



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

March 31, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Brookings Plan Amendment
DLCD File Number 004-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 17, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
John Bischoff, City of Brookings

<paa> ya/



FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

MAR 30 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Brookings Local File No.: CPZ-1-05
(If no number, use none)

Date of Adoption: March 27, 2006 Date Mailed: March 28, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 1, 2005

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

A comprehensive Plan Change from Residential to Open Space and
a zone change from R-1-6 (Single Family Residential, 6,000 sq. ft.
minimum lot size) to P O/S (Public Open Space) on a city owned lot
to allow for the construction of a water tank.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: Residential to Open Space

Zone Map Changed from: R-1-6 to P O/S

Location: 40-14-36AD T/L 1900 Acres Involved: 0.38

Specify Density: Previous: 2/du New: None

Applicable Statewide Planning Goals: 1, 2, 14

Was an Exception Adopted? Yes: No:

DLCD File No.: 004-05 (14637)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: xx No:
If no, do the Statewide Planning Goals apply. Yes: No:
If no, did The Emergency Circumstances Require immediate adoption. Yes: No:
Affected State or Federal Agencies, Local Governments or Special Districts: none

Local Contact: John Bischoff Area Code + Phone Number: (541) 469-1137
Address: 898 Elk Dr. City: Brookings
Zip Code+4: 97415 Email Address: jbischoff@brookings.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE PLANNING COMMISSION
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

**In the matter of Planning Commission File No.) Final ORDER
CPZ-1-05; application for a Zone Change; City of) and Findings of
Brookings, applicant.) Fact**

ORDER approving an application for a Comprehensive Plan designation change from Residential to Open Space and a zone change from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to PO/S (Public Open Space) on a 0.30 acre parcel located on the north side of East Harris Heights Rd. approximately 200 feet east of Seacrest Ln.; Assessor's Map 40-14-36AD, Tax Lot 1900; ZoneR-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 144, Amendments, of the Land Development Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on March 7, 2006; and
3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated February 24, 2006, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and recommended that the City Council approved the request, and
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on March 27, 2006, and is a matter of record; and
6. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Planning Commissions recommendation; and

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

FINDINGS

1. The city is requesting a Comprehensive Plan change from a Residential designation to a Open Space designation and a zone change from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to PO/S (Public Open Space) on a 0.30 acre parcel of land owned by the city.

2. The property was acquired by the city in December of 1981 for the specific purpose of constructing a water reservoir.
3. Under the existing R-1-6 Zone, the water tank and the additional 10 feet of structural height would both be subject to a conditional use permit approval.
4. Under the PO/S Zone the tank can be constructed to the required 40 feet in height as a permitted use.
5. Water storage reservoirs for distribution purpose must be sited at specific elevations and in locations that are available at that elevation.
6. Routine inspection of the tank site will generate two vehicle trips each day, one trip to the site and one trip away.
7. Goal 11, Public Facilities and Services, of the Comprehensive Plan contains a policy that the city will expand facilities to provide services for growth.

CONCLUSIONS

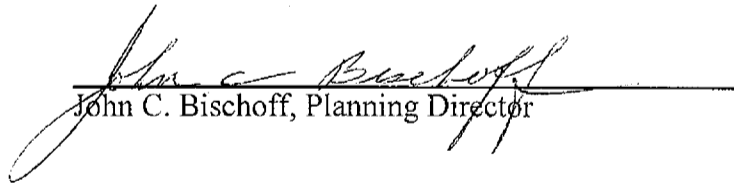
The water tank is a necessary addition to the city's water distribution system and will be located on a parcel that was acquired in 1981 specifically for this purpose because of the elevation and location of the site. The proposed change to the Public Open Space Zone will allow the construction of a water tank on the site as a permitted use for both the use itself and for the height requirement of the tank as opposed to going through the conditional use process required by existing Single Family Residential Zone.

Dated this 27th day of MARCH, 2006.



Pat Sherman, Mayor

ATTEST:



John C. Bischoff, Planning Director

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

AN ORDINANCE AMENDING THE)
COMPREHENSIVE PLAN DESIGNATION)
ON A PARCEL OF LAND LOCATED ON)
EAST HARRIS HEIGHTS ROAD FROM)
RESIDENTIAL TO OPEN SPACE AND THE) *ORDINANCE NO. 05-O-570*
ZONING FROM R-1-6 (SINGLE FAMILY)
RESIDENTIAL, 6,000 SQ. FT. MINIMUM)
LOT SIZE) TO PO/S (PUBLIC OPEN)
SPACE)

Sections:

Introduction.

- Section 1. Comprehensive Plan designation to Commercial.**
- Section 2. Zoning Map amendment to General Commercial.**

WHEREAS, a public hearing was held on October 26, 2005 before the Brookings Planning Commission for the purpose of considering a request for a Comprehensive Plan change from a Residential designation to an Open Space designation and a zone change from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to PO/S (Public Open Space) on a 0.30 acre parcel of land located on East Harris Heights Rd. 200 feet east of Seacrest Dr.; (identified as Assessor's Map No. 40-14-36AD; Tax Lot 1900).

WHEREAS, following closure of the public hearing after considerable evidence and testimony was presented by proponents and opponents, the Planning Commission directed the Planning Director to prepare a recommendation, with findings, to the City Council, for approval of the request; and

WHEREAS, the Brookings City Council, at its regularly scheduled meeting of March 27, 2006 did conduct a public hearing on this matter, during which hearing considerable testimony and evidence was presented by the applicant's representative, interested parties and recommendations were received from and presented by the Planning Director; and

WHEREAS, at the conclusion of said public hearing, after consideration and discussion, the Brookings City Council, upon a motion duly seconded, did vote in the majority to grant the applicant's request and instructed staff to prepare a Final Order to that effect;

The city of Brookings ordains as follows:

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

Section 2. Amendment to the Zoning Map to designate property PO/S (Public Open Space) The Zoning Map of the City of Brookings is amended to show that the property described in Exhibit "A" and "B", attached, is zoned PO/S (Public Open Space)

(See Attachment A and B)

First Reading: March 27, 2006

Second Reading: March 27, 2006

Passage: March 27, 2006

Effective Date: April 26, 2006

Signed by me in authentication of its passage this 28th day of MARCH 2006



Pat Sherman, Mayor

ATTEST:



Paul Hughes, Finance Director/Recorder

EXHIBIT A

A parcel of land located in the Southeast Quarter of the Northeast quarter of Section 36, Township 40 South – Range 14 West, W.M. Curry County, Oregon; described as follows:

Beginning at a point located South 46° 31' 00" East a distance of 196.46 feet, from the initial point of Glenwood Condo Stage III, Plat 1995-8; Thence, North 44° 30' 00" East a distance of 70.85 feet; Thence, North 04° 39' 00" East a distance of 15.05 feet; Thence East a distance of 74.98 feet; Thence South 04° 38' 17" West a distance of 15.05 feet; Thence South 80° 14' 00" East a distance of 29.13 feet; Thence south 03° 59' 00" West for a distance of 55.43 feet; Thence South 10° 23' 30" West for a distance of 104.33 feet; Thence North 83° 43' 00" West for a distance of 13.96 feet; Thence North 46° 31' 00" West for a distance of 161.01 feet to the **Point of Beginning**.

Exhibit B

