



NOTICE OF ADOPTED AMENDMENT



01/21/2009

- 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 013-08

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: Wednesday, February 04, 2009

This amendment was submitted to DLCD for review 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.

- *<u>NOTE:</u> 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.
- Cc. Dianne Morris, City of Brookings Gloria Gardiner, DLCD Urban Planning Specialist

E 2 DLCD DLCD Notice of Adopti THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECIS PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18	LAND CONSERVATION	
Jurisdiction: Clty of Brookings	Local file number: ANX-1-08	
Date of Adoption: 1/12/2009	Date Mailed: 1/14/2009	
Was a Notice of Proposed Amendment (Form 1) ma	iled to DLCD? YesDate: 10/13/2008	
Comprehensive Plan Text Amendment	Comprehensive Plan Map Amendment	
Land Use Regulation Amendment	Zoning Map Amendment	
New Land Use Regulation	Other:	
Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached". Annexation of a portion of Taxlot 1700, Map 40-13-31B and change zoning from Curry county Residential (R-2) zone to City of Brookings, Single Family Residential (R-1-6) zone.		
Does the Adoption differ from proposal? No, no exp Plan Map Changed from: N/A	laination is necessary to:	
Zone Map Changed from: R-2	to: R-1-6	

Zone Map Changed from: R-2	to: R-1-6
Location: Parkview Dr. area	Acres Involved 30
Specify Density: Previous: N/A	New:
Applicable statewide planning goals:	
1 2 3 4 5 6 7 8 Image: Second structure <td></td>	
45-days prior to first evidentiary hearing?If No, do the statewide planning goals apply?If No, do the statewide planning goals apply?If No, did Emergency Circumstances require immediate adoption?If No, NoIf no, did Emergency Circumstances require immediate adoption?If NoIf No	
ALCD # 013-08 (17194)

DLCD file No.

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

Curry County

Local Contact: Dianne Morris Address: 898 Elk Dr. City: Brookings

Zip: 97415

Phone: (541) 469-1138Extension:Fax Number: 541-469-3650E-mail Address: dmorris@brookings.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form <u>must be mailed</u> to DLCD <u>within 5 working days after the final decision</u> 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. <u>Please Note</u>: 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 <u>8-1/2x11 green paper only</u>. 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

In the Matter of an Ordinance amending) The City limits and zoning map of the City) of Brookings by annexing a 9,610 sq. ft.) area, designating the area Residential and) applying the R-1-6 (Single Family) Residential, 6,000 sq. ft. minimum lot size)) On that certain property described below.)

ORDINANCE 09-0-625

Sections:

Introduction.	
Section 1.	Declaration of Annexation.
Section 2.	Declaration of withdrawal from the Brookings Suburban Fire
	Protection District.
Section 3.	Uncollected Taxes.
Section 4.	Submittal to Secretary of State.
Section 5.	Rezoning.

WHEREAS, property owners have petitioned the City of Brookings for annexation of the real property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto, and that said territory is contiguous to existing City limits pursuant to ORS 222.111; and

WHEREAS, a written consent petition for the annexation of the above referenced territory has been filed with the City of Brookings by the owners of said property, pursuant to ORS 222.170(2); and

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

<u>Section 1.</u> <u>Declaration of Annexation.</u> That the property in the territory described in Exhibit "A" and depicted on map, Exhibit "B", attached hereto and by this reference made a part hereof, which said real property is situated in Curry County, Oregon, and is contiguous to the City of Brookings and the subject property, be, and the same hereby is annexed to the City of Brookings.

<u>Section 2.</u> <u>Declaration of Withdrawal from Brookings Suburban Fire</u> <u>Protection District.</u> That the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby withdrawn from the Brookings Suburban Fire Protection District upon the annexation of the aforementioned property to the City of Brookings. Section 3. Uncollected Taxes. That all uncollected taxes therefore levied by such district shall become the property of the City of Brookings and be delivered to it upon collection.

<u>Section 4.</u> <u>Submittal to Secretary of State.</u> That the City Recorder by, and is, authorized and directed to make and submit to the Secretary of State a copy of this ordinance, and a copy of the statement of consent of the land owners of said real property heretofore filed with him.

