

ORDINANCE NO. 310

AN ORDINANCE AMENDING THE ZONING MAP AND
COMPREHENSIVE PLAN OF THE CITY OF BROOKINGS.

WHEREAS, the Planning Commission of the City of Brookings has heretofore held public hearing for the purpose of considering duly filed petitions for amendment of the zoning map and comprehensive plan of Brookings requesting that the hereinafter described zoning changes be made, and the Planning Commission having duly considered such petitions did vote unanimously to recommend to the Council that such zone changes be approved based on the following findings:

1. Zone changes basically conform with the comprehensive plan.
2. The further development of commercial-tourist property is very desirable at these locations.
3. There is a demand for this type of commercial-tourist property in the area.

AND WHEREAS, the Council of the City of Brookings did hold public hearing at which public hearing all interested persons were afforded an opportunity to be heard for or against the proposed zone changes, and the Council having duly considered the matter has arrived at the findings attached hereto as Exhibit A and made a part hereof.

AND WHEREAS, the Council of the City of Brookings did at the public meeting held March 20, 1979, move for approval of such zone change, which said motion was adopted,

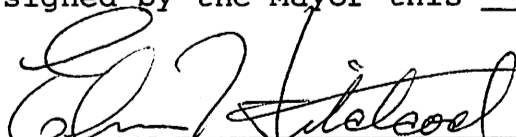
NOW, THEREFORE, the City of Brookings ordains as follows:

That changes to the zoning map of the City of Brookings heretofore made on the date indicated by the Council of the City of Brookings, pursuant to motion for approval thereof, is hereby ratified, confirmed and approved, and the zoning map and comprehensive plan of the City of Brookings are hereby declared to have been amended as of the date of such approving motions. That the subject zone changes and comprehensive plan map changes and the dates thereof are as follows, to-wit:

Transferring from RL zone to CT zone that property described as Tax Lots 801 and 900, Curry County Assessor's Map 41 13 6BC, said change effective March 20, 1979.

The comprehensive plan map is changed from "Residential Low Density" to "Commercial-Tourist" designation for Tax Lots 801, 900, 1300 and 1400, Curry County Assessor's Map 41 13 6BC. Said change is effective March 20, 1979.

PASSED By the Council and signed by the Mayor this 17th
day of April, 1979.


MAYOR

ATTEST:

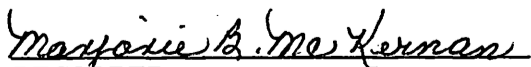

RECORDER

EXHIBIT "A"

Finding of facts of the Common Council of the City of Brookings, Oregon on the application of Mr. Ron Fallert for a change of zone of 1.39 acres of land from "RL" to "C-T" and a corresponding adjustment of the proposed Comprehensive Plan Map of 4.95 acres of land from "Residential Low Density" to "Commercial-Tourist".

This application was unanimously recommended for approval by the membership of the Planning Commission following their Public Hearing on February 27, 1979.

The applicant has demonstrated a substantial "Burden of Proof" in support of his application, consistent with the intent of Council Resolution No. 213.

The Common Council of the City of Brookings, Oregon on this 20th day of March 1979 finds and declares the following:

1. That based on the testimony presented at the Planning Commission public hearing and expressed again here at this Council hearing, a substantial public need exists in our City for the type of development proposed by the applicant. Such public need relates, particularly to advancing the tourist industry, which is important to the economy of the City and County, and in providing for meeting and conference facilities for both local and state wide use --- at no public cost.
2. That no other property, with appropriate zoning and environmental conditions, exists within the City which would permit the uses with the low intensity type of development proposed by the applicant;
3. That the proposed development will add substantially to the City's assessed value and, therefore, will aid in relieving the property tax burden from residential properties while not causing additional public cost;
4. That the proposed development will provide new employment opportunities, will stimulate additional retail sales, will lend support to local recreation and tourist oriented businesses;
5. That the proposed development will not add significantly to the City's population or to the school district's enrollment;

6. That the proposed development will not place a burden on City services or other public facilities;
7. That the proposed development will be compatible with the neighborhood of which its site is a part by introducing buildings, uses and development which are less intensive and by providing significantly more open space than is otherwise found with existing developed properties in the vicinity.
8. The Council further finds that the entire 6.65 acre property, included within the application, is unique in that:
 - a. It enjoys a panoramic view of the Pacific Ocean;
 - b. It contains a substantial stand of trees and other native vegetation which is important visually and environmentally to the liveability of the City and which would be damaged by conventional development allowed under present zoning;
 - c. It has easy and safe access off North Chetco Avenue (U.S. 101). The proposed development can be served by vehicular and pedestrian access without the need to interfere or disrupt adjacent properties; and
 - d. The site has direct access to City sewer and water systems of adequate size and capacity to serve the proposed uses with no need of any public expenditure of funds;
9. That an irregularity exists between the current zoning map and the proposed Comprehensive Plan Map as to the location of the line dividing the "Commercial-Tourist" designation from "Residential-Low Density" as shown on Applicant's Exhibits two and three;
10. That by approving this application such irregularity would be eliminated and the dividing line separating "Commercial-Tourist" from "Residential-Low Density" would be established at Crissey Circle as described on Applicant's Exhibits four and five such adjustment of this dividing line affects the zoning map and proposed Comprehensive Plan Map as follows:
 - a. Zoning Map - 1.39 acres of land from "RL" to "RT" - 20.9% of applicant's total site.
 - b. Comprehensive Plan Map - 4.95 acres of land from "Residential-Low Density" to "Commercial-Tourist" - 74.4% of applicant's total site.