



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

April 4, 2008

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 001-08



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 16, 2008**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) 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.

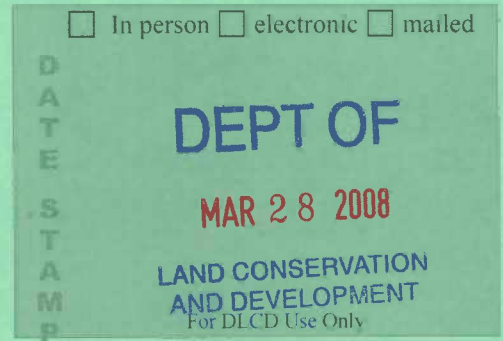
**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya

# Notice of Adoption

THIS FORM MUST BE MAILED TO DLCDD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Brookings**

Local file number: **CPZ-1-07**

Date of Adoption: ~~3/24/2008~~ 3/25/2008

Date Mailed: **3/26/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCDD? **Yes** Date: 1/2/2008

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation

- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

CPZ -1-07 approved a Comprehensive Plan/ Zone Change from Residential (Multi-family Residential, R-3) to Commercial (Professional Office - PO-1).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Residential**

to: **Commercial**

Zone Map Changed from: **R-3**

to: **PO-1**

Location: **100 Park Ave.: 41-13-06DA; 11101**

Acres Involved: **1**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                           | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
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Was an Exception Adopted?  YES  NO

Did DLCDD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLED # 001-08 (16614)



**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None.

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Local Contact: **Dianne Morris**

Phone: (541) 469-1138 Extension:

Address: 898 Elk Dr.

Fax Number: 541-469-3650

City: **Brookings, Or.**

Zip: 97415-

E-mail Address: **dmorris@brookings.or.us**

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## **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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also 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.

IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON

AN ORDINANCE AMENDING THE  
COMPREHENSIVE PLAN DESIGNATION  
ON A PARCEL OF LAND LOCATED AT  
100 PARK AVE; TAX LOT 11101,  
MAP 41-13-06DA; FROM RESIDENTIAL TO  
COMMERCIAL AND THE ZONING FROM  
R-3 (MULTI-FAMILY RESIDENTIAL) TO  
PO-1 (PROFESSIONAL OFFICE).

ORDINANCE No. 08-O-604

- Section 1. Comprehensive Plan designation to Commercial.  
Section 2. Zoning Map amendment to Professional Office (PO-1).

The City of Brookings ordains as follows:

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

Section 2. Amendment to the Zoning Map to designate property PO-1 (Professional Office) the Zoning Map of the City of Brookings is amended to show that the property described in Exhibit "A", attached, is zoned PO-1 (Professional Office).

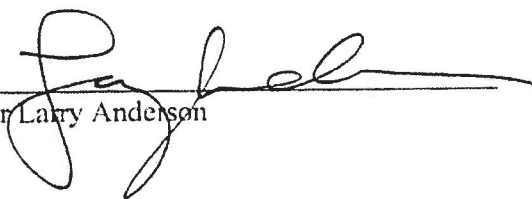
First Reading: March 24, 2008

Second Reading: March 24, 2008

Passage: March 24, 2008

Effective Date: April 23, 2008

Signed by me in authentication of its passage this 25<sup>th</sup> day of March, 2008.

  
Mayor Larry Anderson

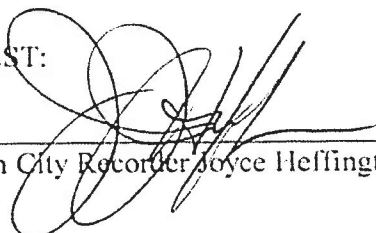
ATTEST:  
  
Interim City Recorder Joyce Heffington



EXHIBIT "A"

LLA to 11200

Revised desc: FTLPO

That por of the fol lying Wly of c/l of vac Center St:

Baap N 2115.90' and W 304.80' from SE cor Sec. 6, T41S R13W WM;

th S42°40'W 50.57';

th N45°27'11"W 20' to TPOB;

th S46°46'53"W 134.13';

th S79°34'52"W 79.26';

th S89°01'59"W 103.74';

th N26°50'29"W 144.65';

th W 32.88';

th along a CR, R=461.27', LC=N31°57'30"E 222.0';

th N74°35'E 18.12';

th S14°02'E 20.01' to S byd Park Ave;

th fol S bdy Park Ave N74°35'E 100.89';

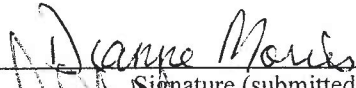
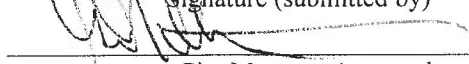
th S13°25'E 106.15';

th S45°27'E 137.83' to TPOB.

