



City of Brookings

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TTY (800) 735-1232

dcolbyhanks@brookings.or.us

September 11, 2014

RE: File No. ANX-1-14, Annexation of two parcels on North Bank Chetco River Road into the City limits

Dear Property Owner:

This letter is to inform you of the action taken at the meeting of the Brookings City Council on the above referenced matter.

At the City Council meeting of September 8, 2014, the Council adopted the Final ORDER and Findings of Fact document as well as adopting Ordinance No. 14-O-738 (enclosed) in the approval of the annexation.

Please be advised that decisions of the City Council may be appealed to the Land Use Board of Appeals (LUBA) within twenty-one (21) days of postmark of this decision notice. All documents pertaining to the City Council's decision, including the Final Order, are available through the Planning office located at 898 Elk Drive for public viewing from 9 AM until noon and from 1 PM to 4:30 PM and copies are available for \$.25 a page.

If there are any questions, please contact me at (541) 469-1137.

Sincerely,

Donna Colby-Hanks

Donna Colby-Hanks
Planning Manager

Encl: Final Order & Ordinance No. 14-O-738
cc: participants

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 14-O-738

IN THE MATTER OF ORDINANCE 14-O-738, AN ORDINANCE AMENDING THE CITY LIMITS AND ZONING MAP OF THE CITY OF BROOKINGS BY ANNEXING 13.33 ± ACRES CONSISTING OF TAX LOTS 2000 AND 1500 ON ASSESSOR'S MAP 40-13-32D, DESIGNATING THE AREA RESIDENTIAL, AND APPLYING THE TWO-FAMILY RESIDENTIAL (R-2, 6,000 SQ. FT. MINIMUM LOT SIZE) FOR EACH TAX LOT.

Sections:

- Introduction.
- Section 1. Declaration of Annexation.
- Section 2. Declaration of withdrawal from the Brookings Rural 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 exiting city limits pursuant to ORS 222.111; and

WHEREAS, notarized consent petitions for the annexation of each of the two tax lots have been filed with the City of Brookings which consents represent over a majority of the electors registered in the territory proposed to be annexed and the owners of more than half of the land in that territory, pursuant to ORS 222.170(2); and

WHEREAS, the City Council adopted Final ORDER ANX-1-14 for the subject Annexation, Comprehensive Plan Map Amendment, and Zone change. The finding of fact and conclusions of law are relied upon and incorporated by reference herein and the same are reached by and through the Council's enactment of Ordinance 14-O-738.

The City of Brookings ordains as follows:

Section 1. Declaration of Annexation. 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 same is hereby annexed to the City of Brookings.

Section 2. Declaration of withdrawal from the Brookings Rural Fire Protection District. That the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby withdrawn from the Brookings Rural Fire Protection District upon annexation of the aforementioned property to the City of Brookings.

Section 3. Uncollected Taxes. That all the uncollected taxes therefore levied by such district shall become the property of the City of Brookings and be delivered to up upon collection.

Section 4. Submittal to Secretary of State. That the City Recorder be, 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 all the land owners of said real property heretofore filed with him.

Section 5. Rezoning. Concurrent with the annexation, the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from Curry County zoning classification of Commercial/Industrial to Two-Family Residential (R-2, 6,000 sq. ft. minimum lot size) City of Brookings zoning classification as described below:

Assessor Map 40-13-32D tax lot 2000 is hereby rezoned Light Commercial (C-1) Curry County zoning classification to Two-Family Residential (R-2) City of Brookings zoning classification; and

Assessor Map 40-13-32D tax lot 1500 is hereby rezoned from Industrial (I) Curry County zoning classification to Two-Family Residential (R-2) City of Brookings zoning classification.

