

ORDINANCE NO. 04-O-560

An Ordinance amending the Comprehensive Plan of the City of Brookings by changing the designation of a parcel of land from Commercial to Residential and on a second parcel from Residential to Commercial and amending the zoning map by rezoning from C-4 (Tourist Commercial) to R-2 (Two Family Residential); R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to C-4 (Tourist Commercial) and from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to R-2 (Two Family Residential) on certain properties described below

## Sections:

- Introduction.
- Section 1. Comprehensive Plan to designate one parcel as Commercial and another parcel as Residential.
- Section 2. Zoning Map to designate one parcel as C-4 (Tourist Commercial) and three parcels R-2 (Two Family Residential).

WHEREAS, a public hearing was held on December 2, 2003 and January 1, 2004 before the Brookings Planning Commission for the purpose of considering a request for a Comprehensive Plan change on one parcel of land from a Residential designation to a Commercial designation and a zone change from R-1-6 (Single Family Residential, 6,000 sq.ft. minimum lot size) to C-4 (Tourist Commercial); a Comprehensive Plan change from a Commercial designation to a Residential designation and a zoned change from C-4 (Tourist Commercial) to R-2 (Two Family Residential) on a second parcel of land; and a rezone from R-1-6 (Single Family Residential, 6,000 sq.ft. minimum lot size) to R-2 (Two Family Residential) on three other parcels for an overall total of 2.60 acres of property located on the north side of Highway 101; (identified as Assessor's Map No. 40-14-36A, Tax Lots 200, 301, 400, and 401.

WHEREAS, following closure of the public hearing after considerable evidence and testimony was presented by proponents and opponents, the Planning Commission, by a unanimous vote, directed the Planning Director to prepare a recommendation, with findings, to the City Council, for approval of the request for the Comprehensive Plan changes and rezoning changes.

WHEREAS, the Brookings City Council, at its regularly scheduled meeting of February 9, 2004 did conduct a public hearing on this matter, during which hearing considerable testimony and evidence was presented by the applicant's representative, interested parties and recommendations were received from and presented by the Planning Director; and

WHEREAS, at the conclusion of said public hearing, after consideration and discussion, the Brookings City Council, upon a motion duly seconded, did vote in the majority to adopt a Final Order and Findings of Fact document dated February 9, 2004 on its decision to grant the applicant's request;

The city of Brookings ordains as follows:

Section 1. Amendment to the Comprehensive Plan

The Comprehensive Plan is hereby amended to change the Land Use Designation from Residential to Commercial on a parcel of land combined with commercial property described as Assessor's Map 40-14-36A, Tax Lot 200 due to a lot line adjustment and the Comprehensive Plan is further amended to change the Land Use Designation from Commercial to Residential on a second parcel of land combined with residential property described as Assessor's Map 40-14-36A, Tax Lot 301, due to the same lot line adjustment, as identified in Exhibit A attached.

Section 2. Amendment to the Zoning Map

The Zoning Map is hereby amended to change the zone on one parcel from R-1-6 (Single Family Residential, 6,000 sq.ft. minimum lot size) to C-4 (Tourist Commercial) and on three parcels from R-1-6 Single Family Residential, 6,000 sq.ft. minimum lot size) to R-2 (Two Family Residential), identified as Tax Lots 200, 301, 400 and 401, Tax Map 40-13-36A; as described in Exhibit B attached.

[Adopted February 9, 2004, Effective March 10, 2004]

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EXHIBIT A

1. Parcel added to Tax Lot 200, Assessor's Map 40-14-36A, Comprehensive Plan change from a Residential to a Commercial designation:

A parcel of land lying within the Northeast Quarter of Section 36, Township 40 South, Range 14 West, Willamette Meridian, City of Brookings, Curry County, Oregon, described as follows:

BEGINNING at a 5/8" rebar with plastic cap stamped "Stuntzner Eng.", which lies 1002.26 feet East, and 1161.18 feet North of the Center 1/4 corner of said Section 36;

thence North 14°24'41" East 39.01 feet

thence South 64°38'05" East 51.63 feet;

thence South 40°34'35" East 100.74 feet to the beginning of a non-tangent curve concave to the South having a radius of 125.00 feet, the long chord of which bears South 62°36'13" East 44.99 feet;

thence along said curve, through a central angle of 20°44'06" an arc distance of 45.24 feet;

thence South 52°14'10" East 8.59 feet;

thence North 68°30'12" West 2.52 feet to the beginning of a tangent curve to the left, concave Southerly, having a radius of 150.00 feet, the long chord of which bears North 89°35'41" West 107.96 feet;

thence along said curve through a central angle of 42°10'58" an arc distance of 110.43 feet;

thence North 34°24'57" West 103.20 feet to the POINT OF BEGINNING.