Also: Formerly Parcel 10800 ~~Sub 044~~ -10427 AUG 28 1987  
That portion of the previous desc parcel lying Ely. of CAL APR 27 1986 LLA  
vac Center St.

**CITY OF BROOKINGS**  
**COUNCIL AGENDA REPORT**

Meeting Date: March 19 2008

  
\_\_\_\_\_  
Signature (submitted by)  
  
\_\_\_\_\_  
City Manager Approval

Originating Dept: Planning Dept.

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Subject: Request for Comprehensive Plan Change from Residential to Commercial and a zone change from Multi-Family Residential (R-3) to Professional Office (PO-1) on property located at 100 Park Ave., known as the Good Samaritan Nursing Home Facility; Tax lot 11101, map 41-13-06DA.

Recommended Motion: Staff recommends approval of the File CPZ-1-07 changing the Comprehensive Plan designation from Residential to Commercial and the zone from R-3 to PO-1.

Financial Impact:

None. 

Background/Discussion: After reviewing the attached Staff Report, Applicant's findings, and testimony at their February 6, 2008 hearing, the Planning Commission recommends approving the above requested Comprehensive Plan and zone change. The applicants have gone to considerable effort and expense in this application to lawfully be able to site a structure to house a needed emergency generator to serve the existing facility. With this zone change the Applicant's will be able to meet the required setbacks in the PO-1 zone.

Policy Considerations: None.

Attachment(s): 1) Staff Report  
2) Final Order



**CITY OF BROOKINGS CITY COUNCIL**  
**STAFF AGENDA REPORT**

SUBJECT: Comprehensive Plan/Zone Change  
FILE NO: CPZ-1-07

HEARING DATE: March 10, 2008  
REPORT DATE: February 25, 2008

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**GENERAL INFORMATION**

APPLICANT: David Horazdovsky/Mark Williams, The Good Samaritan Society

REPRESENTATIVE: John Bischoff, Wildwood Planning Consultants.

REQUEST: A Comprehensive Plan Map change from Residential to Commercial and a Zone Change from Multiple-Family residential (R-3) to Professional Office (PO-1).

TOTAL LAND AREA: 1.7 ac. (74,052 ± feet).

LOCATION: On the south side of Park Avenue approximately 150 feet from its intersection with Pacific Avenue; more specifically 100 Park Avenue.

ASSESSOR'S NUMBER: 41-13-06DA, Tax Lot 11101.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: R-3(Multiple- Family Residential, 6,000 sq. ft. minimum lot size).

PROPOSED: PO-1 (Professional Office, 6,000 sq. ft. minimum lot size).

SURROUNDING: R-3 to the north and General Commercial (C-3) to the south.

COMP. PLAN: Residential.

**LAND USE INFORMATION**

EXISTING: Nursing home facility.

PROPOSED: Same.

SURROUNDING: Residential uses to the northwest, churches to the north and east, a senior apartment complex to the south.

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

## **APPLICABLE CRITERIA**

Land Development Code – Ordinance No. 06-O-572  
Chapter 17.140 – Amendments

## **BACKGROUND INFORMATION**

The subject property is an irregularly shaped, 1.7 acre (74,052 sq. ft.) parcel of land located on the south side of Park Avenue approximately 150 feet from its intersection with Pacific Avenue. The property is accessed by Park Avenue, which has a two-lane paved travel surface within a 40 foot right-of-way. The property is developed with a nursing home facility located near the center of the property.

