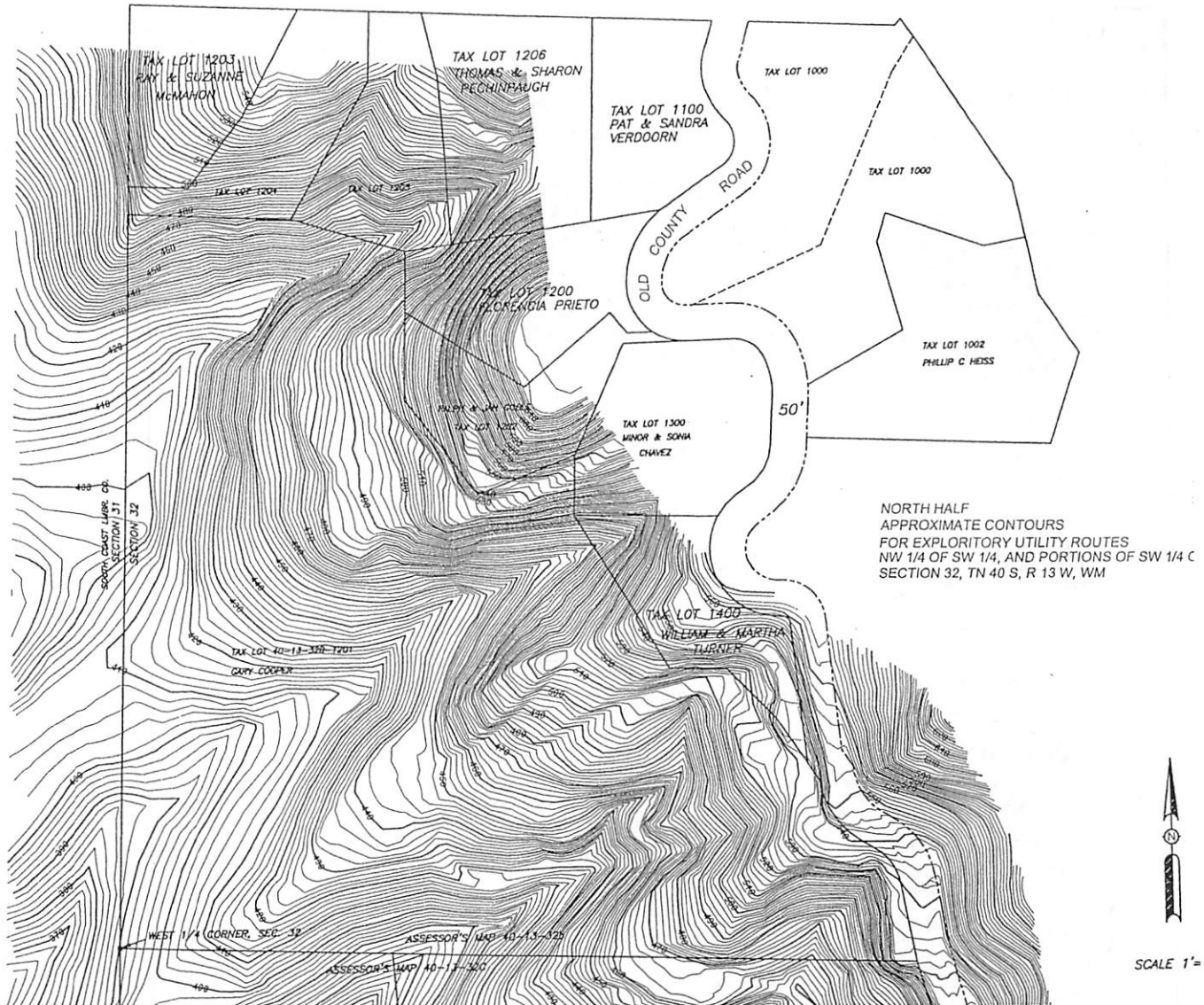
Assessor's Map: 40-13-32B, Tax Lots 1002, 1201, 1202, 1300  
40-13-32B, Tax Lots 211, 213, and 216

Size: 31.94 acres

Location: Old County Road

Zone: Curry County R-2 (Residential)





Applicant: Gary Cooper for KD Properties and Ron Hedenskog

Assessor's Map: 40-13-32B, Tax Lots 1002, 1201, 1202, 1300  
40-13-32B, Tax Lots 211, 213, and 216

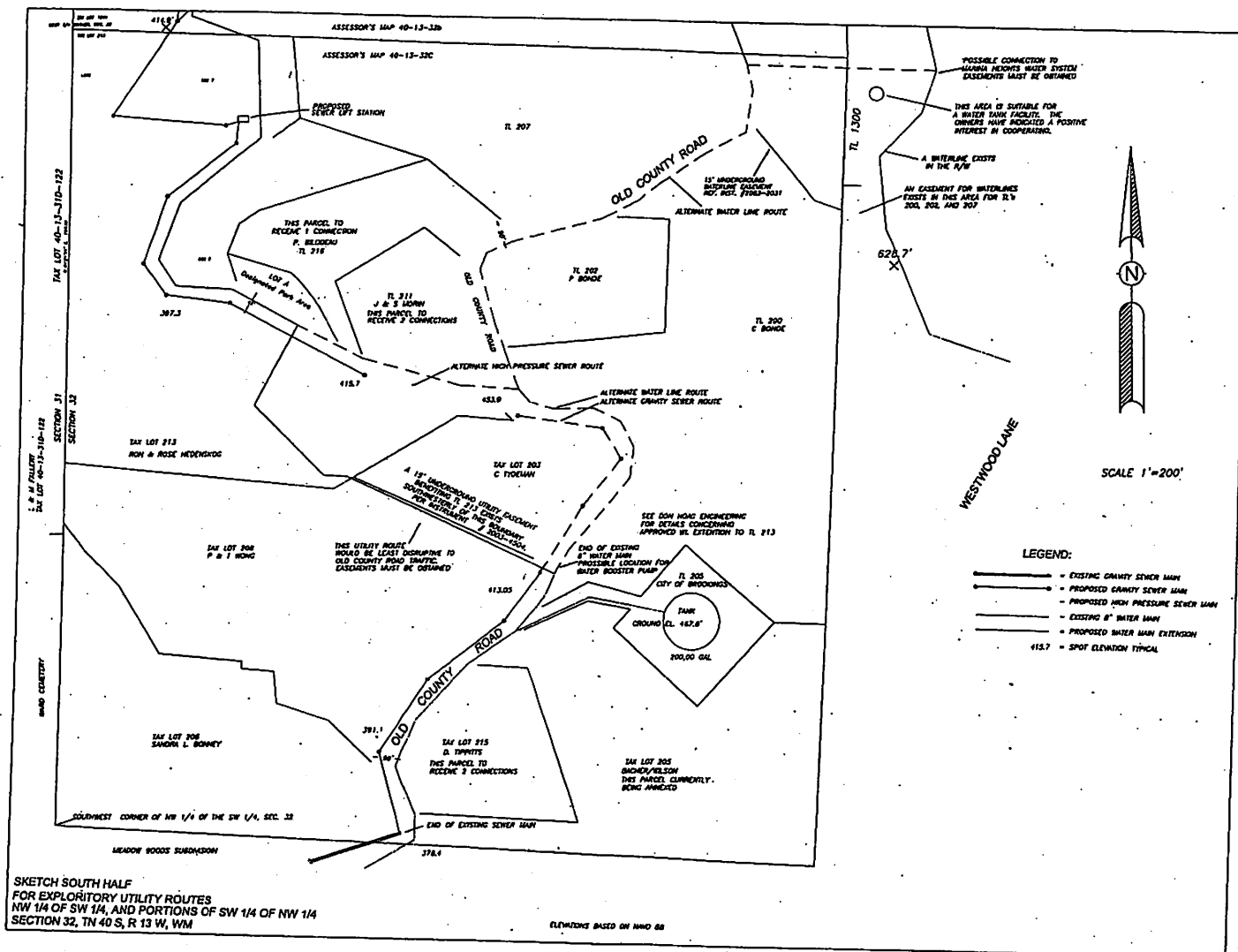
Size: 31.94 acres

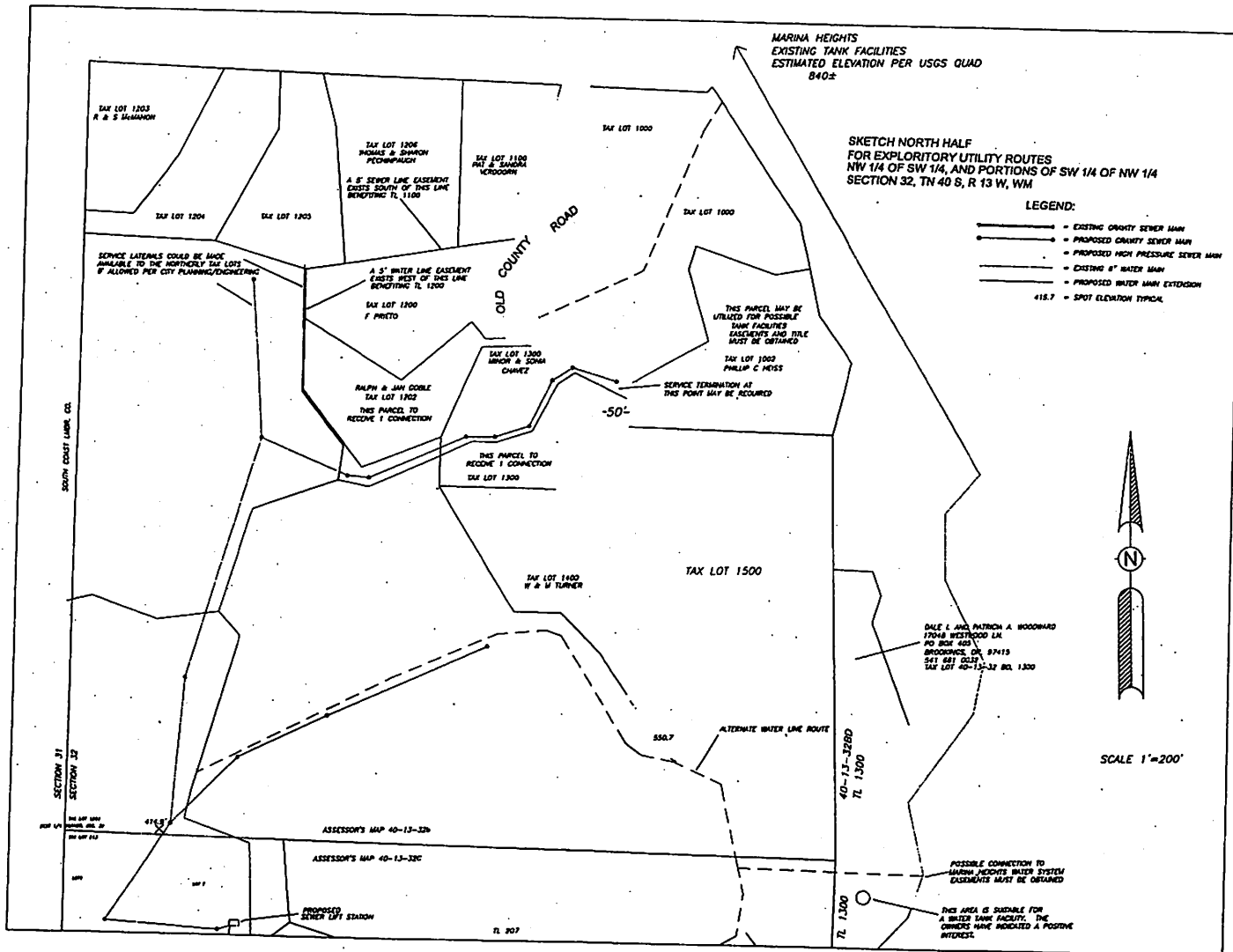
Location: Old County Road

Zone: Curry County R-2 (Residential)









**Applicant:** Gary Cooper for KD Properties and Ron Hedenskog

**Assessor's Map: 40-13-32B, Tax Lots 1002, 1201, 1202, 1300**

40-13-32B, Tax Lots 211, 213, and 216

**Size:** 31.94 acres

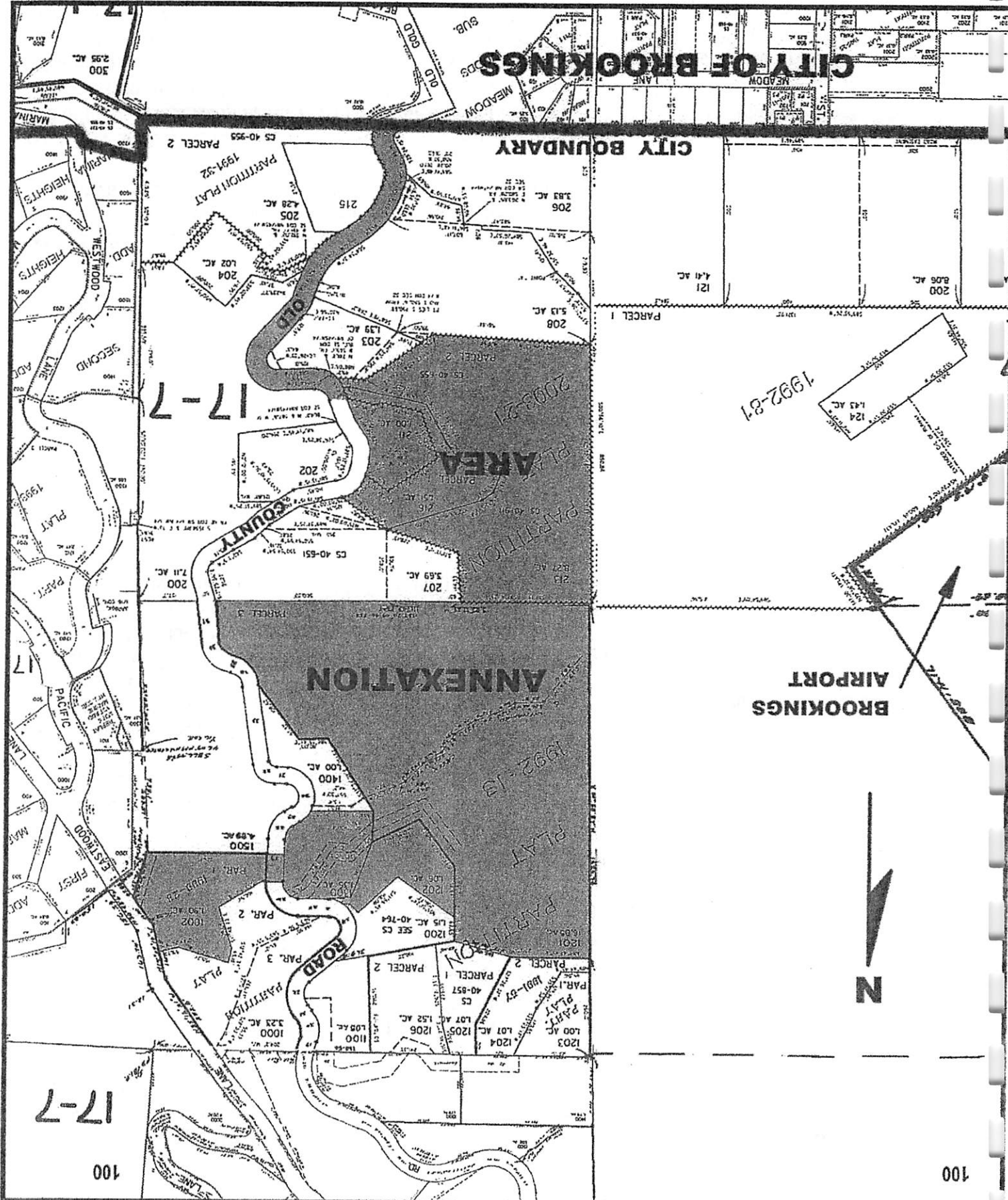
Location: Old County Road

Zone: Curry County R-2 (Residential)





Assessor Map Showing Proposed Annexation Area



**PROPOSAL:** Applicants Request annexation to the City of Brookings for undeveloped and developed land within their ownership's together with portions of adjoining "Old County Road" right-of-way. The area proposed for annexation includes 31.94 Acres in the multiple applicants ownership's plus approximately 1.14 Acres of land within the Old County Road right-of-way which fronts the property and reasonably connects the property to the existing City Limits. Also requested is the enactment of a combination of Suburban Residential SR-20 and Residential R-1-12 zoning for the subject property to allow potential urban development under subsequent application.

### EXHIBIT LIST

1. Subject Property Vicinity Map
2. Curry County Assessor Map 40-13-32B
3. Notification Map, Assessor Map 40-13-32C
4. Topographic Map of majority of the subject property.
5. "Old County Road Properties Rezone, Traffic Impact Study", dated July 15, 2005, by H. Lee & Associates.
6. Applicant Property Owner Annexation and Cost sharing Agreement signed by all applicants. And containing applicant signatures.
7. Preliminary map of "Exploratory Utility Routes" sketch by Stuntzner Engineering & Forestry showing alternative water and sewer facilities.

**NOTICE:** This application has been developed for the specific applicants and properties identified herein. Use of this application or portions of this application for other property or persons without the written consent of Western Land Use Services is not authorized.

**APPLICABLE CRITERIA:** Brookings Planning Director advises Section 148.020, 030 and 040 of the *Land Development Code* and applicable Policies of the *Comprehensive Plan of the City of Brookings* should be addressed in this application. This application is formatted so that ordinance requirements and our findings in regard thereto are both presented. Each applicable criterion is quoted and is then followed by our proposed findings of fact in response to that criterion. Part I addresses *Land Development Code* Section 148; and, Part II addresses applicable policies of the *Comprehensive Plan*. The information contained in these Findings and Exhibits should be considered as evidence on the relevant criteria in support of this application.

# FINDINGS IN SUPPORT OF ANNEXATION REQUEST

## Pursuant Land Development Code, Section 148

### 1. Statement of the Criterion:

**148.020 Application procedures.** 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. No part of the filing fee is refundable. Said application shall contain the following information:

A. Vicinity map identifying the proposed area of annexation and existing city limits.

#### a. Finding on this criterion:

This application was filed with the City, on the required form, on August 12, 2005 along with the Fee of \$725.00 as verified by City receipt No 1.011291. Application number ANX-4-05 was assigned to this application at that time. Through consultation with City staff, subsequent amendments and additions to this application resulted in this application being deemed complete for processing.

DLCD Notice of Proposed Amendment pursuant this application was mailed to DLCD by City staff on August 16, 2005 as required under Oregon Revised Statutes (ORS) 197.061 and Oregon Administrative Rules (OAR) Chapter 660.

The requisite vicinity map appears as **Exhibit 1** of this application. The best vicinity map for this application according to City staff are Assessor Maps 40-13-32B and 32C on which the Subject Property is delineated. Those maps were submitted with this application. Additionally, other maps appear throughout this application which show the subject property and its relationship to other property and features of the surrounding neighborhood. We conclude this application is in accord with this criterion.

### 2. Statement of the Criterion:

B. Assessor's parcel maps of the proposed annexation area, which maps shall indicate and identify those parcels 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.

#### a. Finding on this criterion:

Assessor Maps 40-13-32B and 32C are attached to this application as required. Tax Lots 1002, 1201, 1202 and 1300 of Map 40-13-32B and Tax Lots 211, 213 and 216 of Map 40-13-32C are the subject of this Request for Annexation. According to the records of the Curry County Assessor Department the owners of these lots are:

<u>On Map 40-13-32B</u>	<u>Acres</u>	<u>Name of Owner</u>
1002	1.90	Phillip C Heiss
1201	16.85	Garry & Lesa Cooper rep for K&D Properties
1202	1.06	Ralph & Jan Goble
1300	<u>1.35</u>	Minor & Sonia Chavez
<u>On Map 40-13-32C</u>		
211	1.00	Joe & Stephanie Morin
213	8.27	William R & Rose M Hedenskog
216	<u>1.51</u>	J Bilodeau
Total = 31.94 acres		

### 3. Statement of the Criterion:

**C. Consent to annex forms completed and signed by all property owners within the territory proposed to be annexed.**

#### a. Finding on this criterion:

This request for annexation does not require consent to annex forms be signed. According to City Planning Director the act of submitting application for annexation, because it shows intent of the property owner and contains that owners signature, replaces the need for the consent to annex form. Signatures of Principal Participants, Cooper and Hedenskog, appear on the application and signatures of the remaining applicants appear on the "Agreement", dated April 11, 2005, in agreement for annexation and reimbursement of funds to the Principal Participants (Cooper and Hedenskog). Together these documents contain all applicant's signatures. Therefore, no consent to annex form is necessary with this application and none is submitted. This application is a statement of intent and consent to annex and therefore is in compliance with this criterion according to staff.