Section 5. <u>Rezoning</u>. Concurrent with the annexation, the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from Residential Two, Curry County zoning classification, to the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) City of Brookings zoning classification.

First Reading: Second Reading: Passage: Effective Date:

ne 12, 200

Signed by me in authentication of its passage this

Mayor Larry Anderson

,2009 ,day of ATTEST City Recorder Jøyce Hellington

09-0-625

Exhibit A

Parcel I, Lea Partition - Preliminary Plat

2.14

EXHIBIT

A parcel of land lying in the Southwest Quarter of the Northwest Quarter of Section 31, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon, more particularly described as follows:

BEGINNING at the Northwest corner of that parcel conveyed to Rolla L. Sharp and Carol K. Sharp, husband and wife, in Deed Volume 47 Page 5, Official Records of Curry County, Oregon, said point described as North 410.00 feet and West 1551.26 feet from the Interior Quarter Corner of said Section 31;

thence South .00°15'00" West, a distance of 10.00 feet to the North boundary of that parcel conveyed to Dale I. Smith, in Deed Volume 56 Page 211, Official Records of Curry County, Oregon;

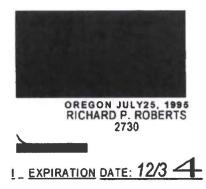
thence along the North boundary of said Smith parcel, North 89°45'00" West, a distance of 100.13 feet, more or less to the East right of way line of Parkview Drive;

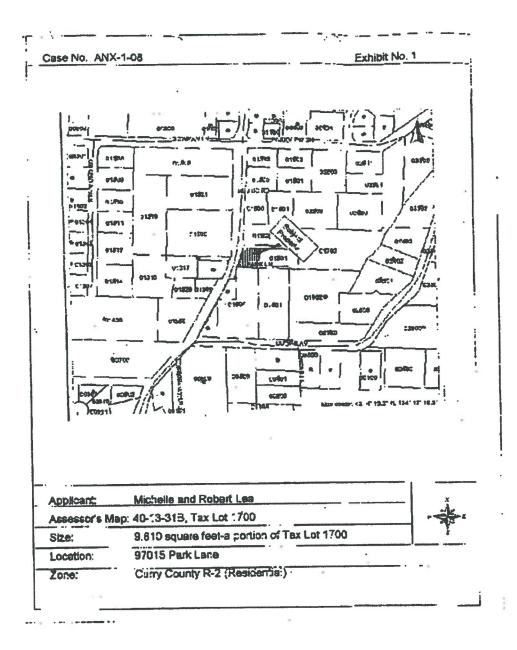
thence along said right of way line, due North, a distance of 99.82 feet; thence leaving said right cif way line, South 89°57'59" East, a distance of 106.81 feat:

thence South 00°04'23" West, a distance of 90.22 feet;

thence North 89°45'00" West, a distance of 6.52 feet to the POINT OF BEGINNING.

Containing 10,611.52 square feet or 0.2436 acres, more or less.





<u>CITY OF BROOKINGS CITY COUNCIL</u> <u>STAFF AGENDA REPORT</u>



SUBJECT: Annexation FILE NO: ANX-1-08 HEARING DATE: January 12, 2009 REPORT DATE: December 29, 2008 ITEM NO: 5

GENERAL INFORMATION

- APPLICANT: Robert and Michelle Lea.
- REPRESENTATIVE: Same
- REQUEST: Annex a portion of a parcel adjacent to Parkview Dr.
- TOTAL LAND AREA. 9,610 sq ft
- LOCATION: East side of Parkview Dr. approximately ³/₄ mile from its intersection with Hwy. 101.
- ASSESSOR'S NUMBER. 40-13-31B, Portion of Tax lot 1700.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING County R-2 (Residential Two).

PROPOSED: City R-1-6 (Single Family Residential)

- SURROUNDING On the west side of Parkview Dr. opposite the subject property is a parcel which has been annexed to the City and zone R-1-6. All other surrounding parcels are in the County and zoned R-2.
- COMP PLAN: Residential.
- PROPOSED: Same.

LAND USE INFORMATION

- EXISTING: The portion of tax lot 1700 to be annexed is vacant.
- PROPOSED: Residential use.
- SURROUNDING: Residential uses.
- PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local newspaper.

