

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

**In the Matter of an Ordinance Adopting)
Revisions to the City of Brookings)
Comprehensive Plan to Amend the City)
of Brookings Urban Growth Boundary)
(UGB) in Response to LCDC Remand)
Order # 96BWKTASKB00601)**

ORDINANCE No. 00-O-540

Sections:

- Section 1. Findings and determination.
- Section 2. Amendments to the Comprehensive Plan
- Section 3 Statement of effective date.
- Section 4. Certification of ordinance.

The City of Brookings ordains as follows:

Section 1. Findings and determination.

Whereas ORS 197.633 requires the city of Brookings to make certain amendments to its comprehensive plan to comply with requirements for Periodic Review; and

Whereas City of Brookings was notified August 14, 1992 by the Department of Land Conservation and Development (DLCD) of its requirement to complete a coordinated plan with Curry County for the Brookings-Harbor area under Periodic Review of the City of Brookings Comprehensive Plan; and

Whereas Task I of the Periodic Review Work Program approved, by the Department of Land Conservation and Development on July 21, 1993 is for the city and county to adopt an amended Urban Growth Boundary (UGB) with supportive findings and adopt a city/county UGB Management Agreement;

Whereas the City of Brookings responded to Periodic Review Work Program Task I with the adoption of an amended Urban Growth Boundary (UGB), policies with findings supportive of

the amended UGB and a Urban Growth Area Joint Management Agreement with the adoption of Ordinance No. 95-O-511 on August 21, 1995.

Whereas the Oregon Department of Land Conservation and Development (DLCD) reviewed the amended UGB and the adopted comprehensive plan amendment and remanded the amendments to the City of Brookings and Curry County for further action with DLCD Periodic Review Work Task Remand Order No. 00546 dated January 12, 1996.

Whereas DLCD Remand Order No. 00546 was appealed to the Oregon Land Conservation and Development Commission (LCDC), which reviewed the DLCD Order and remanded it to the City and County with amendments as LCDC Order No. 96-WKTASK00601 dated April 26, 1996.

Whereas LCDC Order No. 96-WKTASK-00601 was appealed to the Oregon Court of Appeals which reviewed the LCDC Order and remanded it to LCDC in the decision of Hummel, et. al. v. LCDC and City of Brookings, et. al. (CA A93624) dated February 11, 1998.

Whereas the City and County planning staff has prepared amendments to the comprehensive plan text and policies to address the remand issues in LCDC Order No. 96-WKTASK-00601 which are included as attachments to this ordinance.

Whereas after due public notice the City Council has held a public hearing on these proposed comprehensive plan amendments on November 8, 2000 and November 28, 2000.

Section 2 The City of Brookings Comprehensive Plan and its subsequent amendments is hereby amended as follows:

1. Amending Goal 9 (Economy of the State) to include reference to the Findings Document "Remand Issue # I - Commercial Acreage" as shown in Attachment A which is incorporated by reference and addresses remand Issue # I ; and
2. Amending Goal 14 (Urbanization) to add policies addressing water withdrawal from the Chetco River and fish resources as shown in Attachment B which is incorporated by reference and addresses remand Issue # 2; and
3. Amending Goal 3 (Agricultural Lands) to include reference to the Findings Documents which provide findings which substantiate that neither the Ashcraft nor the Itzen parcels are suitable for farm use, are necessary for or contribute to the farm use on adjacent farm lands, or are needed to buffer adjacent farm lands as shown in Attachment C (Ashcraft Parcel) and Attachment D (Itzen Parcel) which are incorporated by reference and address

remand Issue # 3; and

4. Amending Goal 3 (Agricultural Lands), as shown in Attachment E, to include recognition of the Curry County Harbor Bench Farm District and related overlay zone; and provisions requiring the city to adopt the Harbor Bench Farm District and related overlay zone upon annexation of any portion of the area within the Farm District which are incorporated by reference and addresses remand Issue #4; and
5. Amending Goal 14 (Urbanization) shall be amended as shown in Attachment F which is incorporated by reference and addresses remand Issue # 5.

Section 3 Statement of effective date.

That consistent with ORS Chapters 197 and 215, this ordinance shall take effect simultaneously with comprehensive plan and zoning ordinance amendments adopted by Curry County.

Section 4 Certification of ordinance.

The City Recorder is hereby instructed to forthwith record and file certified copies of this Ordinance with the County Clerk, County Assessor and County Surveyor of Curry County, Oregon.

First Reading: December 11, 2000

Second Reading: December 11, 2000

Passage: December 11, 2000

Effective Date: January 22, 2001

Signed by me in authentication of its passage this 11th day of December, 2000.

Bob Hagbom, Mayor

ATTEST:

Sharon A. Ridens, City Recorder

REMAND ISSUE NO. 1B COMMERCIAL ACREAGE

The analysis of the commercial land needs by the DLCD Staff correctly pointed out that the ultimate population figure for 2015 as adopted in the findings was lower than the figure used by David Evans and Associates (DEA) in their 1993 report which was the basis for additional land needs. However, the 2015 population figure used in the DLCD staff analysis, 20,487, is also different and *higher* than the figure used in Table 4.4 of the DEA report. Table 4.4 of the DEA report used a 1993 population figure of 10,202 and a 2015 population figure of 18,425.¹ When combined with the figures from Table 4.5, the result is a figure of 293 acres of needed commercial land and when a margin of 20% is added for infrastructure, 352 acres.

The adopted findings used a base population figure in 1993 of 8,749 and a ultimate population of 16,440 within the UGB in 2015.² When the population figures from the findings documents are substituted in the formula used by DEA, the resulting needed commercial land figure increases to 332 acres. When 20% is added for infrastructure and other noncommercial figure becomes 398 acres. This represents only 5 acres less than the 403 acres projected in the findings document.

The attached page compares the population figures used by DEA and those used by Linda Davis using the same formula. The only difference between the two sets of population formulas is that the Findings Document only provides population for north of the Chetco River and south of the river for the year 2015 but does not show that portion of the UGB population that exists outside of the city or Harbor CDP.

Other factors that also have an impact on the amount of commercial need for the city's UGB are related to the geographical location of the city in relation to other commercial centers. These factors include:

\$ As a costal city directly on the states coastal highway, the demand for tourist oriented

¹ Brookings Urban Growth Boundary Expansion and Urban Reserve Boundary Establishment Study, December 29, 1994; David Evans and Associates; Tables 4.4 and 4.5, Pages 24 and 25.

² Findings Related to Goal 14 and Goal 2, Brookings Urban Growth Boundary Amendment, Adopted by Resolution 95-R-599 of the City of Brookings; Base Population and Projections, Pages 6 and 7.

facilities such as restaurants, hotels, motels and recreational vehicle parks.

- \$ The port of Brookings/Harbor provides commercial marinas and other water dependent and water related uses which are tourist oriented as well as vital to the economy of the residents of the community.
- \$ Being the largest city in an isolated county, Brookings plays a larger role as a commercial center than would a same sized city located closer to a large population center such as Medford or Eugene.

ATTACHMENT A

City of Brookings

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- \$ Because of its isolation, at this time travel to Medford to shop is still necessary to some extent. This causes loss of business dollar to the community. This need should be reduced as the city grows
- \$ Brookings captures a portion of the retail market from California which has a sales tax.