First Reading: September 8 2014 Passage: September 8, 2014
Second Reading: September 8, 2014 Effective Date: October 8, 2014

Signed by me in authentication of its passage this 10th, day of September, 2014

ATTEST:

Ron Hedenskog
Mayor Ron Hedenskog

Joyce Heffington
City Recorder Joyce Heffington

EXHIBIT A

40-13-32D, TL1500 & 2000

A tract of land within the Southeast Quarter of Section 32, Township 40 South, Range 13 West, Willamette Meridian, Curry County, Oregon, lying between the North Bank Road and the Chetco River, described as follows:

BEGINNING at the Northeasterly corner of the Stutsman Tract, as recorded in Book 12, Page 235, Deed Records of Curry County, Oregon, said point being North 1131.6 feet and East 1599.0 feet from the South One-Quarter Section corner of said Section 32, said point lying on the Southeasterly right-of-way line of the North Bank Chetco River Road;

thence Southwesterly, following said Southeasterly right-of-way line a distance of 1288 feet, more or less, to a point on the South boundary of said Section 32 which bears South 89°41'15" West, 15.2 feet from the Meander Corner Common to Section 32, Township 40 South, Range 13 West, and Section 5, Township 41 South, Range 13 West, said Meander Corner being North 89°41'15" East a distance of 1012.4 feet from the South Quarter Corner of said Section 32;

thence North 89°41'15" East, a distance of 15.2 feet to said Meander Corner;

thence North 89°41'15" East, following the Southerly line of Section 32, a distance of 314.1 feet to an iron pipe lying on the right bank of the Chetco River;

thence continuing North 89°41'15" East, following the Southerly line of said Section 32, a distance of 15.3 feet to the Southeast corner of the Southwest Quarter of the Southeast Quarter, Section 32;

thence North 44°37'20" East, a distance of 999.1 feet (record bearing is North 45°00' East);

thence North 45°46' East a distance of 933 feet, more or less, (record North 44°37'20" East, 919 feet, more or less), to the South one-sixteenth corner of said Section 32;

thence North 2°18' East, following the Easterly line of said Section 32, a distance of 431 feet, more or less, to a point (record bearing is North 0°04' West);

thence North 71°52' West a distance of 147 feet, more or less, to a point lying on the northerly bank of the Chetco River;

thence North 71°52' West a distance of 107.85 feet, more or less, to a point lying on the Southeasterly right-of-way line of the North Bank Chetco River Road, said point further described as being North 1848.0 feet and East 2496.7 feet from said South Quarter Corner of said Section 32;


thence Southwesterly, following said southeasterly right-of-way line of said road, a distance of 1175 feet, more or less, to the POINT OF BEGINNING.

NORTH BANK CHETCO RIVER ROAD

That portion of the North Bank Chetco River Road bounded on the South by the North line of Government Lot 2, Section 5, Township 41 South, Range 13 West, Willamette Meridian, and on the North by Ferry Creek in Section 32, Township 40 South, Range 13 West, Willamette Meridian.