APPLICABLE CRITERIA. Land Development Code- Ordinance 06-0-572 Chapter 17 144 - Annexations

BACKGROUND INFORMATION

The applicant has requested annexation of a portion of tax lot 1700. This area is presently vacant. An application to Curry County to partition this area from the parent parcel has received preliminary approval. A condition of approval for the partition application is a requirement that the property be annexed to the City and thereby able to connect to the City's sewer main. City water and sewer service is required to create an urban size parcel. The City Planning Commission conducted a hearing on this annexation request and recommends approval.

PROPOSED ANNEXATION

The proposed area for annexation is adjacent to Parkview Dr. This portion of Parkview Dr. was annexed into City limits along with several parcels in that vicinity in 2005. As the subject property is adjacent to Parkview Dr., it is considered adjacent to City limits

ANALYSIS

17.144.020 Application Procedures, BMC

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

A vicinity map is attached to this report (Attachment A)

B. Assessor's parcel maps of the proposed annexation area, which maps shall indicate and identify those parcels for which consents to annex have been signed by either electors and/or owners depending on which annexation process is used under the provisions of the ORS.

The Assessor's map has been attached to this report (Attachment B).

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

A copy of the consent to annex form is attached to this report (Attachment C).

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

The metes and bounds description if attached to this report (Attachment D).

- 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.

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See Finding No. 2 Below.

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

See Finding No. 2 Below.

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

See Finding No. 2 Below.

H Adjoining land uses.

The vicinity surrounding the parcels to be annexed is developed with single family homes on lots of various sizes with scattered vacant lots

1 Written findings of fact prepared by the petitioner(s) or petitioner(s) representatives, which address the following.

FINDINGS

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

The subject property to be annexed is vacant.

2. Existing zoning and comprehensive plan designations within the territory.

Assessor's Map 40-13-31B; Westerly Portion of Tax Lot 1700.

Presently zoned R-2 (Residential Two) Zone, County designation. If approved the zoning will then be the City's R-1-6 (Single Family Dwelling), in keeping with other annexed properties in the vicinity.

Situs address—The parent parcel address is 97015 Park Lane. The area to be annexed will have a blue address plate to let emergency services know the property is inside City limits.

Owner — Robert and Michelle Lea.

This is a square shaped, 9,610 sq. ft. proposed parcel, located on the east side of Parkview Dr. and on the north side of Park Lane. There is approximately 100 feet of frontage on Parkview Dr. Access to the proposed parcel will be from Parkview Dr. at the intersection point with Park Ln. As Parkview Dr. is a County road, the Applicants have provided an approval of this access point from the County Roadmaster (Attachment E). Topographically this parcel is essentially flat. There are no significant natural features located on the subject property. The approximate assessed value is \$ 60,000.

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

The water main located in Parkview Dr. has been upgraded from a 6" line to a 10" line and a new sewer main has been placed in the Parkview right-of-way in recent years. Drainage through out the area is via open ditches or natural water courses. The County completed a

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re-surfacing project on Parkview Dr. in 2005

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

The area subject to this annexation is in Taxing District 17-7 and includes the following special districts:

School District 17-C South Coast ESD Southwestern Oregon Community College Port of Brookings Harbor South Curry Cemetery District Suburban Fire District Chetco Library District Curry County 4H Extension County General Hospital District Curry Soil/Water Co

Upon annexation police and fire protection will be provided by the City. Letters from the Fire Chief and Police Chief have been provided stating the subject property will receive protection from their Departments if the annexation is approved (Attachment F). Inclusion in the other Districts listed above will remain the same

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.

Water and sewer service is available to the subject property. The Applicant has provided a Public Works Utility Confirmation Form verifying utilizes are available (Attachment G). A condition of approval for the partition application is to provide street improvements, including drainage, as required by the County Road Department.

6. Applicable Goals and Policies of the Comprehensive Plan.

Goal 1-Citizen Participation.

Notifying property owners within 250 feet and publishing the action in the newspaper provides the ability for the public to comment on the application and participate in the process.

Goal 2–Planning:

The City's adopted Comprehensive Plan and Land Development Code provide the framework for the Planning process in considering annexations.