### 4. Statement of the Criterion:

**D. Legal metes and bounds, or lot and block description of the territory proposed to be annexed.**

#### a. Finding on this criterion:

The subject property is legally described as Tax Lots 1002, 1201, 1202 and 1300 of Map 40-13-32B and Tax Lots 211, 213 and 216 of Map 40-13-32C together with that portion of the Right-of-Way of Old County Road (approximately 1.14 Acres) shown on those maps as applicants were instructed during discussions with City Management, Planning Department and Public works staffs should also be annexed.

### 5. Statement of the Criterion:

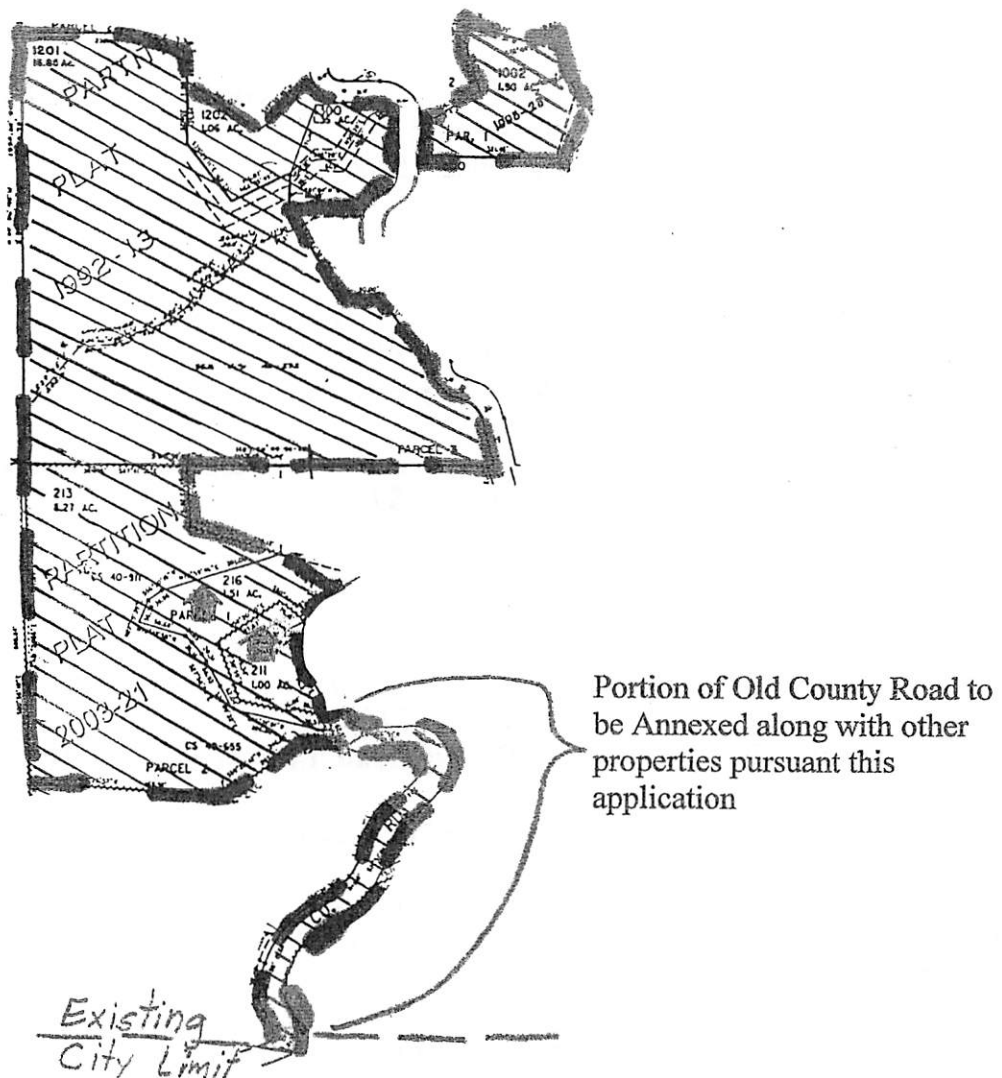
**E. Specific information on each parcel within the territory proposed to be annexed as follows:**

1. Current assessed valuation as shown on the Curry County Assessor's tax rolls.
2. Acreage.
3. Map and tax lot number.
4. Owner or owners of record and/or registered electors residing on the premises of the subject parcel.

a. Finding on this criterion: Map and Tax Lot # Assessed Valuation, Ownership and Acreage

A cut out portion of the Vicinity Map, showing only the parcels which make up the subject property and that portion of Old County Road to be annexed is printed below. Symbols representing dwellings are placed on tax lots where the Assessment information indicates dwellings are located. On the following page the Curry County Assessor office information, current as of July 15, 2005, is listed for each of the seven tax lots which comprise the subject property for this application.

SUBJECT PROPERTY  
EXISTING USES



	<u>Owner</u>	<u>Acreage:</u>
Tax Lot 1002, 40-13-32B; Improvements code # <u>none</u> and value = \$ 0 Land code # 120 and value = \$68,710 Situs Address (if any) <u>none</u>	<b>Phillip C Heiss</b>	1.90
Tax Lot 1201, 40-13-32B; Improvements code # <u>none</u> and value = \$ 0 Land code # 420 and value = \$ 119,380 Situs Address (if any) <u>none</u>	<b>K&amp;D Properties</b> 16.85 (represented by Garry & Lesa Cooper)	
Tax Lot 1202, 40-13-32B; Improvements code # <u>none</u> and value = \$ 0 Land code # 120 and value = \$ 113,000 Situs Address (if any) <u>none</u>	<b>Ralph &amp; Jan Goble</b>	1.06
Tax Lot 1300, 40-13-32B; Improvements code # <u>none</u> and value = \$ 0 Land code # 120 and value = \$ 98,810 Situs Address (if any) <u>none</u>	<b>Minor &amp; Sonia Chavez</b>	1.35
Tax Lot 211, 40-13-32C; Improvements code # 131 and value = \$ 131,000 Land code # 121 and value = \$ 102,040 Situs Address (if any) <b>16966 Old County Road, Brookings, OR 97415</b>	<b>Joe &amp; Stephanie Morin</b>	1.0
Tax Lot 213, 40-13-32C; Improvements code # <u>none</u> and value = \$ 0 Land code # 420 and value = \$ 65,670 Situs Address (if any) <u>none</u>	<b>William &amp; Rose Hedenskog</b>	8.27
Tax Lot 216, 40-13-32C; Improvements code # 141 and value = \$ 200,950 Land code # 121 and value = \$ 83,510 Situs Address (if any) <b>16958 Old County Road, Brookings, OR 97415</b>	<b>J Bilodeau</b>	1.51

**Note:** Improvement codes beginning with digit "1" represents a dwelling on the property.

**Resident Persons:** There are persons living on only two of the parcels. Tax Lots 211 and 216 are occupied by the owners as indicated in the review above. No other residing persons occur on any of the other subject properties.

**Portion of Old County Road within subject proposed annexation area:** 1.14

This road is publicly owned (County) and is not subject to and is exempt from taxation.

## **6. Statement of the Criterion:**

**F. Addresses of all dwelling units and businesses within the territory proposed to be annexed.**

### **a. Finding on this criterion:**

According to records of the Curry County Assessor Department, there are dwelling units located on two tax lots at the addresses listed below:

Tax Lot 211, 40-13-32C	16966 Old County Road, Brookings, OR 97415
Tax Lot 216, 40-13-32C	16958 Old County Road, Brookings, OR 97415

### **b. Finding on this criterion:**

If a lot is occupied by a commercial use the assessment data would record a Building Class (STAT) class number beginning with a first digit of "4". None of the subject tax lots have a building class number beginning with the digit 4. [Reader is cautioned the entry of class #420 pertaining to Tax Lot 213 in the listing of subject properties immediately above reflects a "Land class" and not a "Building class" number. Building class indicates the nature of the use of structures and not that of land.] Therefore, there are no commercially assessed structures located on the Subject Property according to records of the Curry County Assessor Department.

## **7. Statement of the Criterion:**

**G. Significant natural features within the area proposed for annexation including but not limited to, streams, wetlands, slopes, and areas of geological significance.**

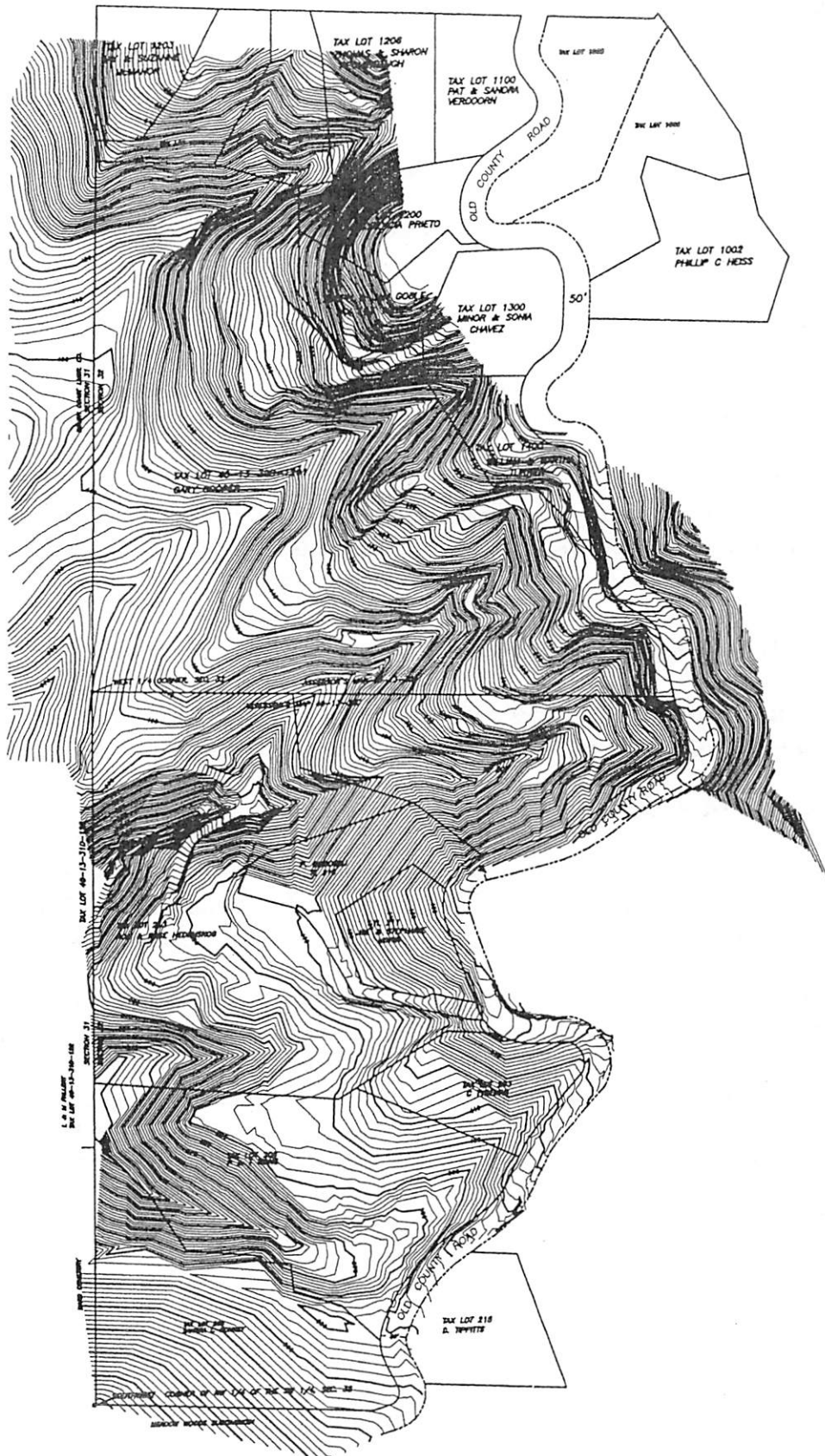
### **a. Finding on this criterion:**

The most notable natural feature of the subject property is the terrain itself. All of the seven subject parcels are located in the same landform known locally as Hilly Coastal Terrain. This terrain slopes generally down hill to the west and is cut by several minor drainages flowing in that direction.

A detailed topographic map, printed at a horizontal scale of 1" = 100' and at the size 24" X 36" is attached as exhibit to this application. As the map's legend indicates, contour data is a combination of ground survey and photogrammetric data purchased from Sdi West which was based on photography dated 1992. Intermediate contour interval is 2' and index contours are at 10'. This map also exhibits tax lot lines and numbers as well as the owners names of each tax lot. Old County Road right-of-way and section corners are also identified on the map. A much reduced copy of this topography map appears on the following page. Because it is greatly reduce to fit on the 8 ½ " X 11" inch page, it is to no known scale.



## Topography Map





## 8. Statement of the Criterion:

### H. Adjoining land uses.

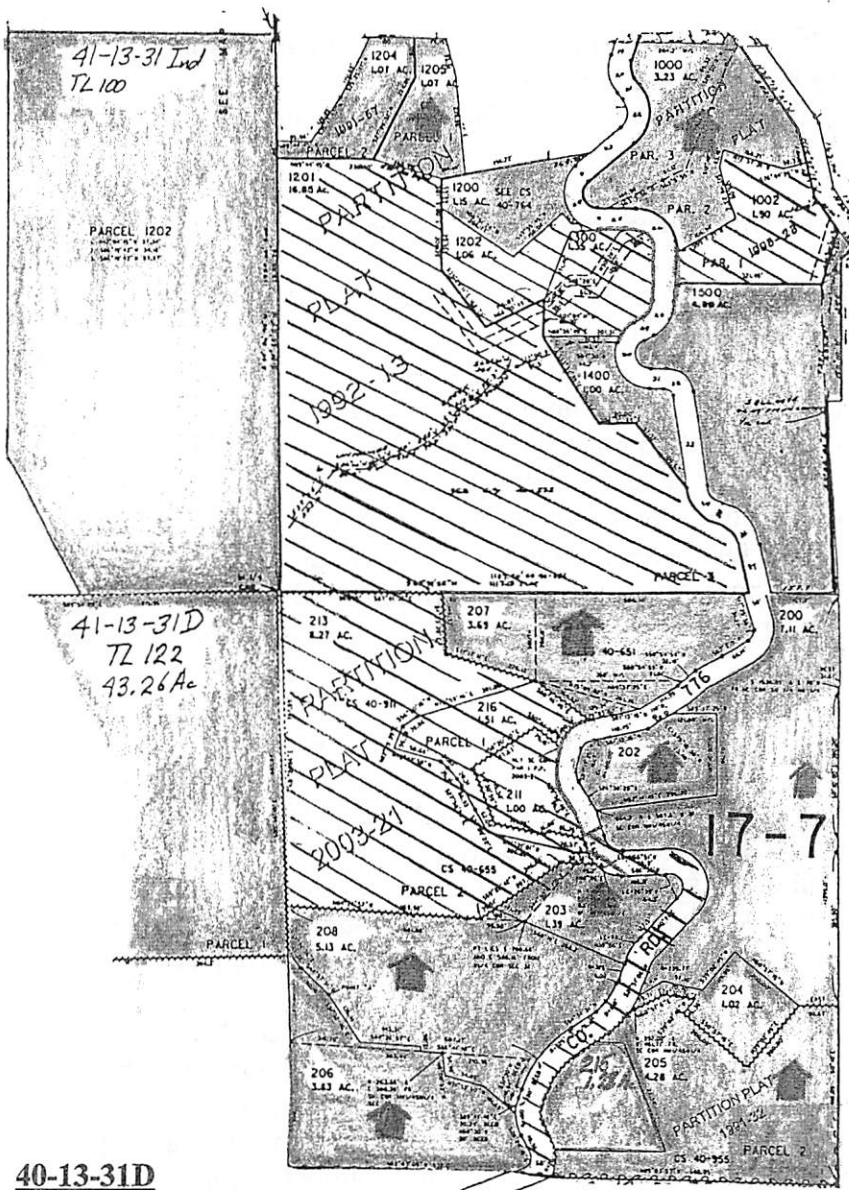
#### a. Finding on this criterion:

Adjoining land uses are listed below by map and tax lot number beginning with adjoining uses to the north then extending around the subject property in clockwise fashion as shown by the shading on the map. Assessment class numbers reflect buildings in like fashion as indicated above.

TL# Land / Building  
Class / Class = Use

#### 40-13-31

100 640 N/A none



#### 40-13-31D

122 640 N/A none

TL# Land / Building  
Class / Class = Use

#### 40-13-32B

1204	120	N/A	none
1205	121	143	dwelling
1200	120	N/A	none
1000	121	153	dwelling
100	940	N/A	none
1500	421	ET7	none
1400	121	144	dwelling

#### 40-13-32C

200	421	MD6	mob home
207	121	144	dwelling
202	121	142	dwelling
203	121	142	dwelling
204	940	N/A	City Tank
205	431	ED5	mob home
208	431	143	dwelling
206	131	142	dwelling
215	131	142	dwelling

## **9. Statement of the Criterion:**

**I. 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, storm drainage.**
- 4. Special service districts within the territory proposed to be annexed, such as water, irrigation, fire, school, sanitary and etc.**
- 5. Urban services needed and necessary to service the territory proposed to be annexed, the availability of same relative to capacity, condition and cost of extension and/or improvement to urban standards and an estimated time line for any required improvements..**
- 6. Compliance with all applicable goals and policies of the comprehensive plan.**
- 7. Compliance with all of the items listed in subsection 148.030.**
- 8. The burden of providing the findings is the responsibility of the applicant.**

### **a. Finding on this criterion:**

- 1. Existing land uses within the territory proposed to be annexed.**

The Curry County Assessor office land class numbers, current as of July 15, 2005, describe existing land use for each of the subject properties as follows:

Tax Lot 1002, 40-13-32B; Residential (under four acres), Unimproved (vacant)  
Tax Lot 1201, 40-13-32B; Tract (over four acres), Suburban (UGB), Unimproved (vacant)  
Tax Lot 1202, 40-13-32B; Residential (under four acres), Unimproved (vacant)  
Tax Lot 1300, 40-13-32B; Residential (under four acres), Unimproved (vacant)  
Tax Lot 211, 40-13-32C; Residential (under four acres), Suburban (UGB), Improved (buildings)  
Tax Lot 213, 40-13-32C; Tract (over four acres), Suburban (UGB), Unimproved (vacant)  
Tax Lot 216, 40-13-32C; Residential (under four acres), Suburban (UGB), Improved (buildings)

### **b. Finding on this criterion:**

- 2. existing zoning and comprehensive plan designations within the territory.**

The subject property (7 tax lots plus portion of Old County Road) lies within the jurisdiction of Curry County. The County Comprehensive Plan designates the property as Residential and the County Zoning Ordinance Map indicates all of the subject property is zoned Residential R2. The subject property is located within the Brookings Urban Growth Boundary as adopted in 1981; later amended in 1995; and, acknowledged by the Land Conservation and Development Commission May 2002.