The property is zoned R-3 (Multi-Family Residential, 6,000 sq. ft. minimum lot size) as is the area to the north. Single family dwellings are located to the northwest. Two church complexes lie to the north and to the east of the subject property. The area adjacent on the south is zoned C-3 (General Commercial) and is developed with a senior apartment complex. Topographically the lot is essentially flat with a gentle slope on the western boundary. The subject property is currently served by City water and sewer.

## **PROPOSED PLAN and ZONE CHANGE**

Amendments to the Comprehensive Plan and zoning maps are governed by Chapter 17.140 of the Brookings Municipal Code (BMC). The Applicant is requesting a comprehensive plan/zone change from a residential designation (R-3) to a commercial designation (PO-1).

## **ANALYSIS**

The purpose statement for the Professional Office (PO-1) zone describes it as a transitional zone between residential zones and less restrictive zones. The PO-1 zone, with its less intensive commercial uses, is an appropriate buffer zone between the Multi-Family Residential zone and the General Commercial (C-3) zone. The subject property is adjacent to C-3 zoned property on the south and R-3 zoned property on the northwest. The PO-1 zone is an appropriate designation for the subject property as it allows nursing and convalescent homes as an outright use.

With the existing facility and parking requirements, the property has very limited area for further development. The facility does have a need for an emergency generator to assure the patients will receive continuous care when a power outage occurs. The present R-3 zone requires setbacks that preclude siting of the needed structure to house the generator. With the zone change to PO-1 the structure can be sited and meet setback requirements in that zone. It would be located on the southeast side of the structure adjacent to a church parking lot and the commercially zone area to the



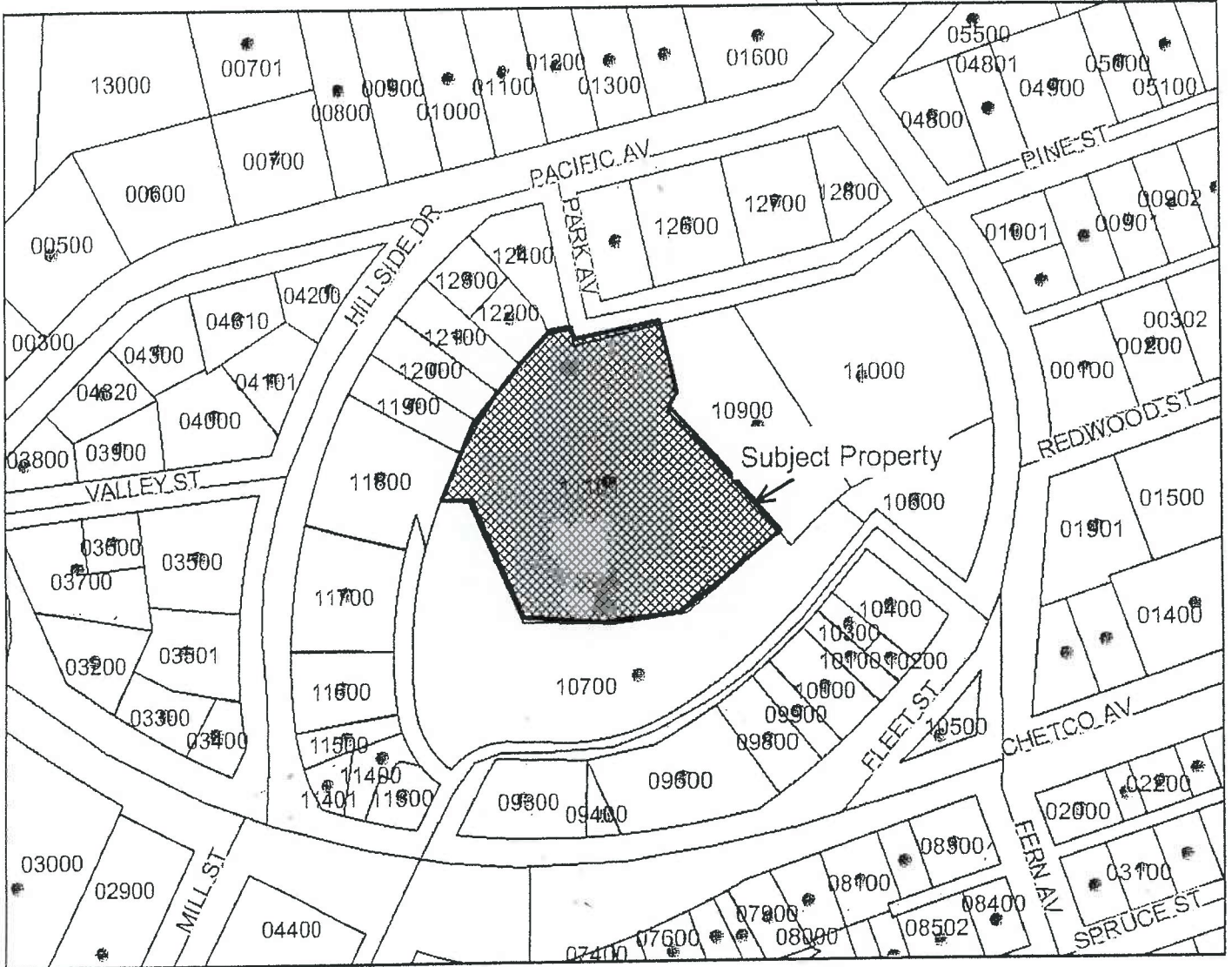
south. In this location the residences to the northwest are shielded by the existing nursing home facility. The proposed zone change would not increase traffic or the intensity of use. The PO-1 zoning would be more in keeping with the historic use of this site.