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Goal 10-Housing:

This annexation will provide for an additional urban size parcel available for residential development.

Goal 11–Public Facilities and Services:

Public Works Department has verified the availability of utilities (Attachment G). The Applicant will bear the cost of connecting to all utilities and any required street improvements.

Goal 14–Urbanization:

As discussed previously urban services are available and the subject property is adjacent to existing City limits.

7. Compliance with BMC 17.144.030.

See analysis to follow.

8. Applicant's Findings:

The Applicant's Findings have been attached to this report (Attachment H).

17.144.030 Annexation Impact Analysis.

A. Compliance with the Brookings Comprehensive Plan

Compliance was dealt with in Item #6 above.

B. Adequacy of Urban Services.

This was dealt with in Item #6 above

C. Impact on Existing Streets.

The County Roadmaster's approval of the new driveway on Parkview Dr. and the Condition of Approval requiring the Applicant to do any street improvements the County Road Department may find necessary have considered and approved the impact on the existing street.

17.144.040 Zoning of Annexed Property

A. As discussed earlier the subject property presently has the County R-2 zoning designation.

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If annexation is approved the zoning will become the City's R-1-6 zoning, in keeping with our recently annexed parcels in the vicinity.

FINDINGS

The Applicant's Findings are attached (Attachment F). The following are general findings to show that all of the criteria have been meet

- 1. The applicable Comprehensive Plan goals have each been addressed in this report.
- 2. Materials required to meet 17.144.020, Application Procedures, 17.144.030 Annexation Impact Analysis, and 17.144.040, Zoning of Annexed Property, BMC, have been submitted as discussed in this report.

CONCLUSIONS

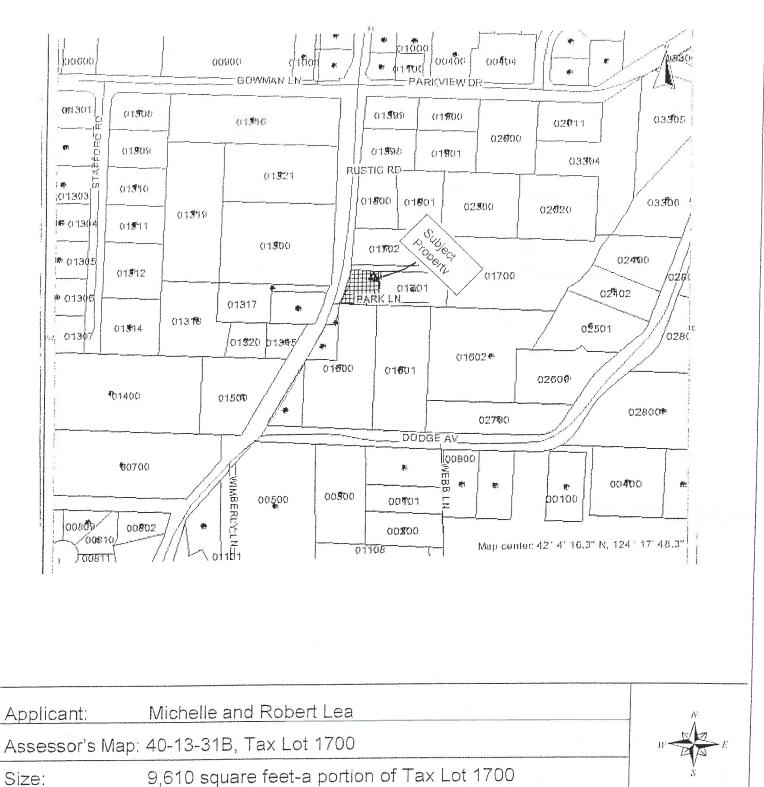
The application satisfies all of the criteria presented in Chapter 144, Annexations, BMC, to justify the proposed annexation.

RECOMMENDATION

The Planning Commission and Staff recommend APPROVAL of File No. ANX-1-08, based on the findings and conclusions stated in the staff report.

