

**CITY OF BROOKINGS PLANNING COMMISSION**  
**STAFF AGENDA REPORT**

SUBJECT: Modification to Approval of a Detailed Development Plan-Lone Ranch Phase II      HEARING DATE: November 17, 2015  
REPORT DATE: November 6, 2015  
FILE NO: MOD-1-15/DDP-1-10      ITEM NO: 5.3

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**GENERAL INFORMATION**

PROPERTY OWNER/  
APPLICANT:                      U.S. Borax, Inc.

REPRESENTATIVE:              Ed Trompke, Jordan Ramis, PC.

REQUEST:                      A request for the modification of condition of approval # 2 to revise the expiration period for an approved detailed development plan (DDP-1-10).

TOTAL LAND AREA:              110 acre area of the total 553 Lone Ranch Master Plan area.

LOCATION:                      The subject property is located on the east side of Highway 101 approximately 0.8 miles north of Carpenterville Road. It is located in the southerly portion of the Lone Ranch Master Plan area.

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 MPD and is all part of the Lone Ranch Master Plan area, with the exception of a water reservoir site which is in the easterly portion of the Master Plan area. A large undeveloped parcel zoned Forestry Grazing (FG), that is outside of the Urban Growth Area is adjacent to the subject property on that eastern boundary.

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

**LAND USE INFORMATION**

EXISTING:                      Vacant.

- PROPOSED:**
- 77 single family fully sprinklered detached homes in Neighborhoods E and F;
  - 86 single family sprinklered attached homes (townhomes) in Neighborhoods D and F;
  - A clubhouse for use by Lone Ranch residents;
  - A neighborhood park, approximately half an acre in size;
  - Grading only of the commercial sites in Neighborhood B;
  - Grading only of Neighborhood C;
  - A road and multi-use path system to serve Phase II;
  - Temporary access road and site for water reservoir;
  - Provision of a 500,000 gallon reservoir to serve Lone Ranch;
  - Extension of sewer lines along Highway 101 and pump station at Taylor Creek all outside of the DDP area;
  - Completion of on-site water, sewer and storm water system; and
  - Preservation of approximately 66 acres of wetlands, buffers and other open space.
- (see Figure 2)

**SURROUNDING:** West of Highway 101 – vacant parkland (Samuel Boardman State Park). The surrounding property on the north and east is vacant. Property to the south is developed with Southwestern Oregon Community College (SWOCC) Campus.

**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 17.70.200 Effective period of a detailed development plan (DDP)**  
**Section 17.70.210 Modification(s) of a detailed development plan (DDP)**

## **PROPOSAL**

In response to the down turn of the economy, the financial crisis, and a lower projected growth rate for the Brookings area, the applicant is requesting modification of Condition #2 (**Attachment D**) to extend the approval period of DDP-1-10 from three (3) years to 11 years. DDP-1-10 was approved by the Planning Commission in phases with timelines as authorized in BMC Section 17.70.200(B) (**Attachment E**). Section 17.70.200(B) does not limit the Planning Commission in their approval of timelines. DDP-1-10 will expire on February 1, 2016 unless the final plat map for the first phase is recorded. If approved as requested, DDP-1-10 will have a new expiration date of February 1, 2022.

The extension for recording the plat map for the first phase 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 #2, 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.

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. This DDP is the subject of this modification request.

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. Applicants have 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 applicants as exhibits to the findings (**Attachment A**). Attachments B and C, provided by staff, offer additional information. Although the annual projected population growth rate in Brookings Comprehensive Plan, Goal 10 Housing (**Attachment B**) was 3% in 2011 when this DDP was approved, according to U.S. Census Bureau (2000 & 2010 censuses) the area had an actual annual growth rate of 0.5% during those ten years. 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 projected 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 17.70.200 *Effective period of detailed development plan (DDP) approval* and Section 17.70.210 *Modification(s) of a detailed development plan* for the modification request.

## ANALYSIS

Following is the relevant criteria and analysis.