## **FINDINGS AND CONCLUSIONS**

1. Applicant has filed a complete application requesting a Comprehensive Plan/ Zone Change from Residential (R-3) to Commercial (PO-1) on the 1.7-acre subject property. The application is supported by proposed finding of fact and conclusion of law and evidence submitted by Applicant's Agent (**Attachment A**).
2. Due to the very limited impact resulting from this application few of the Comprehensive Plan Goals are applicable and need to be addressed. Goal 11, Public Facilities and Services, could be said to be effected in a positive manner due to the provision of emergency power that will be the end result of approval of this application. Attachment A of this Staff Report, the Agent's findings, list the Goals and makes brief comments.
3. The subject property is nearly fully developed with the existing nursing home facility. This zone change will not cause additional traffic or a more intense use. The facility is currently served by City sewer and water.
4. The requested commercial zoning designation is appropriate as the existing use is allowed outright in that zone. In addition, the PO-1 zone is a transitional or buffer zone between residential uses and more intense commercial uses. Approval of this zone change application would provide that buffer between residential and General Commercial (C-3) uses.
5. The zone change will enable the Applicant to better provide for the needs of the residents in the facility with the siting of a structure to house the emergency generator.
6. The generator will be located on the southeast side buffered from the only adjacent residential uses by the existing structure. In addition the generator will only be used for limited period of time during an emergency. Due to these mitigating circumstances, the zone change will not result in adversely effecting surrounding uses.
7. Approving this zone change request to allow for the siting of a structure to house a generator to serve this facility is supported by Staff as good emergency preparedness.

## **RECOMMENDATION**

Staff recommends **APPROVAL** of Case File No. CPZ-1-07, based on the findings and conclusions stated in the staff report and the Applicant's findings.



Applicant:	Good Samaritan nursing home
Assessor's No:	41-13-06DA Tax Lot 11101
Size:	1.7 ± acre parcel
Location:	100 Park Avenue
Zone:	R-3 (Multi-family Residential) to PO-1 (Professional Office)





APPLICANT

~~Good Samaritan Society – Curry Village~~  
Mark Williams, Administrator

REQUEST

~~A Comprehensive Plan change from Residential to Commercial and a~~  
Zone Change from Multi Family Residential (R3) to Professional Office (PO-1)

LOCATION

100 Park Ave.  
On the south side of Park Ave and west of the Seventh Day Adventist Church

Prepared by  
John Bischoff  
Wildwood Planning Consultants  
December 17, 2007

REQUEST

The applicant is requesting a Comprehensive Plan change from the existing Residential designation to a Commercial designation and a Zone Change from the existing R-3 (Multiple Family Residential) Zone to the PO-1 (Professional Office) Zone, to allow for the construction of an outbuilding to house an emergency generator large enough to provide electrical power to the entire nursing home facility. Under the current R-3 Zone the existing use is a conditional and would require the outbuilding to be at least 30 feet from any but the front property line, which cannot be met. The requested PO-1 Zone will make the existing use a permitted use with side or rear yard requirements that would allow for the generator building.