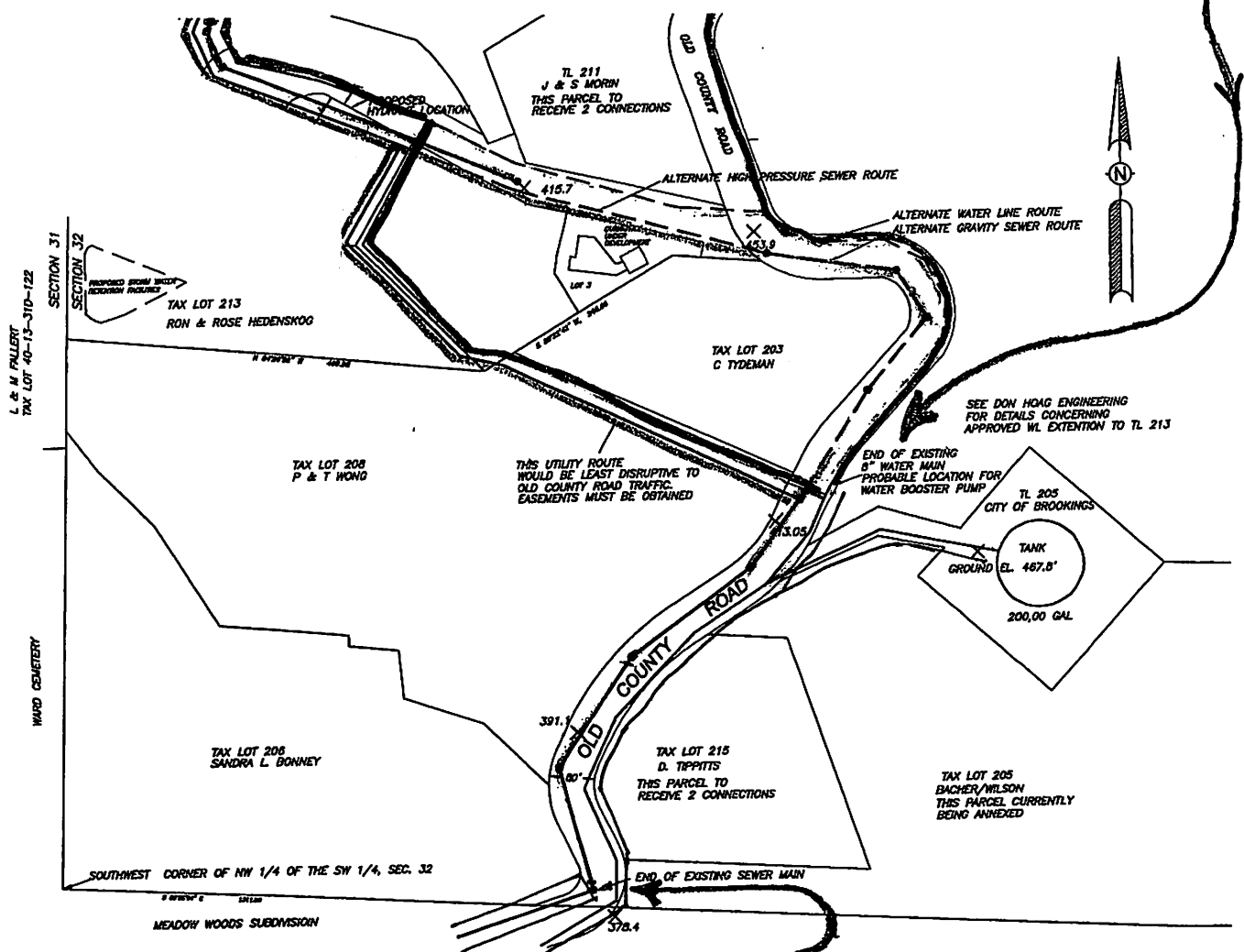
Prior to the group applicants decision to annex the subject property to the City of Brookings, a few of the property owners considered development options under County jurisdiction through the county Residential R2 zone. However, we concluded annexation and development to City residential standards would be more in keeping with City plans and intentions to urbanize the Old County Road neighborhood over the long run as evidenced in the City and County Comprehensive Plans and Urban Growth Boundary documents which allow extension of municipal sewer service upon annexation to the City.

As discussed elsewhere in this application, it is applicants Cooper and Hedenskog intent and proposal at this time, upon annexation to the City and after City approval of preliminary plat or other land use application for portions of the subject property, to construct sewer and water lines along the southerly portions of Old County Road and passing over to the west and within their property.

**c. Finding on this criterion:**

**3. Existing improvements, such as water system, streets, sanitary sewer, storm drainage.**

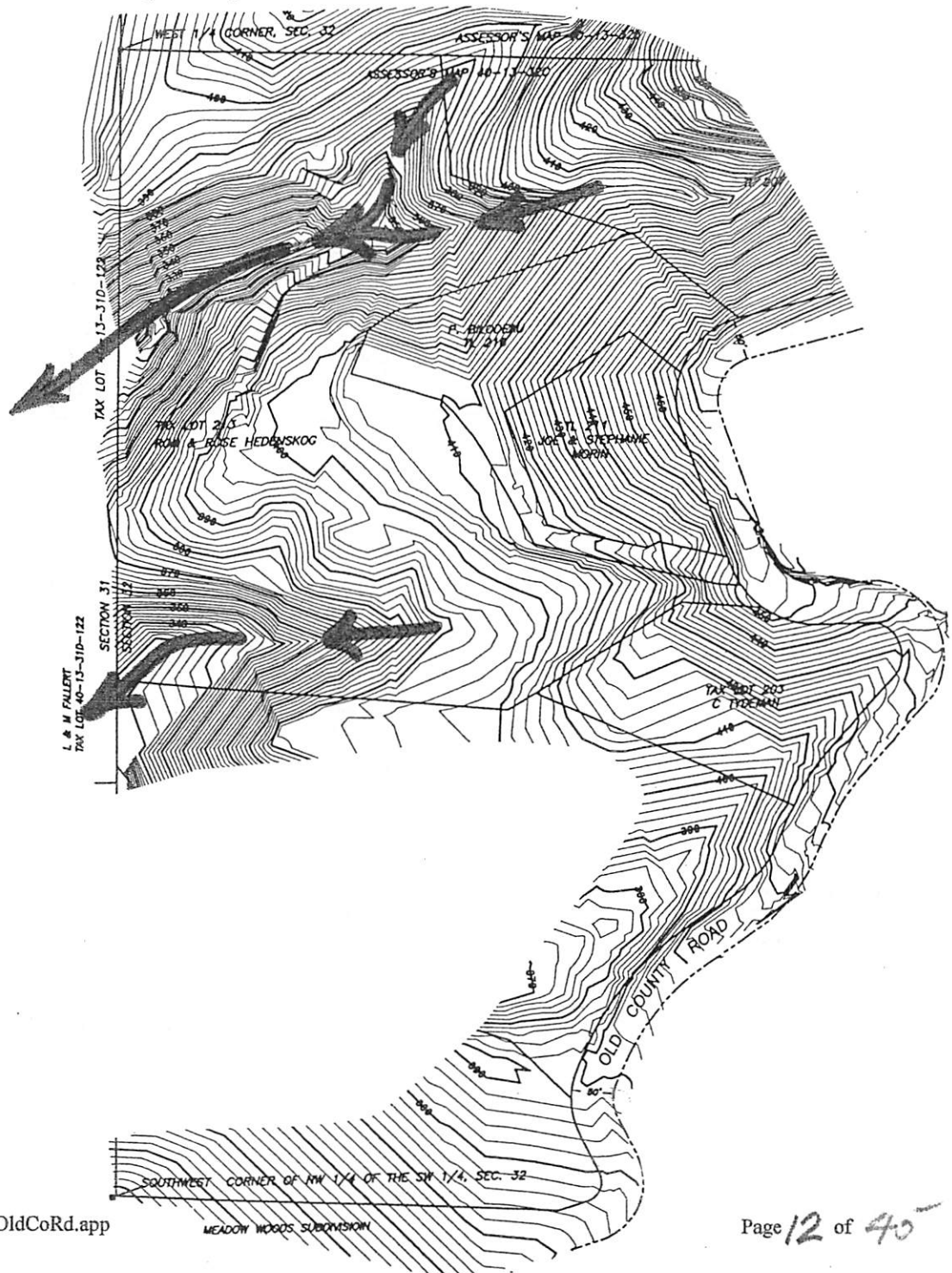
The existing 8" City Water Line main extends approximately 590 feet north of the City Limit in the adjacent R-o-W of Old County Road at which location it is located approximately 400 feet from the southeasterly end of the Hedenskog property (TL 213) where that property abuts the R-of-W of that Road.



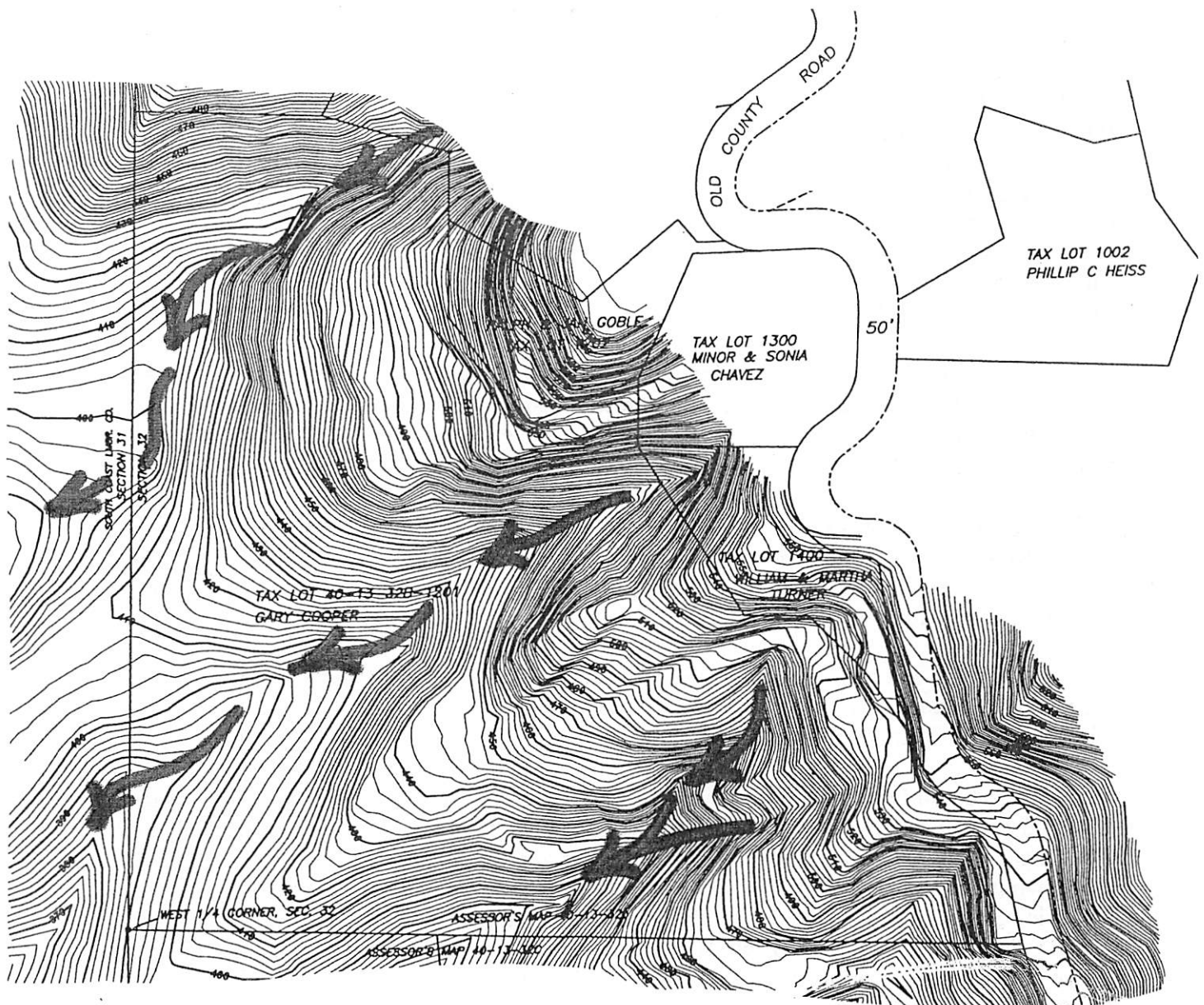
At this writing, the nearest City of Brookings Sewer Line is within the right-of-way of Old County Road and approximately 990 feet along Old County Road from the southeasterly end of the Hedenskog property (TL 213) where that property abuts the R-of-W of that Road.

Old County Road is a paved, striped, two lane County Road (#776) which lies adjacent generally to the west and/or runs through portions of the Subject in a general trend south to north. That road is designated a Collector at Tables 4-9 and 5-17 of the City of Brookings Transportation Systems Plan. According to Curry County Road Dept., this road averages 20 foot wide, asphaltic pavement; is a two lane striped, collector road.

The storm drain system in the vicinity consists of natural drainage channels. Beginning with the subject area found on Assessor Map 40-13-32C and shown on the topographic map below we demonstrate the minor drainages which flow through the Hedenskog, Morin and Bilodeau property. These properties are the most close to the existing City of the subject properties and are the southerly portion of the subject. The existing minor drainages are accentuated by heavy arrows showing the direction of flow which trends generally downhill to the west.



Next the subject area found most northerly from the existing City limit and on Assessor Map 40-13-32B and shown on the topographic map below we demonstrate the minor drainages which flow through the Cooper, Chavez and Goble and property. These are the northerly portion of the subject west of Old County Road. The existing minor drainages are accentuated by heavy arrows showing the direction of flow which, again, trends generally downhill to the west.



Other services such as Telephone, cable TV and electric lines also exist in the area and are provided to the developed properties which exist along Old County Road further north from the subject. Those services are in use in this vicinity.



**d. Finding on this criterion:**

**4.Special service districts within the territory proposed to be annexed, such as water, irrigation, fire, school, sanitary and etc.**

According to Assessor Map 41-13-31B, the subject property is located in an area of Curry County assigned tax code area 17-7. According to printed information distributed by the Assessors Office titled "Curry County 2003-04 Tax Roll Summary By Taxing Districts" the following special districts and other entities have taxing authority in this tax code area:

School District 17-C  
Education Service District  
South West Oregon Community College  
Port of Brookings-Harbor  
South Curry Cemetery District  
Suburban Fire District  
Chetco Library District  
Coos Curry 4H & Extension  
Curry County General  
Curry Soil and Water Conservation

Three of the districts listed are involved with educational facilities and services. One district governs the Chetco River/Ocean interface and related parameters. There are cemetery, fire and library governing bodies (districts) as well. Based on this tax code area information there are no special districts providing municipal water or sewer services to the subject property or its vicinity.

**e. Finding on this criterion:**

**5.Urban services needed and necessary to service the territory proposed to be annexed, the availability of same relative to capacity, condition and cost of extension and/or improvement to urban standards...**

A complete array of Brookings area urban services is anticipated and desired to serve the area to be annexed to include: municipal sewer and water, police and fire protection. Electric service, cable or satellite TV and etc. are all anticipated and desired.

The availability (relative to capacity) of sewer and water has always been addressed by the City, as far as connection or new hookup is concerned, on a first come first served basis. During times when capacity is not available, for what ever reason, for instance in sewage treatment facilities, the City would not issue additional hookup permits until such time as the treatment facilities have been reviewed and improved so that additional sewage treatment capacity is restored and available. That said, Planning Director, Mr. Bischoff, indicates sewage capacity in the City is not a problem because the "City treatment facilities have capacity for urban growth boundary buildout". The subject properties are located within the urban growth boundary; therefore, capacity to serve these properties at urban density exists.

Cable or Satellite TV service, High speed internet service, telephone service and any similar services are normally affected to the individual residence on a contractual basis between the provider and the individual home owner or renter except that as development permits and/or land division plats are processed by the City, the City normally requires underground conduit to be installed so that wiring for these services can be installed underground. This is common practice with subdivision or PUD developments in the City and is anticipated in this case.

Construction method and design of these utilities is not a facet of annexation itself; rather, it will be addressed, and the method of construction will be required, by conditioning of preliminary plats during consideration and issuance of development permits after annexation occurs.

Applicant's Hedenskog and Cooper intend construction of their individual developments, at the latest, no later than during the construction season of 2006. This will entail completion of the annexation process and then submittal and processing of individual subdivision, partition or planned unit development permits and then engineering and design work for the actual placement of structures and utilities and services through the land use permit process. Applicant's Heiss, Goble, Chavez, Morin and Bilodeau have not at this time made known their desires for land divisions or additional dwelling construction. Because these properties are small the development potential of their parcels may not be as substantial as the two large parcels. It is likely permits for individual buildings on these smaller parcels will occur time to time over a few years period.

**Criteria Repeated:**

- 6. Compliance with all applicable goals and policies of the comprehensive plan.**
- 7. Compliance with all of the items listed in subsection 148.030.**
- 8. The burden of providing the findings is the responsibility of the applicant.**

**f. Finding on this criterion:**

Issues regarding compliance with all applicable goals and policies of the comprehensive plan are discussed in **Part 2** of this application and those findings, by this reference, are made a part hereof.

Issues regarding compliance with criteria A through E of subsection 148.030 are dealt with below in the remainder of this **Part 1** of this application.

The findings and exhibits presented here are by the arrangement of and the effort for the applicant. Subsection 8. is instructive to an applicant and does not itself necessitate finding.

**CONCLUSION ON THIS CRITERION:**

We conclude the written findings of fact presented above address the criteria of Brookings Development Code Section 148.020.I.

**10. Statement of the Criterion:**

**148.030. 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.**

**a. Finding on this criterion:**

Through out the land use planning process cities and counties were to establish urban growth boundaries in response to Statewide Planning Goal 14. The subject property is within the Urban Growth Boundary adopted along with the City of Brookings 1981 Comprehensive Plan. Additionally, the subject property lies within the expanded Urban Growth Boundary adopted by the City of Brookings and Curry County in 1995. The subject property remained within the Urban Growth Boundary after Periodic Review work task evaluations were Acknowledged in May 2002 by the Land Conservation and Development Commission. The subject property is therefore planned for urban residential use by the Comprehensive Plan Map. No redesignation from residential use to some other use is sought with this application.

**b. Finding on this criterion:**

Goal 14 sets out seven factors local governments are to consider when establishing or changing urban growth boundaries. The City of Brookings and Curry County have worked during the past decades, late 1970's through 2002, to first establish and then amend the Brookings Urban Growth Boundary in response to the charge of the seven factors of Goal 14. Inclusion of the subject property within the UGB was not been challenged during that time and was not an issue during the process.

Two of the seven factors address ..."orderly and economic provision of public facilities and services"...and..."Maximum efficiency of land uses within and on the fringe of the existing urban area...". Following the adoption of the 1981 Comprehensive Plan the Land Conservation and Development Commission acknowledged the Brookings Comprehensive Plan (and the included Urban Growth Boundary) as being in compliance with the Statewide Planning Goals. Several years of effort by the City of Brookings and Curry County to amend the UGB resulted in changes the boundary in 1995 and subsequent LCDC Acknowledgment of that amendment.

Therefore, we conclude the proposed annexation is within the urban growth boundary and represents a logical, efficient and economical extension of the City boundaries. The subject property remains in the acknowledged urban growth boundary and is urbanizable land. Further, annexation of the subject property is found to be a necessary control for development form and standards of an area adjacent to the City.

## **11. Statement of the Criterion:**

**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 and Services Plan and the Land Development Code for provision of these services. The adequacy of these services shall be considered in relation to annexation proposals.**

**a. Finding on this criterion:**

As reviewed in this Application, the proposed annexation is in compliance with the criteria for annexation contained in the Brookings Land Development Code. Long ago the City developed



and published its projected growth patterns in the Comprehensive Plan and Urban Growth Boundary documents. Annexation of this relatively small property in comparison the City and its UGB will not bring about all of the plans and aspirations for growth of the City. Annexation of the subject property will assist the City to reach its goals for residential growth and development as stated in the Plan. Because the subject lies adjacent existing, paved streets and other utilities and services, development of the subject property will occur in an efficient manner with little impact to existing services and neighborhoods.

