

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Modification to Approval Lone Ranch Master Plan of Development. HEARING DATE: November 17, 2015
REPORT DATE: November 6, 2015
FILE NO: MOD-1-15/MPD-1-04 ITEM NO: 5.2

GENERAL INFORMATION

PROPERTY OWNER/
APPLICANT: U.S. Borax

REPRESENTATIVE: Ed Trompke, Jordan Ramis, PC

REQUEST: A request for a modification of condition of approval #1 to extend the expiration period for the Lone Ranch Master Plan.

TOTAL LAND AREA: 553 acres.

LOCATION: The subject property is located on the east side of Highway 101 approximately 0.8 miles north of Carpenterville Road.

ASSESSOR'S MAP NUMBER: Map 40-14 & Index; Tax lots 2400, 2401 & 2404.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: Master Plan of Development (MPD)

PROPOSED: Same.

SURROUNDING: West of Highway 101 – County Public Facilities (PF); surrounding property on the north, east, and south is zoned County Forestry/Grazing (FG) with a smaller parcels to the southeast zoned County Rural Residential (RR).

COMP. PLAN: Master Plan of Development (MPD).

LAND USE INFORMATION

EXISTING: Vacant with the exception of a 10 acre parcel developed with a community college campus, Southwestern Oregon Community College (SWOCC).

PROPOSED: Master Plan of Development

SURROUNDING: West of Highway 101 – vacant parkland (Samuel Boardman State Park) except for the

Rainbow Rock Condominiums; North and East – Vacant, Cape Ferrelo area further north; South – Residential uses and a manufactured home park.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property, other interested parties, and published in the local newspaper.

LAND USE CRITERIA: **Brookings Municipal Code (BMC), Land Development Code (Ord. 06-O-572) Section 17.70.120 Effective period of master plan of development (MPoD) approval.**
Section 17.70.130 Modification of a master plan of development (MPoD).

PROPOSAL

In response to the down turn of the economy, the financial crisis, and the lower projected growth rate for the Brookings area, the applicant is requesting modification of Condition #1 to extend the master plan approval period by 12 years. The effective period of a master plan of development found in BMC Section 17.70.120 (**Attachment E**) does not contain a maximum number of years in which a master plan needs to be completed. The original approval duration of 15 years for development of the Lone Ranch Master Plan reflected the housing market at the time. The Planning Commission made a recommendation which was adopted by City Council in that approval. This modification request will follow the same process.

The extension of time for development will not change the physical site plan, nor will it amend the city's findings of the original approval. The original final order and conditions of approval (**Attachment D**) will remain in force with the exception of Condition #1, if approved.

BACKGROUND INFORMATION

On October 25, 2004, City Council approved the Lone Ranch Master Plan. It was subsequently appealed and finally remanded to the City Council for final action and approval on August 22, 2005. The approval established 540 single family detached homes, 150 single family attached home (townhouses), a 2.43 acre convenience commercial area and a 10 acre college site on 553 acres of land. The 15 year approval period will expire in August, 2020.

A Detailed Development Plan (DDP-1-08) received final approval in February, 2009. The approval was to site a college campus for Southwestern Oregon Community College (SWOCC), create a ten acre parcel and plat a street, Lone Ranch Parkway. This project was completed in March, 2012.

A second Detailed Development Plan (DDP-1-10) received final approval in February, 2011. The request was for approval to create 163 residential lots, a continuation of Lone Ranch Parkway, 21 new platted streets and two additional lots approved for grading. The preliminary plat map approval for this project has expired but an extension was granted for the detailed development plan portion of the project in February, 2014. The approved extension will expire in February, 2016.

The applicant states in the findings that a \$1.5 million, 16 inch waterline has been constructed, reaching from Carpenterville Road to Lone Ranch Parkway. The waterline currently serves SWOCC. A water line was extended from Highway 101 to Rainbow Rock Condominiums property line, which will allow them, if they wish, to connect to city water. Applicant has also installed \$570,000 of sewer improvements. They continue to maintain necessary studies by updating and refining the project wetland studies as well as updating surveys for Marbled Murrelets and Spotted Owls. To date, the investment in Lone Ranch and public improvements exceeds \$5 million.