PROPERTY DESCRIPTION

The subject property is an irregular shaped, 1.7± acre, parcel of land located on the south side of Park Ave. The parcel has 98 feet of frontage on Park Ave., an easterly boundary that extends south from Park Ave. for 77 feet then jogs southwesterly for 16 feet then southeasterly for 138 feet. The southerly boundary curves toward the west in a series of straight segments for 317 feet and then turns to the northwest for 145 feet, then to the west for 33 feet. The northwesterly boundary curves gently back to Park Ave. for 234 feet (all distances are approximate). The property is developed with the nursing home building, which is located in the approximate center of the property, with the rest of the lot paved for parking and side yard uses. Parking is shared with the Seventh Day Adventist Church, which adjoins the subject property on the east. The majority of the parking is located on the Park Ave. side of the building, with other parking spaces to the west side of the lot. As originally designed, Park Ave. curved from Fern Ave. in its present location back to Fern Ave. to the south, forming a circle with the subject property in the approximate center. Center St. was also originally designed to intersect the westerly end of and extend through the Park Ave. circle. All but the existing sections of Park Ave. and Center St. were vacated by City Ordinance 201. See Exhibit B

SUROUNING ZONING

The subject property is currently zone R-3 (Multiple Family Residential) as is the area to the west, northwest, north and east. The area to the northwest is developed with single family homes fronting on Hillside Dr. Directly north is the location of the Baptist Church and the church rectory. The lot to the east contains the Seventh Day Adventist Church and to the east of it the Chetco Inn. The area to the south is zoned C-3 (General Commercial). Directly south of the subject lot is the location of Jersted Manor, a HUD apartment for seniors aged 62 and older, also owned by the applicant. The rest of the area to the south is developed with commercial uses except for two single family homes located on Hillside Dr.

SUBMITTAL REQUIREMENTS

Chapter 17.140 Amendments, of the Land Development Code provides the following submittal requirements for a Comprehensive Plan amendment:

A. *Name and address of the applicant.*

In this case the owner is the national organization of the Evangelical Lutheran Good Samaritan Society; however, the applicant is the local Good Samaritan Society-Curry Village, the facility operator. The following is the address for both.

Owner

Evangelical Lutheran Good Samaritan Society  
4800 West 57<sup>th</sup> Street  
Sioux Falls, SD 57117  
(605)362-3100 FAX (605)362-2225

Applicant

The Good Samaritan Society – Curry Village  
Situs Address 100 Park Ave.  
POB 1217  
Brookings, OR 97415  
(541)469-3111x230 FAX (541)-469-5970

- B. *Title report and/or other documentation to provide evidence that the applicant is the owner of record, a purchaser under a recorded land sale contract, or the holder of an option to purchase property which is the subject of the application.*

See attached deed.

- C. *Address, legal description and Curry County Assessor's tax lot and map number of the subject property.*

Assessor's Map 41-13-6DA, Tax Lot 11101  
The Good Samaritan Society – Curry Village  
Situs Address 100 Park Ave.  
POB 1217  
Brookings, OR 97415

- D. *A map (Curry County Assessor's plat) showing the subject property, and surrounding properties and a listing of current property owners within 250 feet of the property subject to this application.*

See Exhibit B – Assessor's Map showing subject property and Exhibit C – GIS map showing all lots within 250 of the subject property with a list of property owners.

- E. *Statement and supportive evidence indicating the precise manner in which the proposed amendment is in conformance with the comprehensive plan for the city of Brookings and each of the applicable provisions of this code together with any other data pertinent to the findings prerequisite to the granting of an amendment to this code, zoning map and comprehensive plan map and/or text as listed in Subsection D of section 144.050.*

See Findings and Conclusions below.

- F. *The application shall be accompanied by a filing fee in the amount established by general resolution of the City Council. No part of the filing fee is refundable.*

A check for the appropriate filing fee has been submitted with this application.