**b. Finding on this criterion:**

As stated above the subject property was included within the UGB after consideration of the Goal 14 factors including those regarding economic provision of services and the Boundary was acknowledged by LCDC. The positive judgment regarding economic provisions of services to the subject property inherent in those decisions most probably resulted from its location in relation to the City, its urban facilities and the semi-urban nature (already developed with suburban levels of lot patterns and some residential uses) of the neighborhood. Water and sewer mains are located within the right-of-way of Old County Road nearby. As reviewed above existing sewer is at the City Limit. The sewer main is located approximately 990 feet along Old County Road from the southeasterly end of the Hedenskog property (TL 213). An 8" water main is located within that adjacent right-of-way and extending past TL 215 and extends approximately 590 feet north of the City Limit slightly past the point where it leaves Old County Road right-of-way to extend east to the location of the existing City water tank located on Tax Lot 204. This water tank is also outside of and beyond current City Limit. Neither water or sewer service is currently available to all of the subject property. The applicants intend constructing sewer and water mains to the property. "Exploratory Utility Routes" are shown on the Preliminary Sketch by Stuntzner. At this writing, it is anticipated both sewer and water lines to serve the Hedenskog and Cooper property will leave the right-of-way of Old County Road at the flagpole/drive to Hedenskog's Tax Lot 213 and traverse that property to the lower portion of that site near its northerly boundary where a lift station is proposed. The Cooper and other parcels included within this annexation request lying north of Hedenskog's Lot 213 would then be served gravity sewer lines from that lift station. Both of these will be accomplished at the applicants expense and at no cost to the City. Applicants are aware of "Reimbursement Procedures" found at Section 172.065 of the Brookings Development Code and expect reimbursement as other developments may come on line and attach to the system applicants have completed as this City process currently provides. This situation most certainly qualifies as "economic provision of service". It provides maximum use of gravity sewer lines instead of multiple lift stations which might otherwise be required for sewer location within Old County Road right-of-way; and, it provides sewer and water services to the annexation area at the applicant's expense. Other services such as power, cable TV, telephone, etc. are already located along this right-of-way and are currently in use within the neighborhood. Those Uses will be intensified as development occurs.

**c. Finding on this criterion:**

Of paramount concern when developing urban areas with an eye toward "functional and economic provisions of services" is whether the area to be served drains down hill to the nearest existing sewer main. Put another way; will sewer lines be able to flow by gravity rather than having to rely on mechanical pumping stations to assist the flow of sewage to treatment facilities. The least expensive, and therefore the most economical, is normally gravity flow piping. The alternate routes shown on the Stuntzner Sketch provide a potential for only one pumping station to serve the area

with sewer as discussed above. A review of the topography map reveals that placing sewer within the existing right-of-way of Old County Road would likely result in multiple pumping stations being required thereby raising the cost of sewer service to the area considerably. Since the vast majority of the subject property is located uphill from the existing sewer line at existing City Limit and uphill from the proposed sewer route and pump station, we conclude the proposed annexation will facilitate the functional and economic provision of services within the UGB.

**d. Finding on this criterion:**

City police and fire services and other services are in existence and use in the neighborhood to the south along Old County Road within City Limit located closely to the south of the subject property. Reciprocal service agreements are currently in effect for police and fire protection service between Curry County and the City. Mr. Sharp, Fire Chief indicates the name of the District was recently change from the former Suburban Rural Fire District to the Brookings Rural Fire District, which is essentially the City of Brookings Fire Department. This District currently provides structural fire protection for the entire area of the subject property. Upon annexation the subject area will simply be under the coverage of the Brookings Fire Department and not the Brookings Rural District. The Subject Property has an area of approximately 31.94 acres. City services will not be significantly impacted by annexation of the subject and subsequent development of homesites. On the contrary, installation of sewer and water mains over such a long distance and at little or no cost to the City will both improve the functionality of those systems and constitute the economic provision of those services to and through the Old County Road neighborhood. Development of the subject will result in extension of systems to the subject property and neighborhood of appropriate size for the urbanizable area. The discussions contained in this application regarding impact analysis of the proposed annexation demonstrates the positive economic impact of the annexation. We conclude the proposed annexation will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city.

**e. Finding on this criterion:**

The list of property, along with acreage, ownership and potential number of dwellings, resulting from property owner preference; and, preapplication discussions with City of Brookings staff, is indicated below. This list is reduced from the original because some owners dropped out; and, because City staff determined some of the original properties could not be reasonably considered contiguous.

considered contiguous.		# of new dwelling units	
Tax Lot	Acres	Proposed	zone min lot
<u>On Map 40-13-32B</u>		by owner	R 12,000
1002	1.90		6
1201	16.85	50	61
1202	1.06		4
1300	<u>1.35</u>		4
Subtotal =	21.16		
<u>On Map 40-13-32C</u>			
211	1.00		3
213	8.27	8	30
216	<u>1.51</u>		<u>5</u>
Subtotal =	10.78	SubTotal dwellings = 58	113

Total = 31.94 acres

Total dwellings units possible with R-1-12 (12,000 sq.ft.) = 113 High estimate

Two applicants, Cooper and Hedenskog, have preliminary plans showing a total of 58 dwelling units on their combined properties which account for 25.12 of the total 31.94 acres. The preliminary plans of these two property owners are attached as Exhibits to this application. Several of the existing properties are already developed and, as can be seen above, are approximately an acre in size. Due to steep slopes in the area and the fact some of the lots have existing dwellings placed in such fashion as to perhaps preclude all additional units listed, several may not be developable to any greater extent. The actual number of additional dwellings may be lower than shown above.

**f. Finding on this criterion:**

The July, 2005 population estimates for the City of Brookings as published by Portland State University Center for Population Research was 6,050 persons. The 2000 U.S. Census reported an average of 2.38 persons per household and we assume that is still fairly accurate for purposes of this impact assessment. Accordingly, extrapolating from those figures results in 2,542 households within the City (6,050 divided by 2.38). The maximum potential of 113 dwellings, if all the subject property were to be zoned R-1-12, would add approximately 269 persons to the City population ( $113 \times 2.38 = 268.94$ ). [This will not actually be the case however because only the Cooper and Hedenskog property is requested to be zoned R-1-12.] One hundred thirteen dwellings equates to 4.5% (0.0444) of existing households in the City and 269 persons equates to less than 4.5% (0.0444) of the City population. These are not great increases in existing conditions and these increases would not cause a great impact on municipal services. This density is also not a high density for urban use.

However, for purposes of assessing impacts from development which is actually planned, we take a conservative approach and utilize the 58 dwelling units proposed by Hedenskog and Cooper and combine those with the maximum number of dwelling units which could be developed on the remaining five parcels again assuming R-1-12 zoning. [This again is an over estimate because only the Cooper and Hedenskog properties are requesting R-1-12 zoning. The other lots in the application would be zoned twenty thousand square foot minimum lot size by City policy according to Planning Department Staff.] From the above chart the total dwelling units would be the 58 proposed by Hedenskog and Cooper plus 22 on the remaining five parcels for a total of 80 dwelling units.

Eighty (80) dwellings on the subject property would add approximately 190 persons to the City population. That is less than 3.5% (0.0354) of existing households in the City and 190 persons equates to less than 3.1% (0.0314) of the City population at total maximum build out given all Residential, 12,000 square foot density. These are not great increases in existing conditions and even these high estimate increases would not cause a great impact on municipal services. This density is also not a high density for urban use.

**g. Finding on this criterion:**

The developer of the project will construct all streets and utilities necessary to develop the site. Richard Nored of HGE [Consulting Engineer for the City of Brookings] estimates costs provide utilities (sewer, water and storm drainage buried) will likely range from \$100 to \$150 per lineal foot. Regardless the cost, it is City policy the developer will be responsible for construction of required services to City standards.

## 12. Statement of the Criterion:

**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.**

### **a. Finding on this criterion:**

Old County Road is the only existing street within the proposed annexation area and it is the only existing public street and right-of-way serving the subject properties. It is County Road # 776 which is 20 +/- feet wide, two lane, paved and striped, according to Mr. Crumley, Director of Curry County Road Department.

City staff advised applicants during the early stages of this application procedure a traffic impact analysis to determine impacts of the proposal and subsequent development on existing streets and adjacent transportation facilities would be necessary as this section requires. Applicants commissioned such a study be accomplished by the traffic engineering consulting firm of Hann Lee & Associates. Their report, "Old County Road Properties Rezone Traffic Impact Study", is attached as **Exhibit 5** to this application. Conclusions and Recommendations of that report are as follows:

[Note: ODOT = Oregon Department of Transportation,  
v/c = volume to capacity ratio which is a measure of traffic impact on a road.]

#### Findings

- The Old County Road rezone properties are expected to generate 1,120 daily, 8 A.M. Peak hour (22 in, 66 out), and 118 P.M. Peak hour trips (75 in, 43 out) with the existing county zoning. With the proposed city R 12,000 rezoning, The Old County Road rezone properties are expected to generate 1,120 daily, 8 A.M. Peak hour (22 in, 66 out), and 118 P.M. peak hour trips (75 in, 43 out). With the proposed city SR 20,000 rezoning, the Old County Road rezone properties are expected to generate 670 daily, 53 A.M. Peak hour (13 in, 40 out), and 71 P.M. peak hour trips (45 in, 26 out).
- With the signalization and lane improvements identified in Section II, the US 101/Constitution Way intersection will operate within the maximum allowable standard of 0.80 in the 2025 Existing Zoning, 2025 Proposed R 12,000 and SR 20,000 zoning scenarios. ODOT is in the process of creating an improvement project at the US 101/Constitution Way intersection similar or identical to those improvements identified in Section II of this report.
- In comparing the v/c ratios between the R 12,000 and SR 20,000 zoning alternatives, there is essentially no difference. Both alternatives will have almost identical v/c ratio impacts to the 2025 traffic operations.
- The impacts of either R 12,000 or SR 20,000 rezone proposal is either equal or less than the impact of the existing Curry county zoning for the Old County Road properties.

#### Recommendations

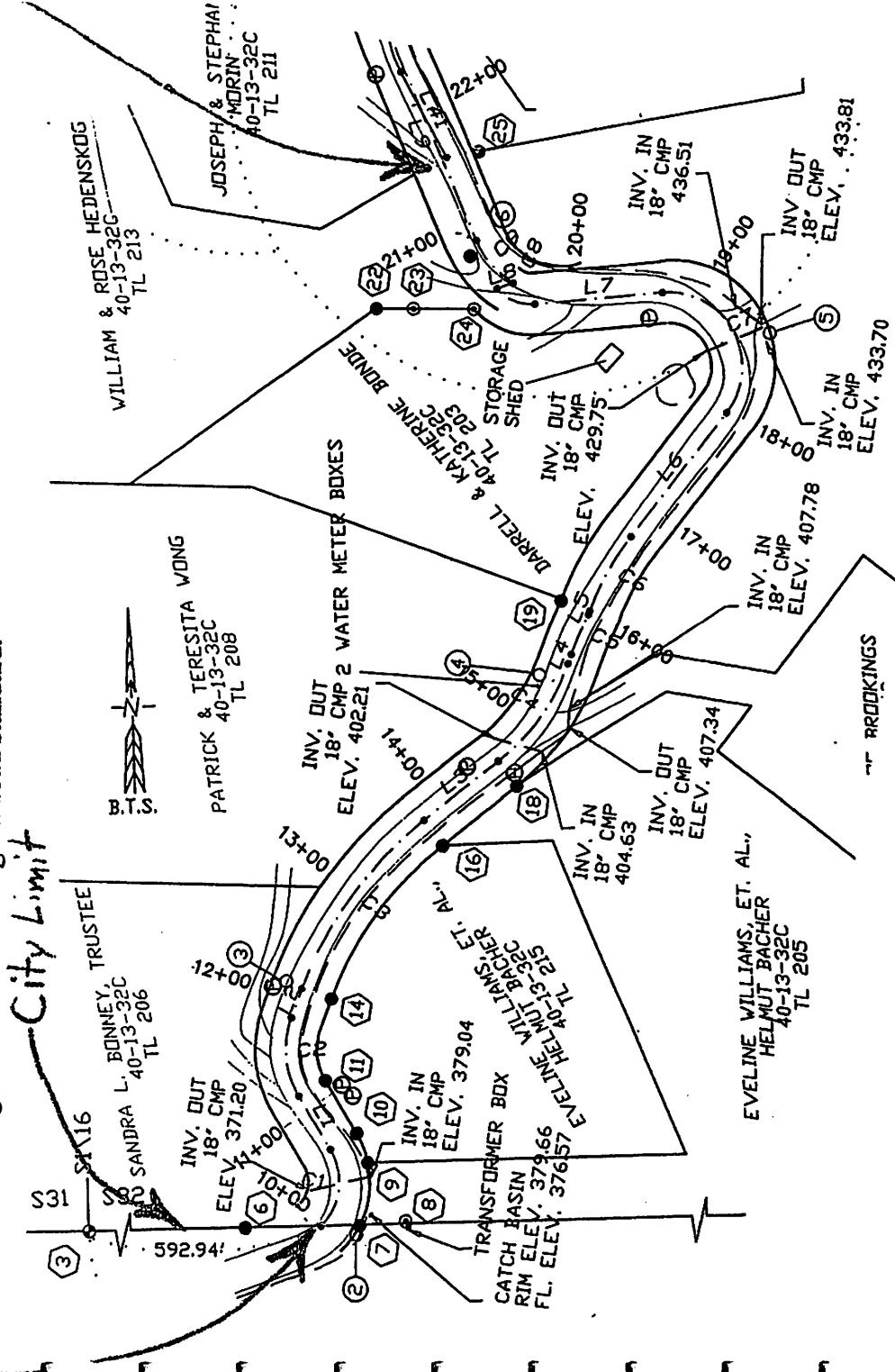
Based on the traffic impact analysis documented in this report and the assumption that ODOT improves the US 101/Constitution Way intersection in the near future to mitigate the below standard v/c ratio, the rezone proposal of the Old County Road properties should have not significant traffic impacts.

We conclude this report provides the required documentation of impacts and addresses the adequacy of the transportation facilities so that these matters may be considered in relation to this annexation proposal.

**b. Finding on this criterion:**

Planning Department staff advised applicants the road standard for Old County Road in this area of steep slope (over 15% slope) will be the same as applied recently to Pacific Terrace, a Planned Unit Development adjacent to the south within the City. That standard is twenty four feet of pavement with a paved four foot wide shoulder on one side (preferably the uphill side of the road). In way of addressing the adequacy of Old County Road in relationship to this annexation proposal, applicants commissioned the consulting engineering firm Don Hoag & Associates for analysis and sample improvements aimed at bringing the portion of that road proposed for annexation to City standards. Mr. Hoag found that utilizing precast 2' X 2' X 6' concrete blocks, concrete footings and standard design guard rails in various combination at different locations along that road will allow improvement of the road to the standard specified. [He also advises other alternatives for modifying the annexed portion of Old County Road to meet the standard may also be available and practicable.]

Engineer Hoag's analysis was accomplished on plan and profile as built drawings provided him by the Curry County Road Department. The portion of the road proposed for annexation is that extending from existing City Limit at Engineers Station 10+00 to the most northerly portion of the Hedenskog's TL 213 adjacent that road which occurs at approximately Engineers Station 21+50. Mr. Hoag analyzed the road at each engineers station along that distance (2,150 feet) and provided drawings at each of the twenty one stations demonstrating a method of bringing the road to the standard indicated above. A reduced (70%) copy of the plan view of that section of Old County Road appears below. Beginning on the following page are representative cross section modifications demonstrating a method of meeting the road standard.

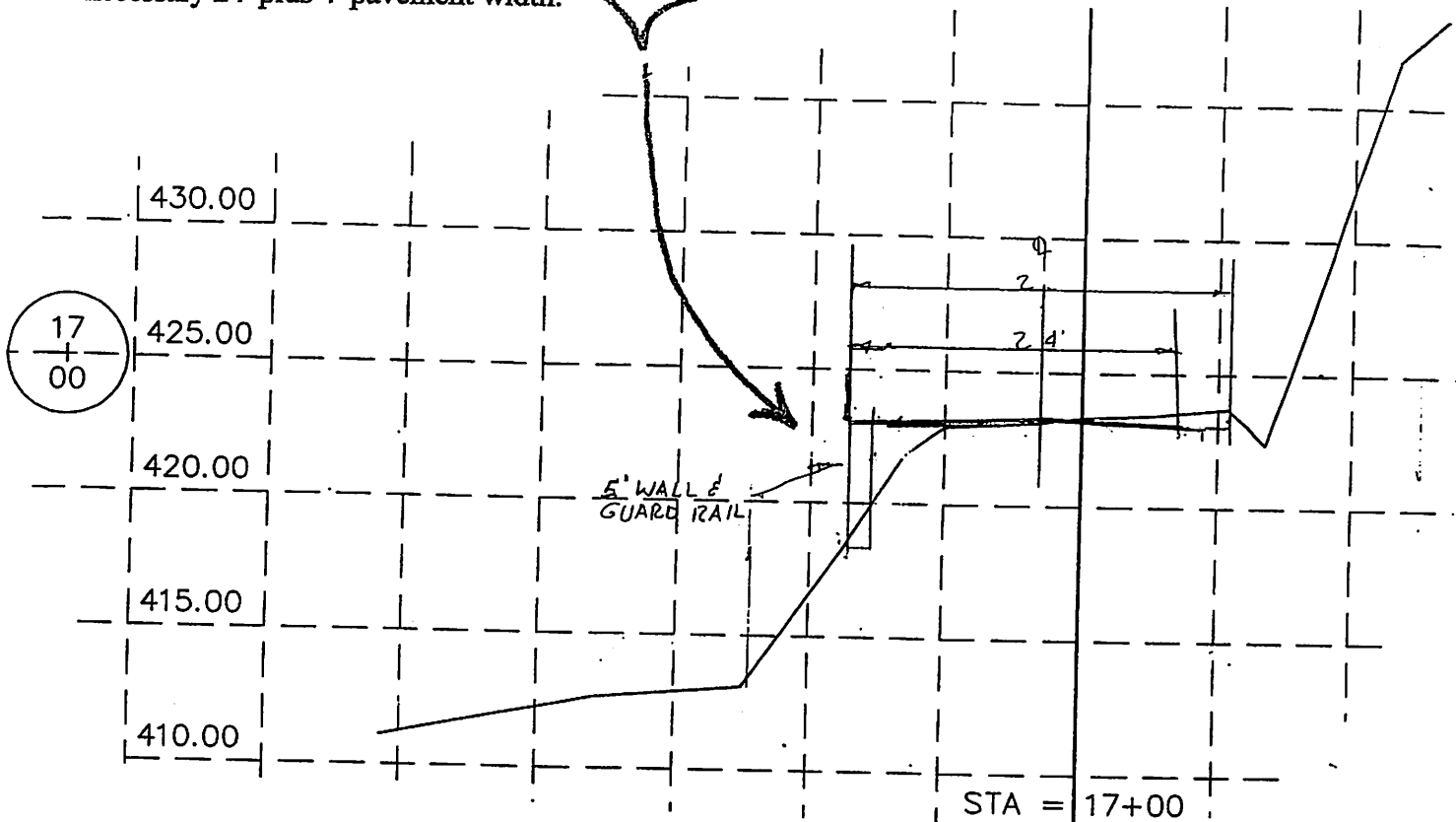


A few of the amendments to the cross sections (but not all 21 of them) are printed below for demonstration purposes. These are reduced for purposes of clarity and printing on this document size and are therefore to no known scale (although the reduction was to 70%).