Case No. ANX-1-08

Exhibit No. 1



Size:

Location:

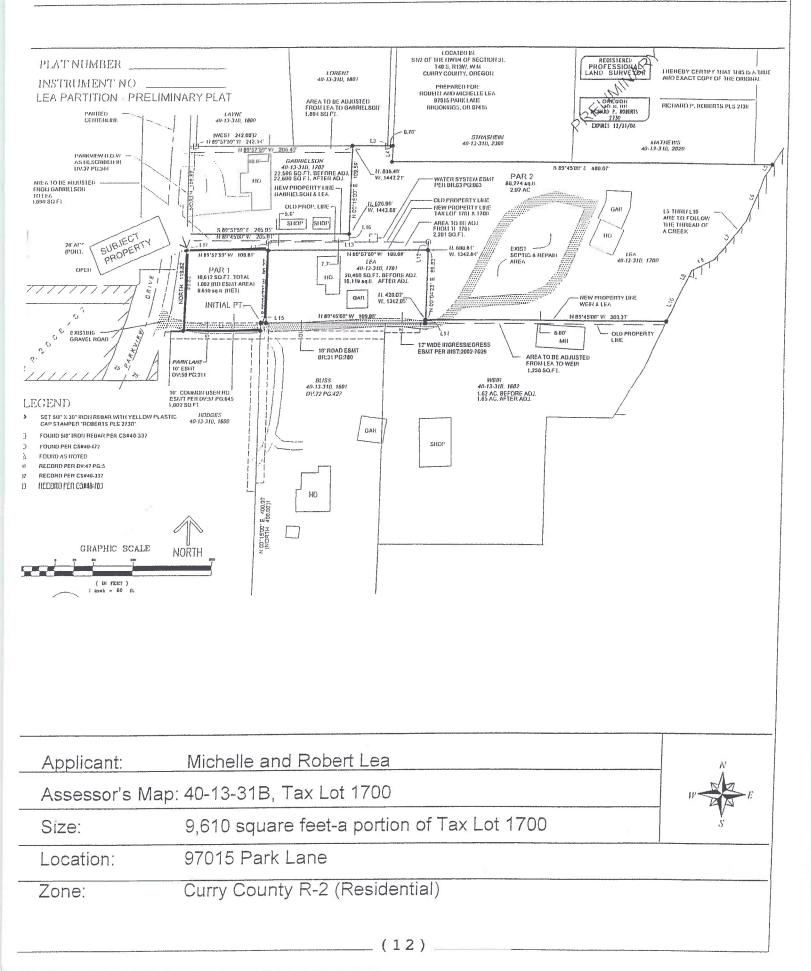
Zone:

97015 Park Lane

Curry County R-2 (Residential)

Case No. ANX-1-08

Exhibit No 2



CITY OF BROOKINGS PLANNING COMMISSION STAFF AGENDA REPORT

SUBJECT: Annexation FILE NO: ANX-1-08 HEARING DATE: December 2, 2008 REPORT DATE: November 24, 2008 ITEM NO: 7.1

GENERAL INFORMATION

APPLICANT:	Robert and Michelle Lea.	
REPRESENTATIVE:	Same.	
REQUEST:	Annex a portion of a parcel adjacent to Parkview Dr.	
TOTAL LAND AREA:	9,610 sq. ft.	
LOCATION:	East side of Parkview Dr. approximately ³ / ₄ mile from its intersection with Hwy. 101.	
ASSESSOR'S NUMBER.	40-13-31B; Portion of Tax lot 1700.	
ZONING / COMPREHENSIVE PLAN INFORMATION		
EXISTING:	County R-2 (Residential Two).	
PROPOSED:	City R-1-6 (Single Family Residential)	
SURROUNDING:	On the west side of Parkview Dr. opposite the subject property is a parcel which has been annexed to the City and zone R-1-6. All other surrounding parcels are in the County and zoned R-2.	
COMP. PLAN:	Residential.	
PROPOSED:	Same.	
LAND USE INFORMATION		
EXISTING:	The portion of tax lot 1700 to be annexed is vacant.	
PROPOSED:	Residential use.	
SURROUNDING:	Residential uses.	
PUBLIC NOTICE:	Mailed to all property owners within 250 feet of subject property and published in local newspaper.	
APPLICABLE CRITERIA: Land Development Code- Ordinance 06-0-572 Chapter 17.144 - Annexations		

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See Finding No. 2 Below.