The applicant cites in the findings that the housing market has been in a prolonged down cycle due in part to the financial crisis and down turn of the economy. Documents in support of this were provided by the applicant as exhibits to the findings (**Attachment A**). Attachments B and C, provided by staff, offer additional information. In 2005 when the Lone Ranch project was approved, the annual population growth rate adopted in Brookings Comprehensive Plan, Goal 10 Housing (**Attachment B**) was 3%. The applicant has provided the most recent population forecast (**Attachment A, Exhibit 6**) prepared by Portland State University which shows the Brookings area is expected to have an annual growth rate of 0.7% for the next 20 years. The reduction in the growth rate affects the absorption of housing. Although the Lone Ranch project offers a variety of housing choices and prices, the applicant is concerned with the absorption rate of housing, given the slow recovery of the economy.

The Master Plan of Development District provides that changes to zoning ordinances, policies and standards adopted after the date of approval of the plan shall not apply to the development during the duration of the plan. This provides assurances to the applicant of the right to proceed with the development in substantial conformity with the plan. Therefore, the Lone Ranch Master Plan and subsequent detailed development plans are reviewed with the Land Development Code in effect in 2004.

In 2010, City Council adopted revisions to grant additional extensions of time for approvals due to the downturn in the economy. The revisions for extensions include, but were not limited to subdivisions, partitions and planned communities as well as master plans of development. City Council also adopted revisions for the modification of master plans and detailed development plans to have them consistent with the minor change process for other applications. To resolve confusion and ambiguity, the adopted revisions contained specific criteria to address when considering elements for a modification.

The City suggested and the applicant has agreed to use the process outlined in the current BMC Section 17.70.120 *Effective period of a master plan of development approval* and Section 17.70.130 *Modification of a master plan of development* for review of the modification request.

ANALYSIS

Following is the relevant criteria and analysis.

“17.70.130 Modification of a master plan of development (MPoD).

This section identifies the processes by which an approved MPoD may be modified. The section goes on to state that a modification may request a change to the plot/plan or the conditions of approval. The applicant is requesting a change to a condition of approval to extend the approval period. In a modification, review shall be limited to the area proposed for modification and the impacts attributed to the proposed change.

BMC 17.70.130 *The modification request must be accompanied by:*

- A. *A revised plot plan or plat showing the proposed changes and how they compare to the originally approved project; or*
- B. *If the modification does not change the physical site plan of the project, a text explaining the desired change must be submitted.*
- C. *The applicant must provide findings for the following criteria:*
 1. *Address how the requested modification relates to the approved project and any impacts that will result.*
 2. *Address any impact to adjoining properties.*
 3. *Address the effect on city services and facilities.*

Analysis: The applicant is requesting modification to Condition #1 to extend the approval period of the master plan for Lone Ranch by 12 years. The applicant states the requested modification has no effect or impact on any substantial provisions of the approval and does not propose any changes to the plot plan or plat. To comply with **BMC 17.70.130(B)** the applicant has submitted a narrative of the desired change (**Attachment A**).

The applicant states the requested 12 year extension will allow sufficient time to complete provisions that have not been completed due to the continuing financial crisis and housing market decline of the past nine (9) years. The applicant has provided materials prepared by experts in the field regarding the financial crisis as well as the *Coordinated Population Forecast* prepared by Portland State University to support the request.

A draft of the proposed revision for condition # 1 follows: Text ~~stricken~~ is deleted and text that is **bold** is added.

Approval of this Master Plan will expire ~~in 15 years on August 22, 2032. or in four (4) years from approval, unless a Detailed Development Plan (DDP) pursuant to Section 70, Master Plan Development District, of the Land Development Code, is submitted and approved by the Planning Commission and construction of the DDP shall start within three years of approval.~~ **The first detailed development plan (DDP-1-08) was approved in 2009, and construction was completed in March, 2012.** Each subsequent DDP must be filed within four (4) years of the completion of the previously approved DDP, or the master plan will expire. If the conditions at the time warrant, the Planning Commission may extend the ~~15-year Master Plan permit or the four (4) year DDP permit period for an additional two-year period~~ at the request of the applicant.

DDP-1-08 for SWOCC has been completed and the time periods for that approval are no longer needed. The process granting extensions of DDPs is found in Section 17.70.200 and are included in the conditions of approval for DDPs. The provision is not necessary in the master plan.