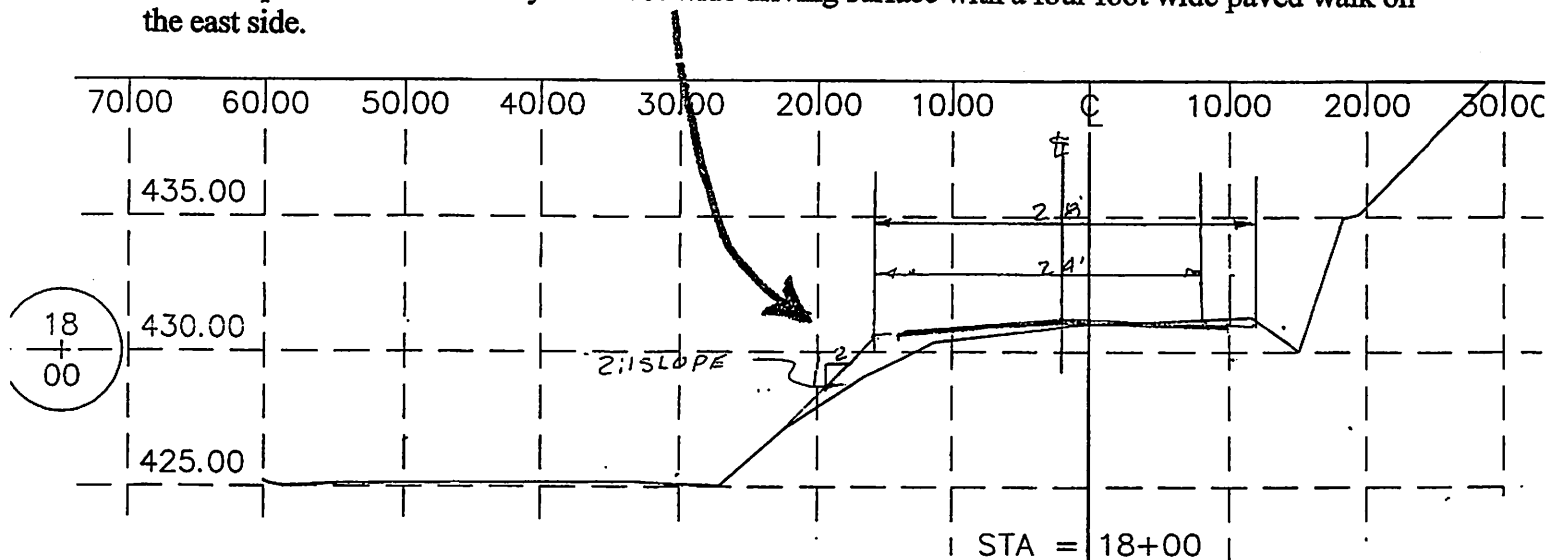
### Potential Cross Section Amendments

For Instance:

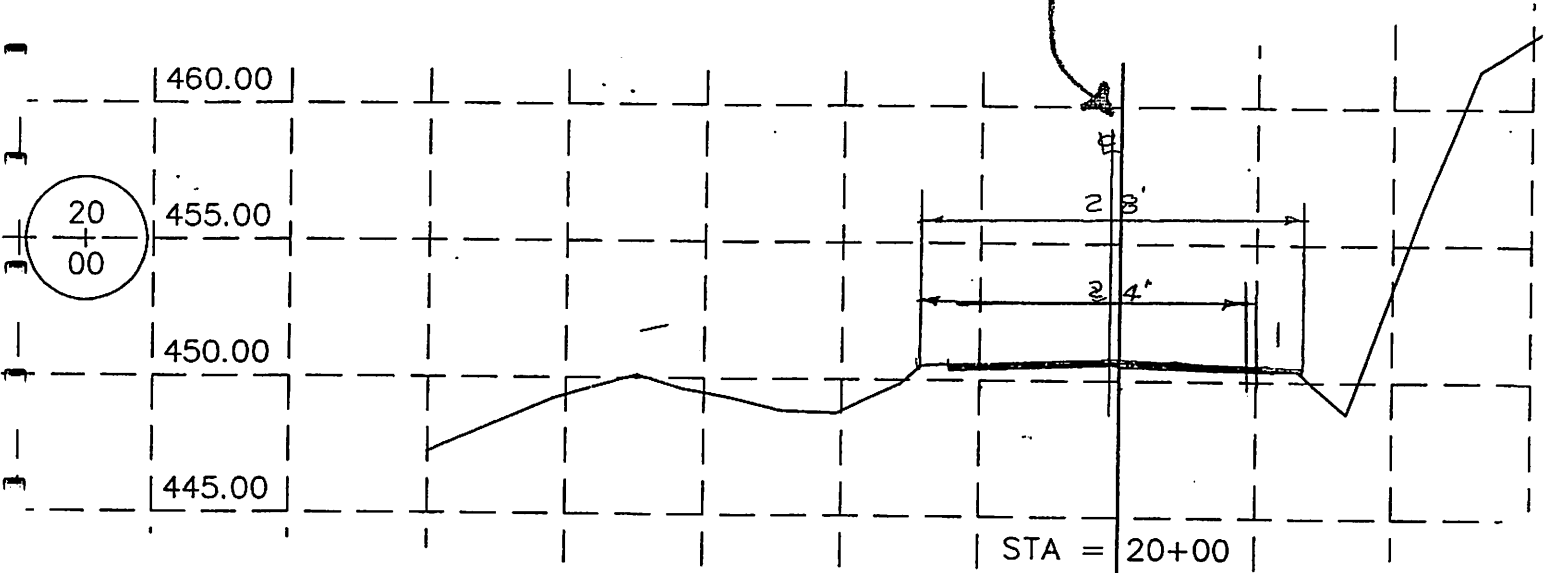
At Station 17+00 the addition of a 5' wall and guard rail with attendant compacted fill results in the necessary 24' plus 4' pavement width.



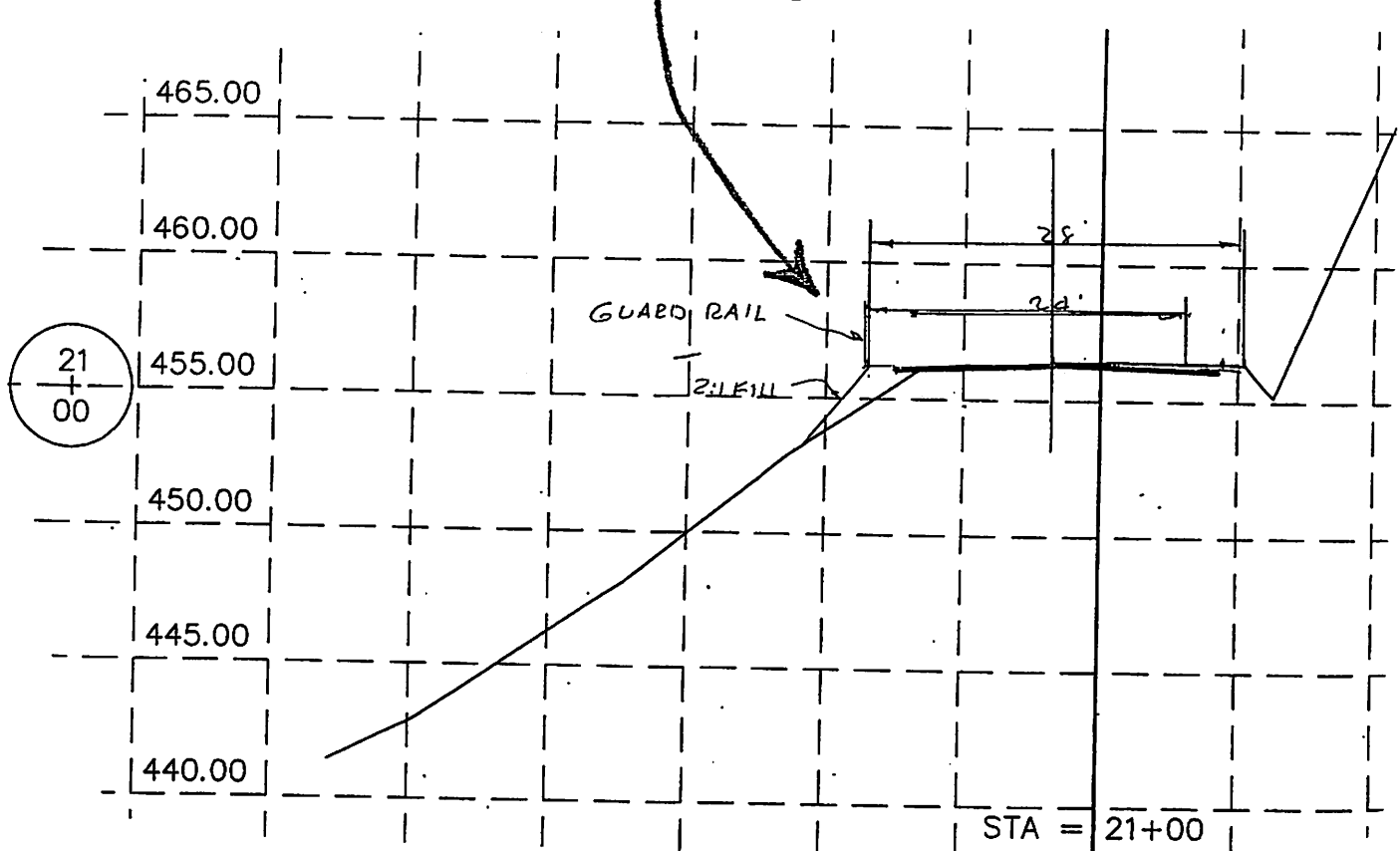
At Station 18+00 the addition of compacted fill, at a slope of 2 to 1, to the west side of the road is all that is required to allow twenty four foot wide driving surface with a four foot wide paved walk on the east side.



At Station 20+00 slight realignment of the road centerline westward approximately 1 foot allows the required 24' plus 4' paved surface with no amendment necessary to the existing east side cut bank.



At Station 21+00 the addition of compacted fill at a 2 to 1 slope and a guard rail together with realignment of the road centerline westward approximately 3' provide the required 24' plus 4' paved surface with again no amendment necessary to the existing east side cut bank.



We conclude engineer Hoag's analysis of the portion of Old County Road proposed for annexation addresses the adequacy of that transportation facility and provides a method of ensuring that road may be amended so as to meet the City standard.

### **13. Statement of the Criterion:**

**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. Existing streets within the annexed area shall remain in the county's jurisdiction until such time as they are improved to the city street standards.**

#### **a. Finding on this criterion:**

This section is primarily instructive and informative. Upon annexation and subsequent application for development permits, the City will apply its street standards to land division and other actions. Applicant understands and is aware City street standards will apply to development permits.

### **14. Statement of the Criterion:**

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

#### **a. Finding on this criterion:**

The Brookings Comprehensive Plan, dated September, 1981, sets out identified needs for urban residential land. The Plan indicated at that time there was a need for 673 dwelling units within the Urban Growth Area; and, it projected a need for 545 acres of Buildable land north of the Chetco River. The subject property, along with neighboring land, was included within that Urban Growth Boundary to accommodate a portion of that identified need.

The Technical Memorandum "Brookings Urban Growth Boundary Needs Analysis" dated March 1995, by Cogan Owens Cogan, which was produced to review land and housing needs for the 1995 Urban Growth Boundary Amendment, projected a need for 662 acres of Residential vacant land north of the Chetco River by the year 2015 (Table 8). This request for annexation would provide 31.94 acres of that need [bear in mind 2 dwellings already exist on the subject]. This proposal will provide approximately five percent (.048) of the needed residential land to the year 2015. Therefore, this request constitutes only a small portion of the identified need for residential growth of the City north of the River as stipulated two decades ago in the Plan; and as confirmed by later study in 1995. We conclude the proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for use as projected in the comprehensive plan.

#### **b. Finding on this criterion:**

Development of the site will require municipal police and fire protection. As reported earlier in this application, the July, 2005 population estimates for the City of Brookings as published by Portland State University Center for Population Research was 6,050 persons. Utilizing previous Census reported 2.38 persons per household estimates results in 2,542 households within the City. An addition potential high of 114 dwelling units would be an increase in the number of households in the City equivalent to 0.0448 or slightly under five percent of the existing number of units. A five percent increase in the number of dwelling units subject to police and fire coverage is not great; particularly so considering the Brookings Fire Department already serves the Brookings Rural Fire



District (actually operates it by contract) which is a large area surrounding the City. The City already provides fire protection to the vicinity. The percentage of development the subject property would be of actual dwelling units presently served by the District and City combined is lowered to about two percent (.02).

## **15. Statement of the Criterion:**

**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.**

### **a. Finding on this criterion:**

As indicated above, the Brookings Comprehensive Plan of 1981 set out identified needs for urban residential land at that time for 673 dwelling units within the Urban Growth Area and the subject property was included within that boundary to supply a portion of that need.

### **b. Finding on this criterion:**

Since adoption of the Plan in 1981 there has been a major amendment to the Urban Growth Boundary. That amendment occurred in May 1995 after several years of study by the City and by outside consultants. The 1995 amendment to the boundary increased the size of the Urbanizable Area. The City and County prepared findings in support of the UGB which were in response to Periodic Review work tasks issued by LCDC. Those remand findings also verified the need for increased urbanisable area. Throughout this past decade of study and then restudy of the Brookings Urban Growth Boundary there has been no question raised and no issue has developed over whether the subject property should remain within the Boundary and the urbanizable area. The later needs analysis indicating greater needs for all classes of urban land underscore and emphasize the original decision the subject property is urbanizable, is needed for urban development and should be developed under and to urban development standards once annexed to the City. The lower portion Old County Road is designated a "Collector" in the Transportation Systems Plan. We conclude the lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.

Municipal sewer and water will be required for development and, as indicated, these services are not presently available to the subject property. Sewer does not exist past City Limits in the area as yet and a water main is nearby. An additional water storage facility may be necessary. Sewer and water services will be extended by the applicant to serve the subject property at applicant's exspence. Applicants are aware the expense for same may bring about reimbursement through LDO Section 172.065.

### **c. Finding on this criterion: Added Tax Revenue**

The principal source of additional revenue to the City of Brookings will be property taxes. Assessor Maps for land in the vicinity assign Tax Rate Code 17-1 to residential areas in the City. We assume tax district 17-1 will be applied to the subject property upon annexation. The pamphlet "2003-04 Curry County Property Tax Rate Summary" reflects the following taxing authorities and rates.

TAX CODE AREA 17-7		TAX RATE	M5 RATE
School District 17-C	3.1897		
Education Service District	0.4351		
South West Oregon Community College	0.6889		
EDUCATION TOTAL		4.3137	4.3137
City of Brookings	3.6939		
Port of Brookings-Harbor	0.1292		
South Curry Cemetary District	0.0362		
Chetco Library District	0.4178		
Curry Co. 4H & Extension Service	0.1003		
Curry County General	0.5655		
Urban Renewal Plan	0.1967		
TOTAL GOVERNMENT		5.1396	5.1396
City of Brookings (not subject to Mes 5)	0.2482		0.2482
School 17c Bond	1.0341		1.0341
Curry Soil and Water Conservation	0		
TOTAL CODE RATE		9.6791	9.6791

By this comparison the total City tax rate in tax code area 17-1, which is the tax code area applied to property just across (south of) City Limit in the vicinity, is 3.9421 per thousand. This information provides base value for existing neighboring development.

The requested Residential zone allows a minimum lot size (density) of 12,000 square feet. "Ballpark" maximum density can be calculated by first accounting for approximately 20% of land area being utilized for streets and services; then calculating the number of lots possible from the remaining area. The calculation is: 31.94 ac X 43,560 = 1,391,306 sq.ft. - 20% (278,261) = 1,113,045 sq.ft. divided by 12,000 sq.ft. (per lot) = 93 dwelling units. This means of crude accounting for space occupied by roads and utilities (20% of area) may be over stated or higher than may actually occur in this terrain. This because although the property exhibits mostly mild slopes there may be terrain features which will warrant larger than minimum lot size lots. This particularly so if PUD or condominium approaches to development are utilized. As indicated above, a simple calculation based on overall acreage (31.94) divided by the proposed 12,000 square foot lot size yielded a possible 116 dwelling units. Although the exact number and layout of lots to be created on the subject property is presently not certain, applicant Cooper's preliminary plan indicates an anticipated development of fifty (50) units; and applicant Hedenskog's preliminary plan indicates an anticipated development of eight additional dwellings on individual lots. These two applicants together have 25.12 acres.

Currently the City derives no tax revenue from the subject property because the property is not within City Limits. According to information from the Curry County Assessor Department, the 2004 total tax rate for the City of Brookings in Tax Code Area 17-1 is \$3.9421 per \$1000 assessed value.

For purposes of providing a range of revenue benefit to the City, we assume both a minimum of 84 dwelling units and a maximum of 114 dwelling units in our tax revenue calculations. In order to expand the range of benefit, we calculate based on two separate average values, the first \$250,000 and the second value at \$350,000.

-- Development of 84 dwellings X \$250,000 (ave value) = \$ 21,000,000 X 3.9421/\$1000 (tax rate)  
= \$82,784.10 tax revenue.

-- Development of 84 dwellings X \$350,000 (ave value) = \$ 29,400,000 X 3.9421/\$1000 (tax rate)  
= \$115,897.74 tax revenue.

-- Development of 113 dwellings X \$250,000 (ave value) = \$ 28,250,000 X 3.9421/\$1000 (tax rate)  
= \$111,364.33 tax revenue.

-- Development of 113 dwellings X \$350,000 (ave value) = \$ 39,550,000 X 3.9421/\$1000 (tax rate)  
= \$155,910.06 tax revenue.

-- Therefore, approximately \$82,700 to \$155,910 per year of additional tax revenue would accrue the City if the subject property were developed to the estimated numbers of dwellings in this example.

#### **d. Finding on this criterion: Added Utility Revenue**

City staff estimates monthly utility bills within the neighborhoods probably average \$60 to \$80 per month. The following calculations provide an estimate of potential revenues from utility bill payments:

Subsequent subdivision and development of 84 dwellings would result in that many additional utility billings to produce revenue for the City. The revenue derived from \$60 per month utility bills for 84 dwellings would produce an additional \$60,488 per year to the City. [ $\$60/\text{Mo} \times 12 \text{ mo} \times 84 \text{ dwell} = \$60,488$ ]. The revenue derived from \$80 per month utility bills for 84 dwellings would produce an additional \$80,640 per year to the City. [ $\$80/\text{Mo} \times 12 \text{ mo} \times 84 \text{ dwell} = \$80,640$ ]. By these estimates, additional revenues to the City of between \$60,488 and \$80,640 would be available if 84 dwellings result from this proposal.

Assuming subsequent subdivision and development of 113 dwellings occurs after approval of this annexation request even greater revenues would accrue to the City. The revenue derived from \$60 average per month utility bills for 113 dwellings would produce an additional \$84,240 per year to the City. [ $\$60/\text{Mo} \times 12 \text{ mo} \times 113 \text{ dwell} = \$81,360$ ]. The revenue derived from \$80 average per month utility bills for 113 dwellings would produce an additional \$108,480 per year to the City. [ $\$80/\text{Mo} \times 12 \text{ mo} \times 113 \text{ dwell} = \$108,480$ ]. By these estimates, additional revenues to the City of between \$81,360 and \$108,480 would be available.

#### **e. Finding on this criterion: Added In-Community Spending**

New families occupying the residences will also contribute to the local economy through the purchase of goods and services from local businesses. Spending habits of individuals is a matter of conjecture, however, for the sake of discussion we assume here the average family of three will spend \$1500 per month or \$18,000 per year within this community for such living expense items as food, clothing, vehicle/transportation, and other similar category expenses. Assuming 84 dwellings have been developed, an additional \$18,000 per year will be spent by a family occupying one of those dwellings and an additional In-Community spending by 84 families will amount to \$1,512,000. [ $\$1500/\text{mo} \times 12 = \$18,000/\text{yr} \times 84 \text{ dwell} = \$1,512,000$ ] In similar fashion, 113 families would be spending \$2,034,000 per year on living expenses within the community of Brookings.