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

See Finding No. 2 Below.

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

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H. Adjoining land uses.

The vicinity surrounding the parcels to be annexed is developed with single family homes on lots of various sizes with scattered vacant lots

I. Written findings of fact prepared by the petitioner(s) or petitioner(s) representatives, which address the following:

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

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

The area subject to this annexation is in Taxing District 17-7 and includes the following special districts.

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Water and sewer service is available to the subject property. The Applicant has provided a Public Works Utility Confirmation Form verifying utilizes are available (Attachment G). A condition of approval for the partition application is to provide street improvements, including drainage, as required by the County Road Department.

6. Applicable Goals and Policies of the Comprehensive Plan.

Goal 1-Citizen Participation.

Notifying property owners within 250 feet and publishing the action in the newspaper provides the ability for the public to comment on the application and participate in the process.

Goal 2-Planning:

The City's adopted Comprehensive Plan and Land Development Code provide the framework for the Planning process in considering annexations.

Goal 10-Housing:

This annexation will provide for an additional urban size parcel available for residential development.

Goal 11–Public Facilities and Services:

Public Works Department has verified the availability of utilities (Attachment G). The Applicant will bear the cost of connecting to all utilities and any required street improvements.

Goal 14–Urbanization:

As discussed previously urban services are available and the subject property is adjacent to existing City limits.

7. Compliance with BMC 17.144.030:

See analysis to follow.

8. Applicant's Findings.

The Applicant's Findings have been attached to this report (Attachment H).

17.144.030 Annexation Impact Analysis.

A. Compliance with the Brookings Comprehensive Plan

Compliance was dealt with in Item #6 above.

B. Adequacy of Urban Services.

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C. Impact on Existing Streets.

The County Roadmaster's approval of the new driveway on Parkview Dr. and the Condition of Approval requiring the Applicant to do any street improvements the County Road Department may find necessary have considered and approved the impact on the existing street.

17.144.040 Zoning of Annexed Property

A. As discussed earlier the subject property presently has the County R-2 zoning designation. If annexation is approved the zoning will become the City's R-1-6 zoning, in keeping with our

recently annexed parcels in the vicinity.

FINDINGS

The Applicant's Findings are attached (Attachment F). The following are general findings to show that all of the criteria have been meet.

- 1. The applicable Comprehensive Plan goals have each been addressed in this report.
- 2. Materials required to meet 17.144.020, Application Procedures, 17.144.030, Annexation Impact Analysis, and 17.144.040, Zoning of Annexed Property, BMC, have been submitted as discussed in this report.

CONCLUSIONS

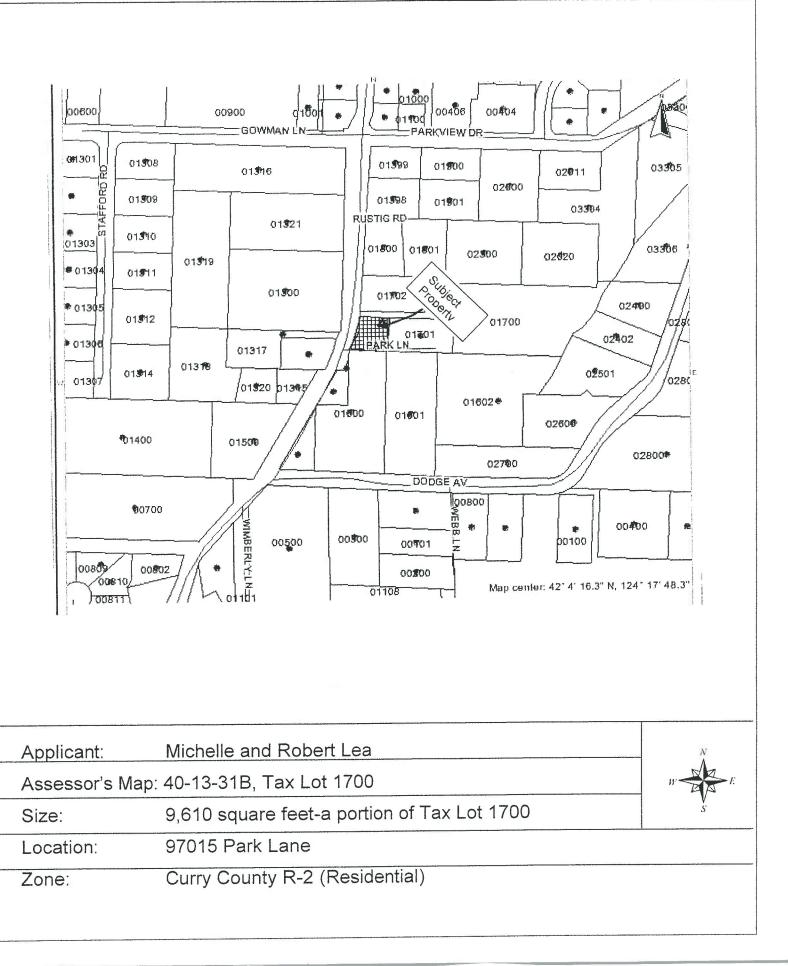
The application satisfies all of the criteria presented in Chapter 144, Annexations, BMC, to justify the proposed annexation.