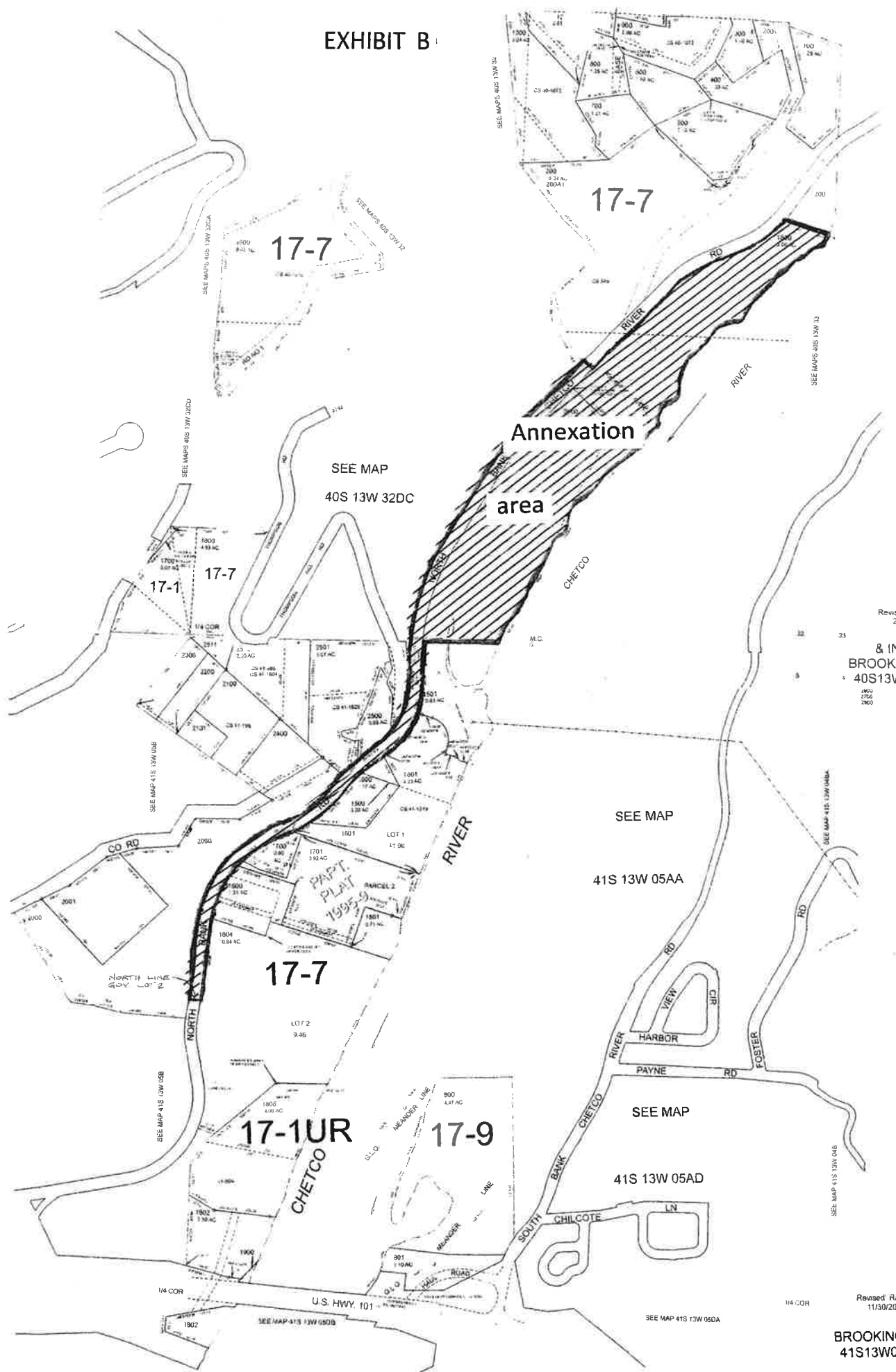
The North Bank Chetco River Road is described in deed to Curry County, recorded February 6, 1938 in Curry County Book of Records, Deed Volume 23, Pages 84-86.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JULY 25, 1995
RICHARD P. ROBERTS
2730

EXPIRATION DATE: 12/31/14

EXHIBIT B



Revised RAA
2/10/2011

& INDEX
BROOKINGS
40S13W32D
850
2756
2900

Revised RAA
11/30/2009

BROOKINGS
41S13W05A

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

**In the matter of Planning Commission File No.) Final ORDER
ANX-1-14; application for approval of annexation,) and Findings of
City initiated. Note: Typo, this application) Fact
was submitted by property owner,)
not city initiated.**

ORDER approving an annexation of approximately 13.33± acres, identified as tax lots 2000 and 1500 on Assessor's Map 40-13-32D, located adjacent to the eastern boundary of the North Bank Chetco River Road, approximately 380 feet northeast of its intersection with Thompson Road and adjacent to the Chetco River including approximately 3,294 feet of North Bank Chetco River Road from the city limits boundary to the subject property at Ferry Creek, and approving the relocation of the Shoreland Boundary adjacent to tax lot 2000.

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Chapter 17.144, Annexations, Brookings Municipal Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its scheduled public hearing on August 5, 2014; and,
3. Recommendations were presented by the Jay Harland, CSA Planning in the form of a written staff report dated July 24, 2014, and by oral presentation, and evidence and testimony presented 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, with one revision to the proposed conditions of approval, 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 September 8, 2014, and it 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 Commission's recommendation and approved the request.

THEREFORE, LET IT BE HEREBY ORDERED that the application for an annexation of the subject parcels and the relocation of the Shoreland Boundary adjacent to tax lot 2000 is approved. This approval is supported by the following findings and conclusions:

FINDINGS

The CSA Planning staff report dated July 24, 2014 with the exception of the findings for Criterion 1 of Goal 17, Coastal Shorelands, provide the findings in this matter. The memo dated August 5, 2015 submitted by Daniel O'Connor, Huycke O'Connor Jarvis, LLP provide replacement findings for criterion 1 of Goal 17. Both the staff report and O'Connor's memo are attached (Attachment A) to and hereby made a part of this Final Order. The

following are general findings to show that all of the criteria have been met.