## FINDINGS AND CONCLUSIONS

The City's Land Development Code does not provide criteria for a Comprehensive Plan/zone change other than how the request complies with the goals and policies of the Comprehensive Plan. The property subject to the proposed Comprehensive Plan change and zone change is currently fully developed. The proposed zone change is not for the purpose of placing a different use or is it for the purpose of adding another use to the property. The only reason for the zone change is to provide a zoning under which the existing use is out right and provides setback requirements to allow the construction of an out building to house an electrical generator for emergency purposes. For this reason most of the Comprehensive Plan goals do not apply or are mute to the reason for this request and only those that have application will be discussed in full. The following is discussion findings and conclusions relevant to each goal.

### Goal 1. Citizen Involvement

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

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

#### Finding

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

#### Conclusion

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

### Goal 2. Land Use Planning

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

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

### Goal 3 and 4. Agricultural Lands and Forest Lands

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

The subject property does not contain any agricultural or forest land and thus Goals 3 and 4 are mute.

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

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

Goal 6. Air, Water and Land Resource Quality

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

Findings for both

The subject property is currently fully developed with a nursing home facility and related parking area.

The purpose of the change of zone is to establish a zone in which the existing use is an out right use and provides side and/or rear yard setback requirements that will allow for the construction of an out building to house an electric generator for emergency purposes.

Conclusion

The proposed change of zone will not result in a change of or lose of any natural, historic or scenic resource or of any open space area.

The proposed change of zone will not result in a change or lose of quality of any air, water or land resource.

Goal 7. Areas Subject To Natural Disasters and Hazards

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

Finding

The subject property is currently fully developed with a nursing home facility and related parking area.

The subject property is essentially flat except for some very gentle downward slopes along the southwesterly and south boundaries.

The subject property is not identified on State Hazards Maps.

Conclusion

The zone change will not result in a new or expanded use on the subject property except for the addition of an out building for the electrical generator. Placement of the generator building will be reviewed for geologic hazards at the time of construction.

Goal 8. Recreational Needs

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

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

Goal 9. Economy

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

Finding

The subject property is fully developed.

Conclusion

The requested zone change is to provide a zoning designation under which the existing use will become an out right use and will provide side and rear yard setbacks that allow for the



placement of the generator building on the site. The propose zone change will have no particular impact on the economy of the community.

Goal 10. Housing

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

Findings

The existing use on the subject property is a nursing home facility.

Conclusion

A nursing facility is essentially a home for people that are in need of long term medical care. By allowing the proposed change of zone this facility can be provided with emergency power capabilities that do not exist at this time and thus ensuring that the residents have consistent care in time of power outages.

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.*

Finding

The subject property is currently served with full public services of water, sewer, electricity, telephone, etc.

Conclusion

The only purpose of this proposed zone change is to allow the construction of a building to house an electric generator to be used when one of the public services – electric power – is off during inclement weather or for other reasons.

Goal 12. Transportation

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

Finding

The subject property fronts on a public street and is accessed from that street.

Conclusion

The proposed zone change will not change the transportation related needs of the transportation system nor will it cause an increase in traffic generated by the existing use.

Goal 13. Energy Conservation

*To conserve energy.*

Finding

The subject property is fully developed.

Conclusion

The proposed change of zone will allow the construction of a building to house a generator to provide power during electrical outages. The generator will use energy in terms of fuel but this use is off-set by the lack of electrical use during such outages. No significant impact on energy use will result from the proposed zone change.



Goal 14. Urbanization

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

Discussion

Goal 14 is the most important of the Comprehensive Plan goals in regard to the requested Comprehensive Plan change and zone change. State law requires that when an Urban Growth Boundary (UGB) is created or expanded a ratio of residential land, commercial land and industrial land needs be established based on population projections together with other factors. When the City and County expanded the Brookings UGB, it was determined that the amount of land within the new UGB designated for residential use was larger than the ratio indicated as needed at that time. The proposed change of zone will result in land currently designated as residential to be designated as commercial, thus helping to balance the ratio of residential, commercial and industrial uses.

Finding

The subject property is currently designated by the Comprehensive Plan as residential. The proposed Comprehensive Plan change and zone change will result in the subject property being designated as Commercial.

The Findings document for the Urban Growth Boundary expansion indicated that the new boundary contained more land designated for residential use and less land designated for commercial use than the land use ratio indicated as needed.