RECOMMENDATION

Staff supports a recommend of APPROVAL to the City Council for File No. ANX-1-08, based on the findings and conclusions stated in the staff report.

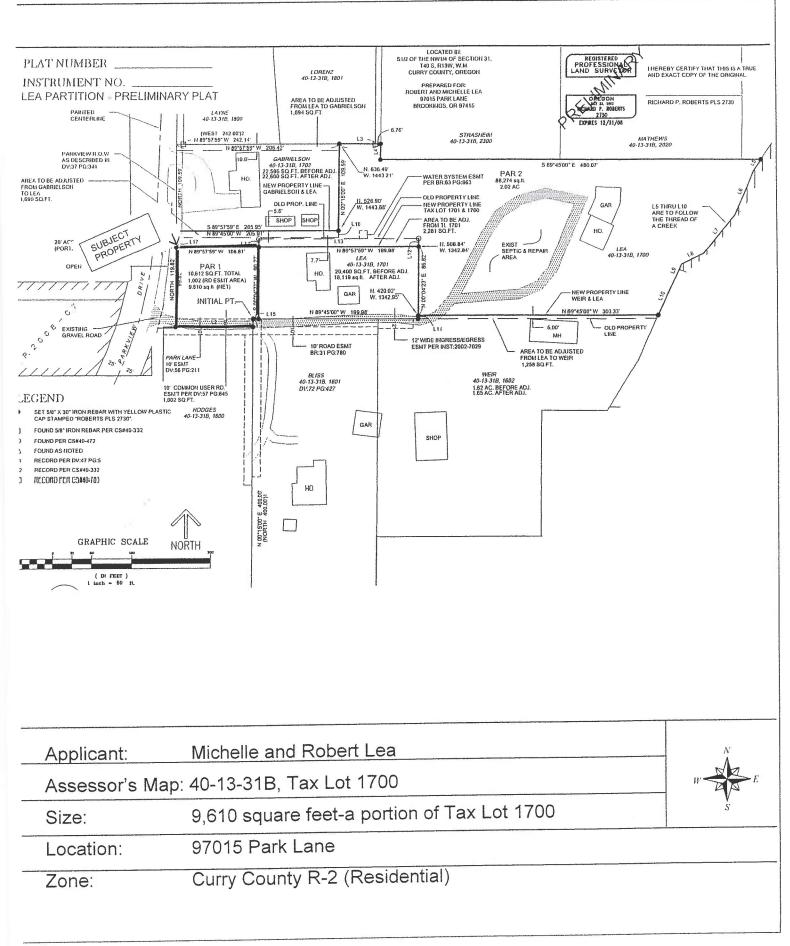
Case No. ANX-1-08

Exhibit No. 1



Case No. ANX-1-08

Exhibit No. 2



TO: ATTN: RAN A MENDMENT SPECIALIST DLCD 635 CAPITAL ST NE, SLITE (50 SALEM, CR. 97301-2540 898 Elk Drive Brookings, OR 97415 Ph: (541)469-2163 Fax: (541)469-3650 **CITY OF BROOKINGS**