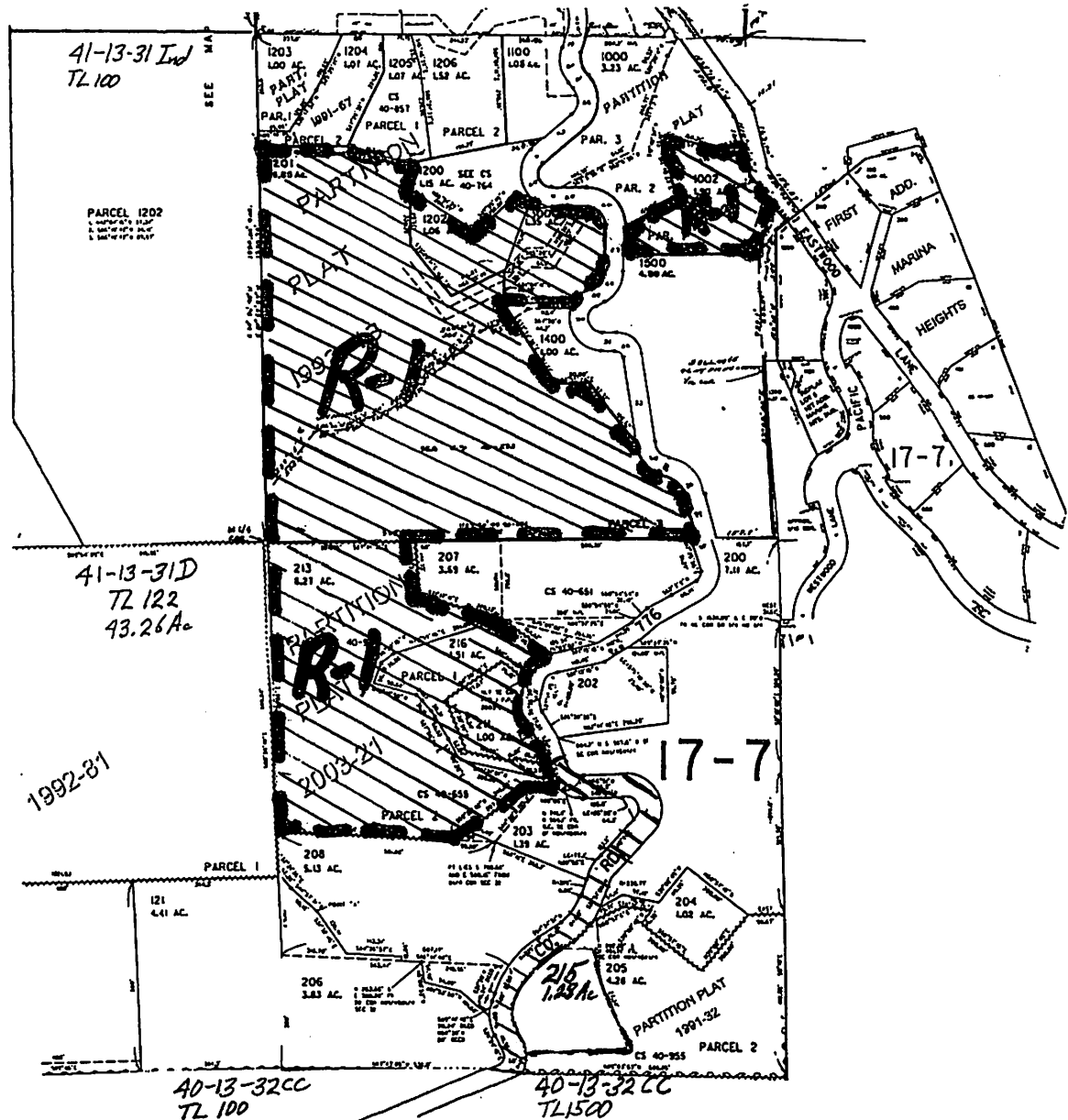
Therefore, given new families living in 84 to 113 new residences, an additional \$1,512,000 to \$2,034,000 consumer spending on living expenses per year would occur in the community by inhabitant families of those dwellings.

## 16. Statement of the Criterion:

A. A proposal for annexation shall include a request for a city zoning designation for territory proposed to be annexed which 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.

### a. Finding on this criterion:

Applicant's request Residential R-1 zoning. The map below reflects this request.



**b. Finding on this criterion:**

The Urban Growth Boundary was first adopted in 1981; amended in 1995; and, acknowledgment by the Oregon Land Conservation and Development Commission after that Commission's action on the matter in May of 2001. The subject properties lie within that boundary and are therefore planned to be developed to urban standards and densities. Through mutual policy decisions which guide the implementation of the urban growth boundary, both the County and City, and now with renewed concurrence from LCDC through another acknowledgment, have set out their intent the subject property is best utilized for residential development to urban densities and standards. The subject is located within a neighborhood of probable continued medium income housing and the goal is to continue to provide for growth (additional land for development) in that sector as it is to provide growth in other sectors. This section requires "...a proposal for annexation shall include a request for a city zoning designation for territory proposed to be annexed which shall be considered at the time of the annexation proposal...". By inclusion of the above stated request for zoning, this criterion is met.

**c. Finding on this criterion:**

Goal 13 Policy 2 gives rational and states adopted City policy direction for the advent of more dense than suburban type development within the city and/or urban growth areas. It reads:

*Goal 13 To conserve energy.*

*Policy 2. Brookings will encourage the infilling of undeveloped parcels of land within the City as well as the re-use of vacant land to the extent possible. The City will encourage land development practices which conserve energy as well as utilize renewable energy sources whenever possible. The City desires high density development to be located adjacent to major shopping areas and along major transportation routes, as appropriate.*

Where it reads "...The City will encourage land development practices which conserve energy ... when-ever possible..." this Plan policy provides guidance for development to be as dense "when-ever possible" as a means of conserving energy. Application of the Residential R-1 zoning to portions of, or all of the subject property, will be more in keeping with this plan policy than would application of less dense zoning for the simple reason the more dense a neighborhood within a city the fewer total miles the inhabitants of that neighborhood would have to travel, and therefore the less fuel consumed, as opposed to that same number of residents inhabiting a larger, more spread out area having to travel greater distances in order to perform normal daily trips to shopping, school and other service access or similar trips. For instance, the accumulated mileage traveled to the intersection of Fifth Street and Highway 101 by the residents from lets say 100 dwellings dispersed over the subject 31+ acres would be less than the total accumulated mileage traveled to the intersection of Fifth Street and Highway 101 by the residents from the same 100 dwellings if those dwellings were dispersed over 100 acres spreading out further north along Old County Road. The more dense a development the more energy will be conserved as a result of less miles traveled per household. All of which translates into less energy consumption; whether the energy consumption results from engine operation time, manufacture of tires or vehicle repair parts, these factors will help bring about the desired savings of energy.

Where it reads "...The City desires high density development to be located adjacent to major shopping areas and along major transportation routes, as appropriate..." the policy is stating the City's desire for high density development (which for instance the SR-20 zone is not) along major roads and streets. The lower portion of Old County Road is a collector according to the TSP. It is

a "major transportation route". This policy is providing guidance for higher density along such routes.

The Oregon Statewide Planning Goals and Guidelines, Goal 13: Energy Conservation, Guidelines B. Implementation states in part: *"1. Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency: a. Lot size, dimension, and siting controls... c. Density of uses, particularly those which relate to housing densities;..."* These goal implementation strategies are reflected in the Brookings Goal 13. They underscore the intent urban density should be developed so as to conserve energy.

**d. Finding on this criterion:**

Similar reasoning applies to how Goal 11 may be implemented and balanced against such concerns as potential hazards. Goal 11 states *"...To Plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development..."* Simply stated it is highly likely, as well as probable, extension of sewer lines and water lines and extension of TV, telephone and electric lines (whether aerial or underground) will be more efficiently placed (more revenue resulting) if such lines traverse shorter distances in order to serve a densely developed area of a given number of dwellings than if the same number of dwellings are dispersed over a great area forcing extension of costly services over greater distances.

**e. Finding on this criterion:**

Section 100.020B. States in pertinent part *"...the Planning Commission shall review land use applications proposed within areas identified as having average slopes of greater than 15% grade..."* As witnessed on topographic maps submitted herewith, portions of the subject properties exhibit slopes of greater than 15%. This application for annexation is, pursuant to Section 148 to be reviewed by the Planning Commission in any event. However, Section 100.040A. Provides *"The city Manager or a qualified designee may require a site study by a certified engineering geologist, civil engineer registered in the State of Oregon and/or other qualified person prior to...the approval of a partition plat, subdivision plat, or conditional use permit, in areas containing...steep slopes..."*. In any event, it is probable a geologic review and report will be required at time of subdivision or partition plat and/or conditional use permit application.

**Conclusion on this criterion:**

We conclude adequate safe guards exist to address potential land hazard conditions so as to allow the safe application of the Residential R-1 zone as requested here. These safeguards occur first in the form of City requirement for review and report by an engineering geologist or civil engineer of potential hazards on land of 15% or greater slopes at time of land divisions under Section 100 of the Brookings Code; and, secondly via the concept of clustering inherent in Planned unit developments and dwelling groups, as permissible under Section 20.040 (Residential zone conditional uses) of the Brookings Code which permit clustering or concentration of development in areas of subject properties so as to avoid identified hazards, if need be, while at the same time allowing development to meet higher density standards preferred by the Comprehensive Plan.

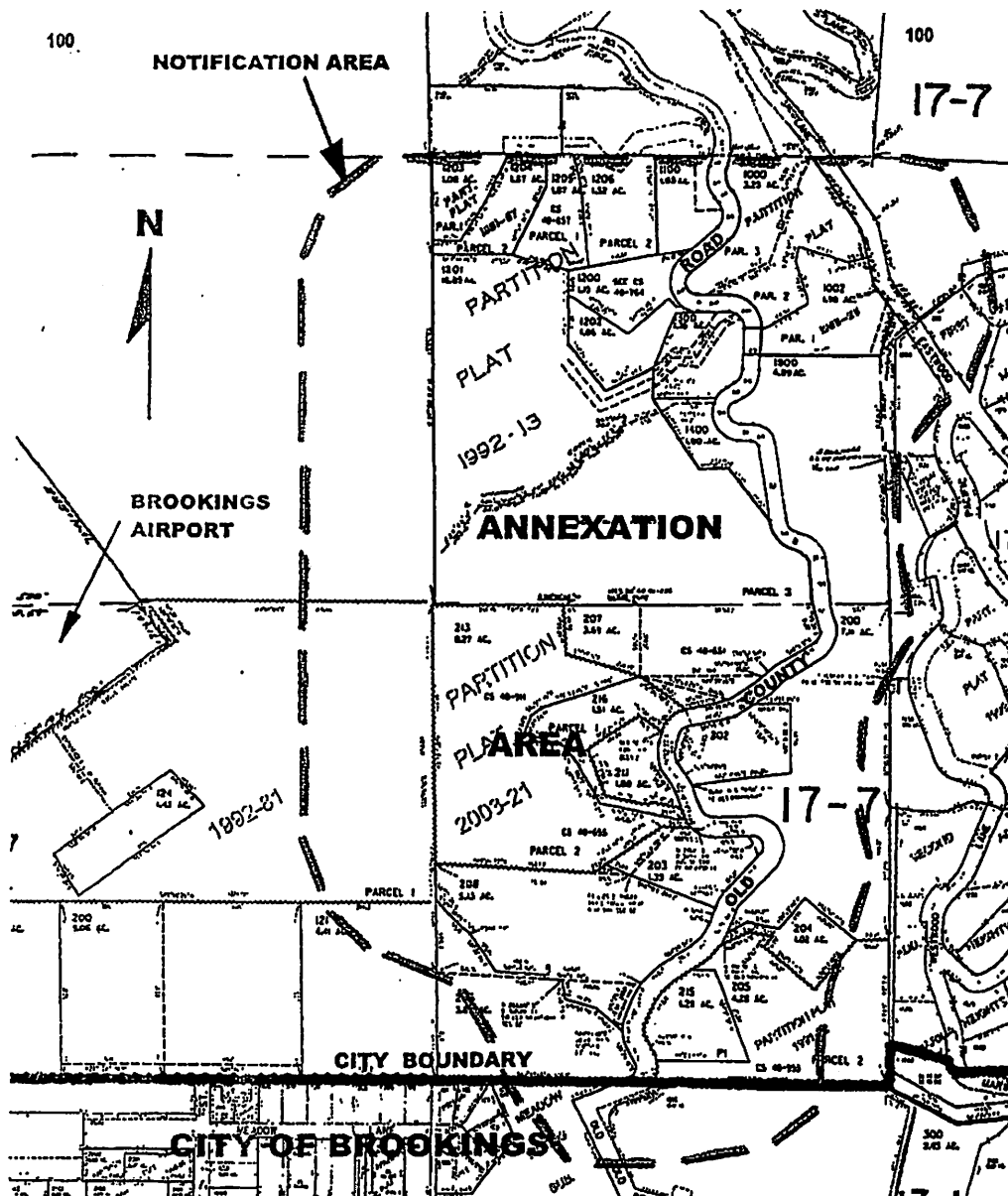
## Part 2. Policies of the Comprehensive Plan

### 1. Statement of the Criterion:

**Goal 1: To provide a citizen involvement process that ensures the opportunity for citizens to be involved in all phases of the planning process.**

#### a. Finding on this criterion:

The City has adopted as part of its Land Development Code a requirement that it notify property owners within 250 feet of a proposed action. Applicants are required to provide the City a list of owners of property within that distance. The map printed below shows the required 250' radius.



**Figure 2** provides ownership information for all lots touched by or included within the 250 foot distance. This list was compiled from Curry County Assessment Department records of ownerships of all property within that 250 feet distance of the subject.

## Figure 2 Owners of Property Within 250'

Assessor Map #	Tax Lot #	Name	Mailing Address
40-13-31 & Index	100	South Coast Lumber	P.O. Box 670 Brookings, OR 97415
40-13-31D	121	John & Teddy Ebinger, Et. Al.	James Ward Memorial Cemetery Assoc.
40-13-31D	122	Lawrence & Michelle Fallert	P.O. Box 1508 Brookings, OR 97415
40-13-32B	100	City of Brookings	898 Elk Dr. Brookings, OR 97415
40-13-32B	1000	Dan & Bobbie Aldinger	17130 Eastwood Ln. Brookings, OR 97415
40-13-32B	1002	Philip Heiss	96734 Demoss Rd. Brookings, OR 97415
40-13-32B	1100	Pat & Sandra Verdoorn	305 Cape Coral Ct. Roseville, CA 95747
40-13-32B	1200	Florencia Prieto	P.O. Box 4364 Brookings, OR 97415
40-13-32B	1201	KD Properties, Inc.	P.O. Box 30848 Albuquerque, NM 87190
40-13-32B	1202	Ralph & Jan Goble	29740 Creekbed Rd. Castaic, CA 91384
40-13-32B	1203	Raymond & Suzanne McMahon	569 Charro Way Nipomo, CA 93444
40-13-32B	1204	Bauhaus Properties	4035 Grass Valley Hwy. Auburn, CA 95603
40-13-32B	1205	Charles & Viola Williams	P.O. Box 6145 Brookings, OR 97415
40-13-32B	1206	Thomas & Sharon Peckinpah	P.O. Box 2137 Lakeside, AZ 85929
40-13-32B	1300	Minor & Sonia Chavez	851 Wadsworth Ave. Pismo Beach, CA 93449
40-13-32B	1400	William & Martha Turner	P.O. Box 7705 Brookings, OR 97415
40-13-32B	1500	Warren & Dolores Glaze	PMB #129 97666 N. Bank Chetco River Rd. Brookings, OR 97415



## Figure 2 (continued)

40-13-32BD	1200	Warren & Dolores Glaze	PMB #129 97666 N. Bank Chetco River Rd. Brookings, OR 97415
40-13-32BD	1300	Dale & Patricia Woodward	P.O. Box 405 Brookings, OR 97415
40-13-32C	200	Claire Bonde	16941 Old County Road Brookings, OR 97415
40-13-32C	202	Philip & Clara Bonde	16935 Old County Road Brookings, OR 97415
40-13-32C	203	Christina Tydeman	16950 old County Road Brookings, OR 97415
40-13-32C	204	City of Brookings	898 Elk Dr. Brookings, OR 97415
40-13-32C	205	Helmut Bacher, Trustee; Et. Al.	P.O. Box 6326 Brookings, OR 97415
40-13-32C	206	Sandra Bonney, Trustee	16900 Old County Road Brookings, OR 97415
40-13-32C	207	Mathew Ralston	16996 Old County Road Brookings, OR 97415
40-13-32C	208	Patrick & Teresita Wong	16920 Old County Road Brookings, OR 97415
40-13-32C	211	Joseph & Stephanie Morin	16966 Old County Road Brookings, OR 97415
40-13-32C	213	William & Rose Hedenskog	618 Ransom Ave. Brookings, OR 97415
40-13-32C	215	<i>George &amp; Mable Dreiszus</i> <del>Donis Tippetts</del> <del>Builder, Inc.</del>	P.O. Box <del>1004</del> 1221 Brookings, OR 97415
40-13-32C	216	Peter & Lesli Bilodeau	16958 Old County Road Brookings, OR 97415
40-13-32CA	1300	Kurt Nachazel	605 Corte Kegalo Camarillo, CA 93010
40-13-32CC	100	Allen & Dona Olander	39748 Golfer Dr. Palmdale, CA 93557
40-13-32CC	1500	Bruce Brothers, LLC	P.O. Box 61 Brookings, OR 97415

**b. Finding on this criterion:**

By its adoption of Goal 1 the City determined that requiring applicants to provide lists of neighborhood property owners is an appropriate method of providing for and stimulating citizen involvement and participation in the land use hearing process. In this case the Land Development Code requires public hearing; an applicant must provide the names of property owners within the specified distance of the property to be annexed; and, the City provides notice of the hearing to those property owners. Surrounding property owners are therefore made aware, first hand, of the process and are thereby given opportunity to become informed and participate in the City's decision making process regarding this proposed annexation.

**CONCLUSION ON GOAL 1:**

The requirement to provide names and addresses of owners of property within two hundred fifty feet has been met. We conclude this application is in compliance with Goal 1.

**2. Statement of the Criterion:**

**Goal 2: To establish a land use planning process 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:**

**a. Finding on this criterion:**

Goal 2 is broad instruction given cities and counties by the state as to how the land use process is designed. It sets general parameters for making decisions. The Brookings Comprehensive Plan and Land Development Code were developed and adopted over a long period of time with input from all sectors of the community. Those land use planning documents were developed as a result of the parameters set out in Goal 2 which provides an overview of the process of land use planning. Local Comprehensive Plans and Zoning Ordinances provide the specifics (the nitty-gritty if you will) of making individual land use decisions. A local government comprehensive plan is developed and adopted in response to Goal 2 and other Statewide Goals. A local zoning ordinance is developed and adopted in response to the local comprehensive plan. The zoning ordinance [in this City the Brookings Land Development Code] is the document which implements the decisions and policies affecting land use in the City as set forth in the Comprehensive Plan. Goal 2 does not apply directly to this application because it set forth basic parameters under which applicable Land Development Code criteria were developed. Through decision making based on the criteria of the Land Development Code, the City will ensure goal 2 parameters are carried forth.

**3. Statement of the Criterion:**

**Goal 3: To cooperate with the County in the preservation and maintenance of agricultural lands: -and-**

**Goal 4: To support and cooperate with the County in its efforts to protect Forest Lands.**

**a. Finding on these Goals:**

The subject property is not zoned as either agriculture or forest land. It is zoned as residential

land under Curry County Zoning Ordinance and Map. The Subject Property lies within the Brookings Urban Growth (UGB) as originally adopted. It lies within the UGB as amended in 1995. That amendment, which continued inclusion of the subject property within the UGB, was acknowledged by the Land Conservation and Development at its regular meeting in May, 2001. The Brookings Urban Growth Boundary includes all lands in the vicinity which have been considered for urbanization under the Goal 2 Exceptions criteria pursuant adopted Goal 14 findings. The County planned and zoned the subject property for residential use over two decades ago and that intended use remains the stated intent under the newly amended and acknowledged UGB. This application for annexation and City residential zoning will continue the intent of both the City and County to have the subject property developed as urban residential land.

#### **CONCLUSION ON THESE GOALS:**

Goals 3 and 4 do not apply to this application.

#### **4. Statement of the Criterion:**

**Goal 5: To conserve open space and protect natural and scenic resources and historic areas while providing for the orderly growth and development of the City.**

**Policy 1. It is the policy of the City of Brookings to protect natural and scenic resources by encouraging the conservation of ecologically and scientifically significant natural areas, scenic views and sites, historic areas, local energy sources, and mineral and aggregate resources.**

**Policy 3. It is the policy of the City of Brookings to preserve forest and agricultural lands which serve as a valuable open space areas by focusing development within the City limits/ Urban Growth Boundary.**

##### **a. Finding on this criterion:**

Implementation measure 3. states "Brookings will use the Curry County zoning ordinance and the Comprehensive Plan to implement those policies which apply to areas within the Urban Growth Boundary Area..."

According to the Curry County Zoning map the subject property lies within the Brookings UGB and is zoned Residential. All seven subject tax lots are zoned Residential R-2. The subject property is already slated for residential uses via County zoning although allowable density may differ under that ordinance from density which would be allowed upon annexation to Brookings and development under Brookings Land Development Code. Therefore, both City and County land use ordinances project and currently allow residential use for the subject and by annexing this property the City will be fulfilling the intent of the County Zoning Ordinance and Comprehensive Plan.