Conclusion

The proposed Comprehensive Plan change from a residential designation to a commercial designation will help balance the ratio of residential to commercial land uses as indicated by the findings prepared for the Urban Growth Boundary expansion.

Goal 16. Estuarine Resources

Goal 17. Coastal Shorelands

Goal 18. Beaches And Dunes

The subject property is not located on or within the near vicinity of an estuary, shoreland, beach, or dunes and the proposed change of zone will generate no impact on these areas that does not already exist.

Overall Conclusion

The propose Comprehensive Plan change from a Residential designation to a Commercial designation and a zone change from R-3 (Multiple Family Residential) to PO-1 (Professional Office) designation is consistent will all of the goals and policies of the City's Comprehensive Plan, particularly Goal 14, Urbanization.

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

**In the matter of City Council File No. CPZ-1-07;    ) Final ORDER  
application for a Zone Change; John Bischoff,    ) and Findings of  
applicant.    ) Fact**

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**ORDER** approving an application for a Comprehensive Plan designation change from Residential to commercial and a zone change from R-3 (Multi-family Residential) to PO-1 (Professional Office), on a 1.7 acre parcel located 100 Park Ave.; Assessor's Map 41-13-06DA, Tax Lot 11101; Zoned R-3 (Multi-family Residential).

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with Chapter 17.140, Amendments, Brookings Municipal Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its scheduled public hearing on February 19, 2008; and,
3. Recommendations were presented by the Planning Director in the form of a written Staff Report dated Feb. 6, 2008, and by oral presentation, and evidence and testimony was presented by the applicant at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Report and recommended that the City Council approve the request; and,
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on March 10, 2008, 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.

**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, and subject to the following conditions of approval:

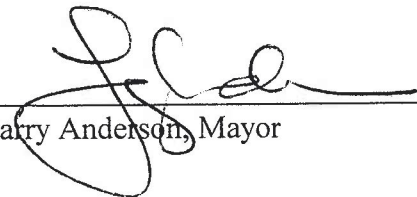
**FINDINGS and CONCLUSIONS**

1. Applicant has filed a complete application requesting a Comprehensive Plan/ Zone Change from Residential (R-3) to Commercial (PO-1) on the 1.7-acre subject property. The application is supported by proposed finding of fact and conclusion of law and evidence submitted by Applicant's Agent.

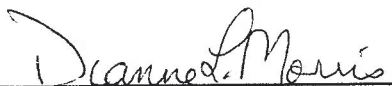
2. Due to the very limited impact resulting from this application few of the Comprehensive Plan Goals are applicable and need to be addressed. Goal 11, Public Facilities and Services, could be said to be effected in a positive manner due to the provision of emergency power that will be the end result of approval of this application.
3. The subject property is nearly fully developed with the existing nursing home facility. This zone change will not cause additional traffic or a more intense use. The facility is currently served by City sewer and water.
4. The requested commercial zoning designation is appropriate as the existing use is allowed outright in that zone. In addition, the PO-1 zone is a transitional or buffer zone between residential uses and more intense commercial uses. Approval of this zone change application would provide that buffer between residential and General Commercial (C-3) uses.
5. The zone change will enable the Applicant to better provide for the needs of the residents in the facility with the siting of a structure to house the emergency generator.
6. The generator will be located on the southeast side buffered from the only adjacent residential uses by the existing structure. In addition the generator will only be used for limited period of time during an emergency. Due to these mitigating circumstances, the zone change will not result in adversely effecting surrounding uses.
7. Approving this zone change request to allow for the siting of a structure to house a generator to serve this facility is supported by Staff as good emergency preparedness.

**LET IT FURTHER BE OF RECORD** that the City Council APPROVED the requested Comprehensive Plan and Zone Change requested by File # CPZ-1-07.

Dated this 10<sup>th</sup> day of March, 2008.

  
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Larry Anderson, Mayor

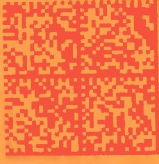
ATTEST:

  
\_\_\_\_\_  
Dianne L. Morris, Planning Director





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**CITY OF BROOKINGS**

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**TO: ATTENTION: LAW AMENDMENT SPECIALIST**

DLCD  
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