### 17.70.210 Modification(s) of a detailed development plan (DDP).

This section identifies the processes by which an approved DDP 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 17.70.210** *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 #2 to extend the approval period for recording the final plat of the first phase of DDP-1-10 by eight (8) 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 17.70.210(B) the applicant has submitted a narrative of the desired change (**Attachment A**).

The applicant states the requested 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 last 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 # 2 follows: Text ~~stricken~~ is deleted and text that is **bold** is added.

Approval of this Detailed Development Plan will expire ~~three~~ **eleven (311)** years from the date of initial approval unless the first phase final plat has been recorded in a timely manner and construction has begun. At its discretion and without a public hearing, the Commission may extend the approval ~~one time~~ for a period not to exceed two additional years per extension.

The original approval was granted for three (3) years and the eleven (11) years reflects the requested eight (8) year extension. However, if the request is approved, the new expiration date for the final plat to be recorded for the first phase will be February 1, 2022. This is due to the extensions granted in the past. The deletion of "one time" is in line with the current BMC 17.70.200 regarding the Planning Commission's authority to grant additional extensions.

**BMC 17.70.210**

*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.

DDP-1-10 expires in February, 2016. The approval includes 163 residential lots as well as 21 new streets and an extension of Lone Ranch Parkway. The applicant states in their findings that with the downturn in the housing and financial markets, this timeline is not practical and is undesirable. The requested modification allows an additional eight (8) years from the original approval period of three (3) years for the final plat for the first phase to be recorded.

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. This DDP will provide a variety of housing opportunities for the local workforce, retirees wanting to move to the area, and potential second home owners (vacation homes). Being within the city limits, this is where the city is expected to grow.

Allowing the project to expire will further delay needed housing opportunities and put the process back to the beginning, waiting for an unknown time in the future for development of the site. Approval of the request for additional time will allow the project to move forward as originally approved.

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

With the exception of the SWOCC campus to the south and the water reservoir site to the east, the area to be developed in DDP-1-10 is surrounded by vacant land that is part of the Lone Ranch Master Plan area. A large undeveloped parcel, zoned FG is adjacent to the water reservoir site located in the eastern portion of the Master Plan area. This parcel is outside the Brookings Urban Growth Boundary and is committed to resource use. Any additional time granted for development will have no impact on this parcel.

The SWOCC campus is located adjacent to the southern boundary of the DDP site. SWOCC presently is not connected to public sewer but discharges into a holding tank that must then be pumped for final disposal. They will not be able to connect to the public sewer until the infrastructure improvements set forth in DDP-1-10 are completed. Granting the requested modification will continue the current situation. Expiration of the approval will further delay connection of SWOCC to the public sewer. A multi-use path network will connect the residential uses of the DDP with the SWOCC campus. The DDP may also provide housing needed by SWOCC employees and students. The delay in time continues the current conditions for SWOCC. Expiration of the approval means SWOCC may wait longer for the construction of public trails and convenient housing as well as connection to the public sewer.

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

Staff concurs with the applicants findings that the request for an extension of time relates solely to the time under which the applicant must record the final plat for the first phase of the development. SWOCC is currently connected to the public water system. However, due to the system being constructed of a size to service the project area, the water system is underutilized. Water systems require a minimum flow to avoid stagnant water and maintain water quality. City staff must routinely flush the water line to purge stagnant water from the system. A delay in time continues the current conditions for staff which was in effect at the time of DDP-1-10 approval. Expiration of the approval has the potential for the current situation to continue longer.

The granting of the modification for an extension of time will not change the required provisions for city services 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 DDP.

**Response:** The request for modification of an 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 DDP approval.

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

**Response:** Approval of the modification for an extension of time will not create any impacts on the adjoining properties that did not exist at the time of original DDP 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 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 February 1, 2011 will remain in effect in addition to the draft final order and the amended condition of approval.

## RECOMMENDATION

Staff recommends **APPROVAL** of File MOD-1-15/DDP-1-1, based on the findings and conclusions stated in the staff report, provided by the Applicant, and subject to the amended conditions of approval. Staff has prepared a final order with conditions of approval (**Attachment H**) for the Planning Commission's consideration.

### Attachments:

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A. Applicant's findings.....

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