##### **b. Finding on this criterion:**

The Comprehensive Plan, Goal 5 Inventory does not identify any Goal 5 resources on the subject property. Additionally, policies 2 and 4 to Goal 5 do not apply because the subject property is not located within the Chetco River Estuary or the Harris Beach Bog.

As stated in Goal 5 Policy 3, the City intends to focus development within its Urban Growth Boundary and City Limits. The Subject property is currently located within the Urban Growth boundary. Given approval of this application for annexation to the City the Subject will be

developed to standards of the City's Land Development Code. Although the annexation of the subject property and subsequent development to City standards will in fact comply with and be in concert with the stated intent in Policy 3 to "focus development within its Urban Growth Boundary and City Limits", we conclude Goal 5 in the overall does not apply to this request for annexation because neither the City or County Comprehensive Plan Goal 5 Inventories identify any such resources on the Subject Property.

#### **CONCLUSION ON THIS CRITERION:**

Goals 5 does not apply to this application.

### **5. Statement of the Criterion:**

**"Goal 6: To maintain and improve the quality of the air (including the control of noise pollution), water and land resources of the Brookings area.**

**Policy 3. It is the policy of the City of Brookings to utilize programs to manage land conservation and development activities in a manner that reflects the desires of the community for a quality environment and a healthy economy and is consistent with environmental quality statutes, rules, standards and implementation plans."**

#### **a. Finding on this criterion:**

Environmental quality statutes, rules, standards and implementation plans are applied to development through implementation of measures such as safety and sanitation criteria of the state plumbing and building codes and standards and practices of transportation network design. These criteria are a facet of the permitting process which is required for development and they will be applied to development of the subject property upon approval of annexation and subsequent application for land division and building permits through the City.

Applicants Cooper and Hedenskog and this Agent have discussed the topic of hookup to the City sewer and water systems on several occasions with City staff. Given approval of this annexation request, at least these applicants intend application for division of their property and development of permitted uses. To do so will require extension of the sewer main approximately approximately 990 feet along Old County Road to the Hedenskog property and then over through and northerly into the other applicant properties. Water mains already exist in the R-o-W of Old County Road. Additional main line and storage are expected requirements for water service. Regardless the exact dimensions of sewer and water systems to be provided for such development; connecting new residential uses on the property to both municipal sewer and water systems will provide safe and sanitary systems and will protect the environment in a manner "consistent with environmental quality statutes, rules, standards and implementation plans".

#### **CONCLUSION ON GOAL 6:**

We conclude this proposal will be rendered consistent with environmental quality statutes, rules, standards and implementation plans through the development permitting process utilized by the City.

## 6. Statement of the Criterion:

"Goal 7: To protect life and property from natural disasters and hazards...

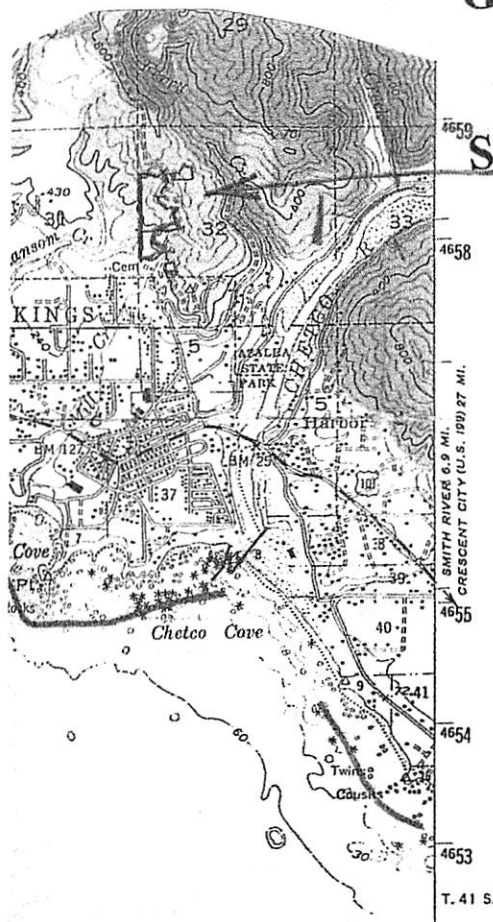
Policy 2. When development is planned in areas of identified hazards, the developer will be required to show that property development will not be endangered by the hazard and that appropriate safeguards will be taken..."

### a. Finding on this criterion:

According to the Geologic Hazard Map of the Cape Ferrello Quadrangle Oregon, published in Bulletin 90 Land-Use Geology of Western Curry County, Oregon 1976, the subject property is not located in an area of geologic hazard. That map shows the area of the subject is color coded for potential "Slope Erosion" and "Steep Slope" hazard. Explanations on this map do not indicate slopes for the subject properties, however, the topography maps included in this application by the applicants do. These maps indicate much of the subject property exceeds 15% slope. City ordinance provides review of slopes over 15%, therefore hazards will be addressed during permitting processes.

A copy of the appropriate portion of this map is reproduced below. [If reproduction of this application is by color printing, the color coding will not show.]

## Geologic Hazard Map



### Subject Property



**Slope Erosion:** Loss of soil material by moving water on slopes; favored by removal of vegetation, ground disturbance, sandy soil textures, lack of consolidation, slope gradient (see above), and slope length; removes valuable top soil and causes deposition downslope; may silt streams or adversely impact developments; wide variety of engineering and land-management techniques for control.

### Mass Movement



**Earthflow and Slump Topography:** (areas less than 20 acres not shown) Moderately sloping terrain with irregularities of slope, drainage, or soil distribution; recent movement shown by tension cracks, bowed trees and others; most extensive in sheared bedrock areas; greatest activity where coastal retreat, stream-bank erosion, or steep-gradient streams remove material from the toe; hazards associated with inactive areas include variable foundation strength, caving in excavations, poor drainage, and others; development possible locally, but generally may reactivate or accelerate sliding; may also initiate sliding in previously stable areas.



**Steep Slope Mass Movement:** Areas subject to localized debris slide, debris flow, rockfall, or rock slide; specific locations a function of rock type and structure, soil properties and thickness, cover, root support, and others; common on steeply sloping very hard bedrock; mitigation may include structural solutions, drainage control, and appropriate land use and forest-management practices.

The geologic hazard of most concern throughout Curry County and the City of Brookings is that of Earthflow and Slump Topography. It is easy to understand why the concern for earthflow and slump topography is important to the City and the County by review of the description provided for that type of hazard on that hazard map. To repeat, it reads:

"Earthflow and Slump Topography: (areas less than 20 acres not shown) Moderately sloping terrain with irregularities of slope, drainage, or soil distributing: recent movement shown by tension cracks, bowed trees and others: most extensive in sheared bedrock areas: greatest activity where coastal retreat, stream-bank erosion, or steep-gradient streams remove material from the toe; hazards associated with inactive areas include variable foundation strength, caving in excavations, poor drainage, and others: development possible locally, but generally may reactivate or accelerate sliding; may also initiate sliding in previously stable areas."

The nearest occurrence of slump topography indicated on the Geologic Hazard map is approximately one mile or more distant to the north in the northerly portion of Section 29 and is located on the north side of a rather large ridge beyond Black Mound; and, a very small area along the western edge of the Dawson Tract north of Harris Beach adjacent the ocean approximately one and a half miles distant to the west. It is notable no indication of earthflow and slump topography appears on that Geologic Hazard map anywhere in the neighborhood of the subject property.

**b. Finding on this criterion:**

Preliminary review of topographic maps and on-site measurement of slope indicates the majority of the subject property exceeds 15% slope. Section 100 of the Brookings Development Code addresses potential hazardous conditions. That section requires areas in excess of 15% slope be subject to review by an engineering geologist when divisions of land are proposed. Given approval of this request for annexation, the intent of at least two applicants (Cooper and Hedenskog) is to continue with land division application. Because much of the slopes exceed 15%, the City may require review by a geologist at time of land use permit.

**CONCLUSION ON GOAL 7:**

We conclude annexing the subject site is in compliance with Goal 7.

**7. Statement of the Criterion:**

**Goal 8: To satisfy the recreational needs of the citizens of the Brookings area, State and visitors.**

**Policy 1. It is the policy of the City of Brookings to encourage better utilization of existing recreational facilities and to plan for and develop new recreational facilities and opportunities.**

**Policy 2. The City of Brookings encourages the development of neighborhood parks to be coordinated with future expansion of residential areas.**

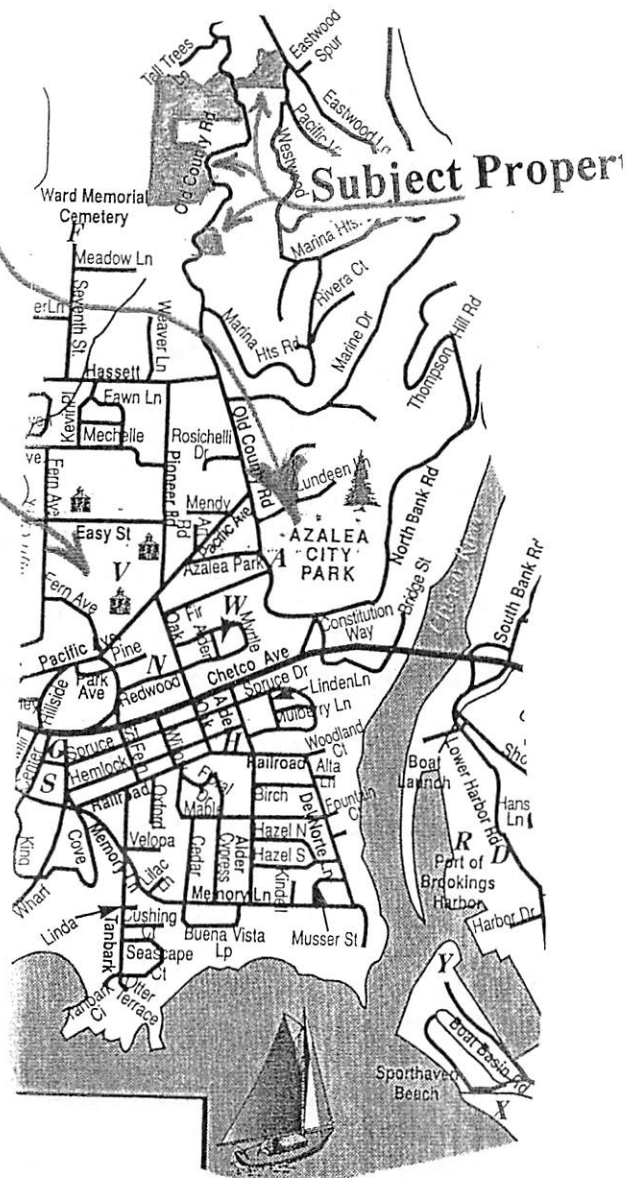
**a. Finding on this criterion:**

The Comprehensive Plan, Goal 8 Inventory identifies many recreational sites and facilities in Brookings and surrounding areas. With regard the Subject Property, notable among those identified is Azalea Park. Azalea Park has open and wooded areas, nature trails, Kid Town play structure, picnic areas and public restrooms band shell and other amenities.

Azalea Park is located southerly along Old County Road. Additionally, the facilities of public schools are located along Pioneer Road and Pacific Avenue. Annexation and development of the subject property within the City limits encourages coordination between those recreational facilities and this proposal for future expansion of residential areas because the subject lies in close proximity to each. Development of additional residential area in close proximity to these two, existing recreational facilities will assist the City to better utilize these facilities and coordinate the use of those facilities with future residential areas as proposed here.

### CONCLUSION ON GOAL 8:

We conclude annexation of the subject property would serve to encourage better utilization of existing recreational facilities. This proposed annexation is in accord with Goal 8.



## 8. Statement of the Criterion:

**Goal 9: To diversify and improve the economy of the Brookings area.**

**Policy 2. The City of Brookings will encourage the diversification of the City and the regional economy. The City wishes to create new employment opportunities while sustaining and expanding existing economic sectors.**

### a. Finding on this criterion:

The findings provided under Goal 9 in the Comprehensive Plan indicate Brookings had a narrow economic base at the time the Plan was adopted. Finding one indicates as follows: *"The economic base in the Brookings area is relatively narrow and mostly dependent on the timber industry. The lumber and wood products industry accounts for over 60% of the basic jobs in the County, and there has been a continuing decline in timber harvested in the County since 1959. When interest rates are low, as is still the case presently, money for the construction of new houses becomes relatively unavailable. This decrease in housing starts has a negative effect on lumbering activity in the area. As a result, Brookings can expect periods of time with high unemployment rates."*

Economic conditions change from time to time and they have changed since the Plan was written. Current and past economic data indicate interest rates have both risen and fallen since then.



Interest rates have been relatively low for several years now and remain so at this time. Times have changed but still the concern voiced in the Plan remains valid. Encouragement of housing starts can have a positive effect on lumbering activity in the Brookings area.

**b. Finding on this criterion:**

Small area development will not solve the problem of a narrow economic base for the local economy pointed out in Article 9 of the Plan. Policy 2 of that Comprehensive Plan Article comes closest of all to addressing any economic impacts of small developments in residential areas such as may result from this proposed annexation. Where it indicates:

*"The City of Brookings will encourage the diversification of the City and the regional economy..."*

Policy 2 sets out the import of developments such as proposed here. Resulting land use permits and development will provide employment opportunities for those in the local home building and infrastructure construction industry; and, provide a boost to the local market through increased need for construction and building materials. Economic spin offs will accrue to other sectors of the local economy as well because increased spending by one sector manifests itself in increased spending by other economic sectors such as the service industries.

**CONCLUSION ON GOAL 9:**

We conclude this proposed annexation is in accord with Goal 9.

**9. Statement of the Criterion:**

**Goal 10: Provision of varied housing which is safe, sanitary and adequate for all residents of the community.**

**Policy 1. City shall not unduly restrict land development thereby artificially inflating the cost of both new and existing housing, but rather provide land in suitable quantities and encourage the construction of new residential units to meet increased demand.**

**Policy 2. City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized the private sector will continue their leadership role in this function.**

**Policy 3. City shall advance where possible the evolution of safe and aesthetically pleasing residential neighborhoods that are efficiently integrated with business and commercial property, schools, parks, public facilities and other urban development.**

**a. Finding on this criterion:**

The City, for many years, worked to adopt and later amend an urban growth boundary to guide its growth and development. The process of UGB amendment hit a milestone in 1995 when the amended Boundary was adopted. The process of gaining Acknowledgment of that amendment by the Oregon Land Conservation and Development culminated after that Commission's action on the matter in May of 2001. The subject property was in the original Urban Growth Boundary and remains within that recently acknowledged boundary. It is therefore in an area planned to be developed to urban standards and densities. Through mutual policy decisions which guide the implementation of the urban growth boundary, both the County and City, and now with renewed concurrence from LCDC through another acknowledgement, have set out there intent the subject property is best utilized for residential development to urban densities and standards. The subject is located within a neighborhood of probable continued medium income housing and the goal is to



continue to provide for growth (additional land for development) in that sector as it is to provide growth in other sectors.

The subject property is located adjacent an existing paved street in an older neighborhood where many but not all services are available. Water, power, telephone, cable TV and etc. are currently located and in use within the area. Water service lies adjacent and could be extended to serve the subject; and, sewer service, although not currently present on or adjacent the site, is nearby. Upon approval, this request for annexation will allow and encourage extension of municipal sewer service lines to proposed development and upgrading and extension of the municipal water system in the neighborhood. The extension of sewer and water service will allow more dense development in a sanitary fashion. Because it is located in close proximity to recreational and commercial services of the neighborhood and community, annexation of the subject property will assist the City in attaining its goal to provide for a variety of housing which is safe, sanitary and adequate for all residents of the community.

### **CONCLUSION ON GOAL 10:**

We conclude this proposed annexation is in compliance with Goal 10.

## **10. Statement of the Criterion:**

**Goal 11: To Plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.**

### **Public Works:**

**A. Water treatment facilities will be maintained with the proper observation and planning to expand facilities on a timely basis to provide continued service to existing customers and projected growth.**

**B. Water distribution, pumping and storage construction will be constructed for new development by developers. The city council is presently reviewing methods of implementing a "pay as you go" development policy.**

**C. Wastewater treatment facility expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.**

**D. All public works construction to serve newly developed areas will be on the "pay as you go" policy with developers designing and constructing new facilities in accordance with the city Standard Detail and Specifications adopted September, 1981**

### **a. Finding on this criterion:**

The city "Standard Detail and Specifications" quoted in the Plan have, over time since adoption of the Plan, been updated and amended. According to City staff the current document is referred to as "General Engineering Requirements and Standard Specifications" and was adopted in August 1988 and updated August 1998. Those standards are applied to all development and will be applied to development which may result from this request for annexation. The framework of public facilities and services is guided by implementation of those standards through the land use permit process, including building, plumbing and electrical permits. In conjunction with long term land use decisions already made through residential zoning having been placed on the subject property; engineering standards and zoning together provide the framework for urban development of this property.

## **CONCLUSION ON GOAL 11:**

This proposal for annexation is in accord with Goal 11.

## **11. Statement of the Criterion:**

**Goal 12 To provide and encourage a safe convenient and economic transportation system.**

### **a. Finding on this criterion:**

Goal 12 does not directly apply to this application and need not be specifically addressed here. This is because City design standards for roads and streets are long standing and apply to all new development. Standards for design and construction of streets and roads to serve new development, such as will result from approval of this annexation request, are contained in City ordinances which were adopted in response to the Comprehensive Plan. The act of the City adopting and now enforcing those standards implements the goal *"to provided and encourage a safe convenient and economic transportation system"*. Given approval of this request for annexation, a subsequent application for division and development of the subject property will be processed in accord with current City standards for streets and other public facilities.

## **CONCLUSION ON GOAL 12:**

Future development of the subject property will become consistent with Goal 12 through implementation of the design standards previously adopted and contained in the Brookings Land Development Code.

## **12. Statement of the Criterion:**

**Goal 13 To conserve energy.**

**Policy 2. Brookings will encourage the infilling of undeveloped parcels of land within the City as well as the re-use of vacant land to the extent possible. The City will encourage land development practices which conserve energy as well as utilize renewable energy sources when-ever possible. The City desires high density development to be located adjacent to major shopping areas and along major transportation routes, as appropriate.**

### **a. Finding on this criterion:**

The major shopping area of the City is located along the corridor of Highway 101 as it traverses the City. Major shopping centers are also located in the Port of Brookings Harbor and along the Highway 101 corridor through the Community of Harbor. These shopping areas are all located within one to two miles of the subject property. Old County Road (the lower portion) is a Collector according to the Brookings Curry County Transportation System Plan. Highway 101 is the Arterial in Curry County. Such close proximity to the major shopping areas and major transportation route places the subject in a position which will assist the City in its desire to develop residential uses in close proximity to these features. The subject property is located within the Urban Growth Boundary.

**b. Finding on this criterion:**

The subject property is located approximately one mile from Highway 101, the major transportation route, The only Arterial, which traverses through the County and City. This drive should require two to five minutes. Therefore, annexation and subsequent development of the subject will result in short commute distances to this major traffic route. Similarly the close proximity of the subject to shopping, governmental and professional services, which are located along that route, tends to promote little travel in order for homeowners to travel to and from these services. Those services are less than two miles distant to the southwest of the subject along Highway 101 near the intersection of Fifth Street with that Arterial. The subject is within a few minutes of City parks and the public schools. All these locational factors will result in the desired situation whereby driving distances for normal family activities are kept short. Shorter travel distances between homes and schools, parks, government, professional and commercial services means less fuel consumed; less tire wear and etc. All of which translates into less energy consumption; whether the the energy consumption results from engine operation time, manufacture of tires or vehicle repair parts, these factors will help bring about the desired savings of energy.

**CONCLUSION ON THIS CRITERION:**

For the above stated reasons, annexation and subsequent development of the subject property is a development practice which will conserve energy.