1. The findings address the application procedure requirements in BMC Section 17.144.020 as well as each of the goals of the City's Comprehensive Plan.
2. The findings address the annexation impact analysis requirements in BMC Section 17.144.030.
3. The materials satisfy all of the criteria presented in BMC Chapter 17.144, Annexations, of the Land Development Code, to justify the proposed annexation.
4. The findings address the relocation of the Shoreland Boundary adjacent to the southern portion of the property (tax lot 2000) , the comprehensive plan change from industrial/commercial to residential, and the zone change from Curry County Industrial (I)/Light Commercial (C-1) to City of Brookings Two-family Residential (R-2).

CONCLUSIONS

The materials provided in the CSA Planning staff report dated July 24, 2014 and the O'Connor memo dated August 5, 2014 satisfy all of the criteria presented in BMC Chapter 17.144, Annexations, of the Land Development Code, to justify the proposed annexation.

CONDITIONS OF APPROVAL

1. Prior to approval of any new development permits or final plat approval on the subject property, the Applicant is required to record a deed declaration against the subject properties that acknowledges the existence of the Infrastructure Financing Agreement between the parties and its essential role in determining sewer feasibility to achieve municipal zoning. The Deed Declaration shall state that the existence of the Infrastructure Financing Agreement between the City and the Mahar/Tribble LLC was essential in approving the municipal zoning for the property by determining the provision of sewer was feasible and shall state that the City is under no obligation to extend sewer in a manner other than specified in the terms of the Infrastructure Financing Agreement.
2. Prior to issuance of any development permits or final plat approval, the owners must furnish the City of Brookings with a legal description prepared by a registered professional land surveyor that describes Shoreland Boundary as approved herein for the entire length of the subject properties and the boundary shall be staked at 50-foot intervals by the surveyor who prepared the legal descriptions. Notwithstanding the foregoing, the staking of the Shoreland Boundary on that portion of the subject property included within the approved FEMA Conditional Letter of Map Revision shall be completed contemporaneously with the completion of the FEMA Letter of Map Revision.
3. Development on the site is required to comply with the following Hazard Mitigation conditions:
 - a. Prior to issuance of any development permits or final plat approval, Applicant will provide a statement from an Oregon Registered Engineering Geologist that the fill placed four years ago

satisfies the recommended 95% compaction and is appropriate for residential and street construction.

b. Prior to issuance of any development permits or final plat approval, Applicant will provide a statement from an Oregon Registered Engineering Geologist that any new fill will satisfy the recommended 95% compaction and is appropriate for residential and street construction.

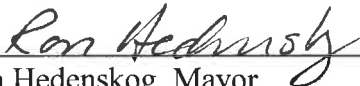
c. Prior to issuance of any development permits or final plat approval on the portion of the subject property located within the existing 100-year floodplain, Applicant will complete the Letter of Map Revision process with FEMA that establishes the revised 100-year floodplain elevations and the floodway boundary for the site.

d. In the event any future development is to be located within the 100-year floodplain, topographic information will be provided for development permits that demonstrate the ground elevation building pads have been raised 1-foot above the 100-year floodplain elevation.

e. A report from an Oregon Registered Engineer or an Oregon Registered Engineering Geologist shall be provided with all building plans for residential foundations at the time of building plan submittal to the City that explain how the proposed foundation designs are consistent with Recommendations No. 4 through 6 set forth on Page 7 of the Geologic Hazard Evaluation Report dated February 29, 2008, and prepared by Garcia Consultants. A copy of the aforementioned report being contained in the record.

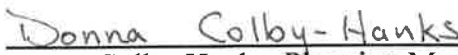
LET IT FURTHER BE OF RECORD that the City Council APPROVED the requested annexation and the Shoreland Boundary relocation subject to the above stated Conditions of Approval.

Dated this 8th day of September, 2014.



Ron Hedenskog, Mayor

ATTEST:



Donna Colby-Hanks, Planning Manager