BMC 17.70.130

C. The applicant must provide findings for the following criteria:

- 1. Address how the requested modification relates to the approved project and any impacts that will result.*
- 2. Address any impacts to adjoining properties.*
- 3. Address the effect on city services and facilities.*

Analysis: (C)(1) *Address how the requested modification relates to the approved project and any impacts that will result.*

This criterion requires the applicant to identify the specific change within the project resulting from the modification and then identify how the change impacts the project. The request for additional time is procedural and does not change substantive matters such as the site plan, other conditions of approval, or the city's findings in the original approval.

During the remaining five (5) year approval period, the remainder of the project except for the SWOCC campus must be completed. This includes 540 single family homes, 150 attached townhomes, and the commercial area. The applicant states in the findings that with the downturn in the housing and financial markets, this timeline is impractical. With the Portland State University projected annual growth rate of 0.7% for the next 20 years, it is unlikely that the new homes would be absorbed by the market and reach full occupancy in this timeframe. The requested modification allows an additional 12 years for build out.

The applicant also expressed concerns in the findings that with the current expiration date (2020), lenders are not willing to commit the required funds to create a large project with the relatively small population of the Brookings area, with the population forecast, and with the current sluggish housing market. The applicant advises that considerable input from experts was considered in this schedule.

The city has a very limited amount of larger vacant properties for residential development. A recent article in the local newspaper (**Attachment C**) identified a shortage of rentals in the Brookings area for new employees needed for the expansion of Curry Medical Center as well as new employees needed at Pelican Bay State Prison. The Lone Ranch project will provide a variety of housing opportunities for the local workforce, retirees wanting to move to the area, students, and potential second home owners (vacation homes). Being within the city limits, this is where the city is expected to grow. Expiration of this project will further delay needed housing opportunities.

In addition to the applicant's efforts, a great deal of time and effort was spent by professional staff, the Planning Commission and City Council as well as state and federal agencies on the Lone Ranch project. Allowing the project to expire would put the process back to the beginning, waiting for an unknown time in the future for development of the site. Approval of the modification request for additional time will allow the project to move forward as originally approved.

Analysis: (C)(2) *Address any impacts to adjoining properties.*

The subject property is adjoined on the north and east by parcels with a county zoning of Forestry/Grazing. These lands are outside the Brooking Urban Growth Boundary and are committed to resource uses. Any additional time granted for development will have no impact on these parcels.

There are several residential properties not located in the city limits to the south and southeast. Development of the MPoD requires construction of an extensive system of open spaces and a multi-use path network. These systems will reach adjoining properties and could provide some benefit to them. Postponing the development means these properties may wait longer for the construction of public trails. Due to these properties not being in the city limits, they cannot connect to city sewer until they request and are annexed into the city. The delay in development time continues the conditions in effect at original approval and the current conditions for these residential properties.

Analysis: (C)(3) *Address the effect on city services and facilities.*

Staff concurs with the applicant's findings that the request for an extension of time relates solely to the time under which the development can occur. The granting of the modification for an extension will not change the required provisions for city services and will not increase staff time utilized for the project from the original approval. If the modification is approved, the project will complete critical sewer connections identified in the City's facilities plan.

FINDINGS

Criterion 1-Effect of the requested modification on the master plan.

Response: The extension of time is procedural and does not change substantive matters such as the site plan, the conditions of approval, or the city's findings. Approval of the modification will allow the project to move forward consistent with the original MPoD approval.

Criterion 2 – Effect of the requested modification on adjoining property holders.

Response: Approval of the extension of time will not create any impacts on adjoining properties that did not exist at the time of the original MPoD approval.

Criterion 3 – Effect of the requested modification on City services and facilities.

Response: Granting the extension will not change the required provisions for city services and will not increase staff time utilized for the project beyond the original approval. The extension will allow for the sewer infrastructure to be completed.

CONCLUSIONS

The applicant has provided findings addressing the criteria (**Attachment A**). The Applicant's findings together with Staff analysis and responses to the above criteria demonstrate the application meets the modification requirements. The original final order with conditions of approval dated August 22, 2005, will remain in effect in addition to the proposed amended condition of approval.

RECOMMENDATION

Staff supports a Planning Commission **favorable recommendation** of File MOD-1-15/MPD-1-04 to City Council, based on the findings and conclusions stated in the staff report, provided by the Applicant, and subject to the amended condition of approval.

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