**13. Statement of the Criterion:**

**Goal 14 Urbanization to minimize the expansion of the urban service area outside of the city limits in order to provide for the efficient use of land, eliminate the unnecessary and uneconomical expansion of public facilities, and to conserve agricultural and forest lands outside of the City.**

**Policy 1. City shall maintain the livability of Brookings while providing appropriate land-use designation and adequate areas to accommodate expected growth.**

**Policy 2. City shall encourage the orderly outward growth of the community in order to maintain costs of construction, maintenance, and extension of streets, utilities and public facilities at the lowest level possible.**

**Policy 3. City shall annex lands that are contiguous to the City limits and continue to extend City services only to areas within the corporate limits. City shall continue to honor present agreement for provision of public services in areas presently outside the corporate limits.**

**a. Finding on this criterion:**

Based upon data included in the comprehensive plan and more recent data included in the amended urban growth boundary background documents, the City of Brookings and Curry County long ago decided the subject property was needed for urban growth of the City and have maintained that conclusion and circumstance to the present. The subject property was included within the urban growth boundary when the Brookings Comprehensive Plan was adopted in September, 1981. The subject property lies within the urban growth boundary amendments adopted by the City Council and Board of Commissioners on April 20, 1995. The subject property remains in the urban growth boundary at present and there was no challenge to its urbanizable status throughout the process of the boundary amendment through Periodic Review procedure. The amended Urban Growth Boundary has been Acknowledged by LCDC. The subject is and has been in the urban growth boundary and

has been Acknowledged by LCDC. The subject is and has been in the urban growth boundary and has been planned and zoned for urban residential development since the Plan was adopted. Therefore, the County has provided appropriate land-use designation for urban use; and, annexation of the subject property will assist in the stated desire to provide adequate areas to accommodate expected growth.

**b. Finding on this criterion:**

As demonstrated by the mapping contained in this application, the subject property is located not far from the City Limit. The Subject property extends north to include portions of Old County Road. Old County Road is contiguous to and continues through the City. Annexation of the subject property will constitute the orderly outward growth of the City because the subject lies within the urban growth boundary. This annexation request is a reasonable approach to City growth because it will allow the extension of sewer service to urbanisable property and may allow looping sewer and water systems with existing services in this area. The process of growth and urbanization will, over time be stimulated by the construction of Sewer and Water mains which will be required. Provision of these services along Old County Road will, over time, prove an incentive for further urbanization as is projected for this area in the Comprehensive Plan and Plan Map.

**c. Finding on this criterion:**

As demonstrated on the Zoning Map the subject property lies contiguous with the City Limit. The stated policy is to not extend City services until land is annexed within the corporate limits of the City. Since most urban services are present in the area, as it applies to this neighborhood the policy is referring mainly to municipal sewer service. Upon annexation, extension of City sewer service presently existing along Old County Road through this neighborhood could then occur to the subject (in accord with the stated desire to extend City services only to areas within the corporate limits) which would allow full urban density as planned.

**CONCLUSION ON GOAL 14:**

We conclude annexation of the subject property is in accord with policies of Goal 14. This request for annexation is reasonable.

**14. Statement of the Criterion:**

**Goal 16 Estuarine Resources To recognize and protect the unique environmental, economic and social values of the Chetco River Estuary and its wetlands.**

**Goal To protect, maintain, and where appropriate restore or develop the long term environmental, economic, and social values, diversity and benefits of the Chetco River Estuary.**

**a. Finding on this criterion:**

The Subject property is located at least a mile as the crow flies from the Chetco estuary. Runoff from precipitation received on the subject property will drain to the Pacific Ocean along the small natural drainage which runs southwesterly from the property west from Old County Road and mostly into and through the Ransom Creek drainage. That drainage reaches the Ocean approximately two miles south, southwest of the subject. Therefore, development of the subject property will not significantly impact the Chetco estuary.

## CONCLUSION ON GOAL 16:

Goal 16 does not apply to this application.

## 15. Statement of the Criterion:

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

### a. Finding on these criteria:

The subject property is located one and a half miles at least from any Ocean shoreland and on the north extremities of the City as demonstrated by maps included in this report. The City lies between the subject and the ocean shoreland and resources.

### b. Finding on this criterion:

The subject property is located on the north extremities of the City. It is at least one and a half mile distant from any Ocean beach or dune. That separation distance and intervening space is occupied by high density urban level development.

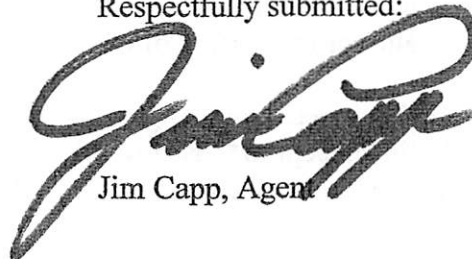
## CONCLUSION ON GOALS 17 & 18:

Goals 17 & 18 do not apply to this application and are not addressed here.

## CONCLUSION:

Applicants request Annexation of the subject property. As indicated herein this request has been demonstrated to be consistent with and to comply with provisions of the Brookings Land Development Code and Comprehensive Plan which regulate annexations. This annexation will provide the initial step in bringing about the intent of the Comprehensive Plan and Urban Growth Boundary for this portion of the Brookings Community.

Respectfully submitted:



Jim Capp, Agent

**Addendum To**  
**ANNEXATION REQUEST, BROOKINGS File AN-05:**  
**ANX-1-05**

**APPLICANTS:**

**Cooper, Heddenskog, Heiss, Goble, Chavez, Morin and Bilodeau**  
**(Gary Cooper and Ron Hedenskog Principal Participants)**

**AGENT:      Jim Capp**  
**Western Land Use Services**  
**PO Box 2937, Harbor OR. 97415**  
**541-469-9587**

**SUBJECT PROPERTY:**

**Tax Lots 1002, 1201, 1202 and 1300 of Map 40-13-32B**  
**and Tax Lots 211, 213 and 216 of Map 40-13-32C**  
**together with approximately 1.14 acres of Old County Road Right-of-Way.**

**PURPOSE:**

This Addendum to the application for annexation (City file #AN-0-05) is provided pursuant City of Brookings staff and applicant conference meeting conducted by the City November 29, 2005. In attendance at that meeting were: Applicant's Gary and Lesa Cooper and Ron Hedenskog and their Agent, Jim Capp, Brookings Planning Director John Bischoff, Deputy City Planner Diane Snow, Community Development Director Ed Wait, Public works Director John Cowan and Curry County Road Master, Dan Crumley. The request of City and County staff was to provide additional road improvement suggestions from the project engineer for that portion of Old County Road extending northerly from the Hedenskog property (at engineers station 22+00 to Mr. Bischoff indicated written review of the engineers suggestions to show improvements to that stretch of Old County Road which would bring the road up to hillside road standards as applied to neighboring development within the City (Pacific Terrace PUD). The required standard in that instance, and equally to this proposal, is a 24' wide driving surface with additional 4' paved walkway on one side. The walkway to be preferably on the uphill (easterly) side of the roadway.

Documentation of the impacts to traffic which were included as Exhibit 5 and as summarized in the application continue and remain valid for the portion of Old County Road reviewed here.

Therefore, the following additional engineers review of potential road amendments is provided. [These suggestions are similar in concept to those provided within the original application for that portion of Old County Road proposed to be annexed (station 10+00 to 21+50).]

The criterion under which this extended review of potential road improvements is provided is as repeated below:

**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.**

**Addendum #2 To**  
**ANNEXATION REQUEST, BROOKINGS File AN-05.**  
ANX-1-06

**APPLICANTS:**

Cooper, Heddenskog, Heiss, Goble, Chavez, Morin and Bilodeau  
(Gary Cooper and Ron Hedenskog Principal Participants)

**AGENT:** Jim Capp  
Western Land Use Services  
PO Box 2937, Harbor OR. 97415  
541-469-9587

**SUBJECT PROPERTY:**

Tax Lots 1002, 1201, 1202 and 1300 of Map 40-13-32B  
and Tax Lots 211, 213 and 216 of Map 40-13-32C  
together with approximately 1.14 acres of Old County Road Right-of-Way.

**PURPOSE:**

This Addendum #2 to the application for annexation (City file #AN-0-05) is provided pursuant discussions with City of Brookings staff. The request of City and County staff was to provide additional information regarding potential impact to schools resulting from the requested annexation. The required standard is as follows:

**14. Statement of the Criterion:**

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

**a. Finding on this criterion:**

The Brookings Comprehensive Plan, dated September, 1981, sets out identified needs for urban residential land. The Plan indicated at that time there was a need for 673 dwelling units within the Urban Growth Area; and, it projected a need for 545 acres of Buildable land north of the Chetco River. The subject property, along with neighboring land, was included within that Urban Growth Boundary to accommodate a portion of that identified need.

The Technical Memorandum "Brookings Urban Growth Boundary Needs Analysis" dated March 1995, by Cogan Owens Cogan, which was produced to review land and housing needs for the 1995 Urban Growth Boundary Amendment, projected a need for 662 acres of Residential vacant land north of the Chetco River by the year 2015 (Table 8). This request for annexation would provide 31.94 acres of that need [bear in mind 2 dwellings already exist on the subject]. Commensurately, this proposal will provide approximately five percent (.048) of the needed residential land to the year 2015. Therefore, this request constitutes only a small portion of the identified need for residential growth of the City north of the River as stipulated two decades ago in

the Plan; and as confirmed by later study in 1995. The proposed annexation will add property to the city which was judged to be needed to provide an adequate supply of zoned lands for residential uses as projected in the comprehensive plan. Because the subject property was included in the urban growth boundary, the impact of this request for annexation on schools (and other facilities and services as well) has already be assessed and judged to be an appropriate and acceptable impact within the concept of planned growth for the community of Brookings. Therefore, because this proposed annexation would provide (add to the City) only five percent of the need for additional land area north of the Chetco River, its impact on schools (as well as other facilities and services) would be relatively small; and, that need has already been anticipated and taken into account through the long range planning efforts which resulted in adoption of the Urban Growth Boundary.

**b. Finding on this criterion:**

Annexation of the subject 31.94 acres will not itself result in any impact on schools. Impact in the form of some number of additional students may only occur after land division and subsequent building permits for residential uses have been issued; dwellings have been constructed; and, families have occupied the dwellings.

July, 2005 population estimates for the City of Brookings as published by Portland State University Center for Population Research, were 6,050 persons. Utilizing previous Census reported 2.38 persons per household estimates yeilds 2,542 households within the City. Assuming an addition potential high of 114 dwelling units would result in an increase in the number of households in the City equivalent to 0.0448 or slightly under five percent of the existing number of units. A five percent increase in the number of dwelling units added to this school coverage area is not great. The impact on schools is likely even less than that. The percentage of school age persons within a potential 114 additional dwelling units is not known at this time. It is not likely all households will be the same and it is difficult to predict the number of student aged persons for a development. Various other scenarios are possible if we consider the following:

Assumption: one school age person per dwelling unit results in 114 additional students at full potential buildout.

Assumption: two parent household within that mix and that all of the remaining persons included in the 2.38 persons per household reported by the census are school age would result in an additional 43 students ( $114 \times 0.38 = 43.32$  persons).

Assumption: that 50% of added households would have no school age occupants results in the following review.  $114 \text{ households} \div 2 = 57 \text{ households}$

Assumption: that all households are two parent households and 50% of added households would have no school age occupants results in the following review.  $114 \text{ households} \div 2 = 57 \text{ households} \times 0.38 \text{ students per household} = 21 \text{ students.}$

It is likely the number of students added to the school system at full buildout would fall somewhere within the range reported hear.



The reimbursement of funds shall be for all funds expended by Hedenskog and Cooper in connection with annexation; an itemization for such expenditures shall be provided upon request of any person committed to pay reimbursement hereunder.

Gary R Cooper 4/11/05  
GARY COOPER Date  
40-13-32b, 1201

Lesa Cooper 4/11/05  
LESA COOPER Date

Ron Hedenskog 4-11-05  
RON HEDENSKOG Date  
40-13-32c, 213

Rose Hedenskog 4/11/05  
ROSE HEDENSKOG Date

\_\_\_\_\_  
PHILLIP C. HEISS Date  
40-13-32b, 1002

\_\_\_\_\_  
DENNIS TIPPITTS Date  
40-13-32c, 215

\_\_\_\_\_  
THOMAS PECKINPAUGH Date  
40-13-32b, 1206

\_\_\_\_\_  
SHARON PECKINPAUGH Date

\_\_\_\_\_  
RALPH GOBLE Date  
40-13-32b, 1202

\_\_\_\_\_  
JAN GOBLE Date

\_\_\_\_\_  
MINOR CHAVEZ Date  
40-13-32b, 1300

\_\_\_\_\_  
SONIA CHAVEZ Date

Joe Morin 4-11-05  
JOE MORIN Date  
40-13-32c, 213

Stephanie Morin 4-11-05  
STEPHANIE MORIN Date

The reimbursement of funds shall be for all funds expended by Hedenskog and Cooper in connection with annexation; an itemization for such expenditures shall be provided upon request of any person committed to pay reimbursement hereunder.

GARY COOPER                      Date  
40-13-32b, 1201

LESA COOPER                      Date

RON HEDENSKOG                      Date  
40-13-32c, 213

ROSE HEDENSKOG                      Date

PHILLIP C. HEISS                      Date  
40-13-32b, 1002

DENNIS TIPPITTS                      Date  
40-13-32c, 215

PAT VERDOORN                      Date  
40-13-32b, 1100

SANDRA VERDOORN                      Date

THOMAS PECKINPAUGH                      Date  
40-13-32b, 1206

SHARON PECKINPAUGH                      Date

RALPH GOBLE                      Date  
40-13-32b, 1202

JAN GOBLE                      Date

MINOR CHAVEZ                      Date  
40-13-32b, 1300

SONIA CHAVEZ                      Date

JOE MORIN                      Date  
40-13-32c, 213

STEPHANIE MORIN                      Date

The reimbursement of funds shall be for all funds expended by Hedenskog and Cooper in connection with annexation; an itemization for such expenditures shall be provided upon request of any person committed to pay reimbursement hereunder.

GARY COOPER                      Date  
40-13-32b, 1201

LESA COOPER                      Date

RON HEDENSKOG                  Date  
40-13-32c, 213

ROSE HEDENSKOG                  Date

PHILLIP C. HEISS                  Date  
40-13-32b, 1002

DENNIS TIPPITTS                  Date  
40-13-32c, 215

THOMAS PECKINPAUGH          Date  
40-13-32b, 1206

SHARON PECKINPAUGH          Date

*Roger Goble*                      4/2/05  
RALPH GOBLE                      Date  
40-13-32b, 1202

*Jan Goble*                          4/2/05  
JAN GOBLE                          Date

MINOR CHAVEZ                      Date  
40-13-32b, 1300

SONIA CHAVEZ                      Date

JOE MORIN                          Date  
40-13-32c, 213

STEPHANIE MORIN                  Date

The reimbursement of funds shall be for all funds expended by Hedenskog and Cooper in connection with annexation; an itemization for such expenditures shall be provided upon request of any person committed to pay reimbursement hereunder.

GARY COOPER                      Date  
40-13-32b, 1201

LESA COOPER                      Date

RON HEDENSKOG                      Date  
40-13-32c, 213

ROSE HEDENSKOG                      Date

*Philip C. Heiss 4 4 05*  
PHILIP C. HEISS                      Date  
40-13-32b, 1002

DENNIS TIPPITTS                      Date  
40-13-32c, 215

PAT VERDOORN                      Date  
40-13-32b, 1100

SANDRA VERDOORN                      Date

THOMAS PECKINPAUGH                      Date  
40-13-32b, 1206

SHARON PECKINPAUGH                      Date

RALPH GOBLE                      Date  
40-13-32b, 1202

JAN GOBLE                      Date

MINOR CHAVEZ                      Date  
40-13-32b, 1300

SONIA CHAVEZ                      Date

JOE MORIN                      Date  
40-13-32c, 213

STEPHANIE MORIN                      Date

**Curry County Road Department**

28425 Hunter Creek Road

P.O. Box 746

Gold Beach, OR 97444

Daniel P. Crumley  
RoadmasterPhone (541) 247-7097  
Fax (541) 247-7804

December 15, 2005

John Bischoff  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415**RECEIVED**  
DEC 15 2005  
CITY OF BROOKINGS  
COMMUNITY DEVELOPMENT CM

Dear John:

I recently received notice that properties adjacent to Old County Road are being proposed for annexation into the City of Brookings. In keeping with our road standards policy, I recommend the applicants for the annexation be required to improve Old County Road to City Road Standards up to the point of the furthestmost access point of this annexation, which I believe is Tall Tree Lane.

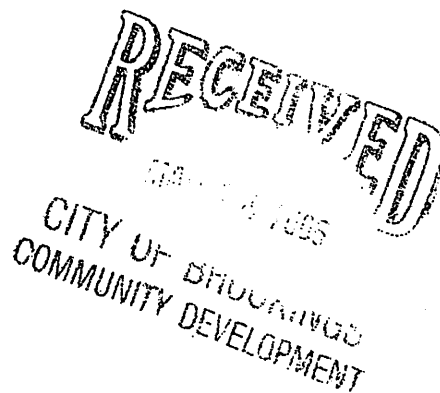
From previous discussions concerning Old County Road, I understand the City Standards to be imposed here include a 24-foot wide paved surface, one 4-foot wide paved shoulder and open drainage ditches. I would further recommend that if urban development occurs adjacent to the County Road and drainage from these lots discharges onto the County Road or into the adjacent open roadside ditches then construction of underground storm sewers shall also be a requirement of the applicant.

Sincerely,

Daniel P. Crumley  
Roadmaster

March 9, 2006

William & Martha Turner  
Tax Lot #01400  
P.O.Box 7705  
Brookings, Or. 97415



Mr. John Bischoff, City Planner  
898 Elk Drive  
Brookings, Or. 97415

Re: Annexation Request, file #ANX-1-06

Dear Mr. Bischoff,

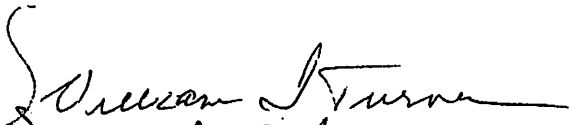

We wish to respond to the above noted annexation request. The subject property borders our property, Tax Lot 01400, on three sides and since we are self-contained we opted not to participate in this annexation. However, we have several objections to the requested annexation as it is presently proposed.

Old County Road, the only access to the northern portion of the proposed annexation, is a very narrow street with a large number of very tight, dangerous curves and steep embankments, many with homes built directly below them. Presently there are no guardrails to protect against serious accidents. In fact there is no room for guardrails in most cases. Since there are relatively few residents with properties north of Marina Heights Road, those who drive Old County Road are for the most part quite careful, therefore we have had few accidents. However, the proposed high density with an attendant increase in traffic will surely contribute to a very unsafe street.

We object to the density proposed in this annexation request. The properties along Old County Road north of Marina Heights Road are all approximately one-acre parcels with single family residences on them. To propose adjoining this quiet, open neighborhood with very high-density construction causing considerable loss of privacy and security along with the related traffic increase and associated high noise levels seems totally

inappropriate. Such a mix of housing will certainly negatively impact the value of those existing properties along Old County Road.

Some ten years ago we selected this property for our retirement home after having surveyed many properties up and down the West Coast for nearly four years. We completed construction some seven years ago and have never been disappointed with the location. It has always been our understanding this whole area is zoned R-2, with the privacy we were searching for. This kind of neighborhood is exactly what we spent so much time and effort locating for our retirement only to find we are now threatened with being deprived of our beautiful trees, our spectacular view and our quiet privacy to unexpected rezoning for the sake of increased development profit. We are not objecting to reasonable property density which is more in line with existing development.

  
  
William I. Turner  
Martha c. Turner

# CITY OF BROOKINGS POLICE DEPARTMENT

Chris Wallace, Chief of Police



EXH.B  
**received**  
3-16-06 CM

March 16, 2006

To: John Bischoff, Brookings City Planner

From: Lt. John Bishop

Re: Annexation #ANX-1-06

John,

There would be no significant impact on the Brookings Police Department regarding the proposed annexation request from Gary Cooper, and Ron Hedenskog. The annexation would include tax lots 1002, 1201, 1202, 1300, 211, 213, and 216.

The Brookings Police Department has no objection to this annexation providing the rest of city staff gives it's final approval.

John Bishop  
Lieutenant, Brookings Police



898 ELK DRIVE Phone: (541) 469-3118  
BROOKINGS, OR. 97415 Fax (541) 412-0253  
[www.brookings.or.us](http://www.brookings.or.us)