Bearings are based on the center section line of Section 36 as shown on Plat 1985-01.

2. Parcel added to Tax Lot 301, Assessor's Map 40-13-36A; Comprehensive Plan change from a Commercial designation to a Residential designation:

A parcel of land lying within the Northeast Quarter of Section 36, Township 40 South, Range 14 West, Willamette Meridian, City of Brookings, Curry County, Oregon, described as follows:

BEGINNING at a 5/8" rebar with plastic cap stamped "Stuntzner Eng.", which lies 1038.86 feet East, and 940.63 feet North of the Center 1/4 corner of said Section 36;

thence North 33°21'42" East 131.81 feet;

thence South 75°25'39" East 179.92 feet;

thence South 14°24'41" West 65.70 feet;

thence North 64°38'05" West 48.38 feet;

thence South 56°33'25" West 138.63 feet;

thence North 52°26'35" West 89.40 feet to the POINT OF BEGINNING.

Bearings are based on the center section line of Section 36 as shown on Plat 1985-01.

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## EXHIBIT B

### Page 1

1. New Tax Lot 200, Assessor's Map 40-14-36A; All designated as Commercial and Zoned C-4 (Tourist Commercial):

A parcel of land lying within the Northeast Quarter of Section 36, Township 40 South, Range 14 West, Willamette Meridian, City of Brookings, Curry County, Oregon, described as follows:

COMMENCING at a point which lies 694.37 feet East, and 635.18 feet North (record 698.6 feet East, and 693.2 feet East) of the Center 1/4 corner of said Section 36;  
thence North 27°08'25" East 180.49 feet to the POINT OF BEGINNING;  
thence North 27°08'25" East 317.50 feet;  
thence North 34°43'25" East 332.50 feet;  
thence North 75°08'25" East 593.10 feet;  
thence South 00°03'25" West 708.24 feet;  
thence North 64°55'07" West 193.66 feet to a 5/8" rebar with plastic cap stamped P.L.S. 2809;  
thence South 39°27'53" West 31.65 feet;  
thence North 68°30'12" West 172.51 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a tangent curve concave to the South having a radius of 150.00 feet of which the long chord bears North 89°35'41" West 107.96 feet;  
thence along said curve through a central angle of 42°10'58" an arc distance of 110.43 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";  
thence North 34°24'57" West 103.20 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng."  
thence North 14°24'41" East 104.71 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng."  
thence North 75°25'39" West 179.92 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng."  
thence South 33°21'42" West 131.81 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng."  
thence South 27°08'25" West 289.54 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng."  
thence North 62°52'01" West 23.35 feet to the beginning of a non-tangent curve concave to the South having a radius of 45.00 feet of which the long chord bears North 70°21'34" West 11.75 feet;  
thence along said curve through a central angle of 14°59'58" an arc distance of 11.78 feet to the POINT OF BEGINNING.

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## EXHIBIT B

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- 2, New Tax Lot 300, Assessor's Map 40-13-36A; All designated as Residential and Zoned R-2 (Two Family Residential):

A parcel of land lying within the Northeast Quarter of Section 36, Township 40 South, Range 14 West, Willamette Meridian, City of Brookings, Curry County, Oregon, described as follows:

COMMENCING at a point which lies 694.37 feet East, and 635.18 feet North (record 698.6 feet East, and 693.2 feet East) of the Center 1/4 corner of said Section 36;  
thence North 27°08'25" East 180.49 feet to the beginning of a non-tangent curve concave to the South, having a radius of 45.00 feet of which the long chord bears North 70°21'34" West 11.75 feet;  
thence along said curve through a central angle of 14°59'58" an arc distance of 11.78 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." set at the TRUE POINT OF BEGINNING;  
thence South 62°52'01" East 27.66 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";  
thence South 28°45'39" East 49.97 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";  
thence North 60°57'10" East 16.94 feet to a 1/2 iron pipe;  
thence North 85°14'26" East 113.02 feet to a 5/8" rebar with plastic cap stamped LS 1027;  
thence North 06°18'00" East 11.38 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a tangent curve concave Southeast having a radius of 110.00 feet of which the long chord bears North 44°37'49" East 136.44 feet;  
thence along said curve through a central angle of 76°39'38" an arc distance of 147.18 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a reverse curve concave Northwesterly having a radius 110.00 feet of which the long chord bears North 71°43'30" East 42.87 feet;  
thence along said curve through a central angle of 22°28'16" an arc distance of 43.14 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";  
thence North 60°29'21" East 87.51 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a tangent curve, concave South having a radius of 150.00 feet of which the long chord bears North 64°54'05" East 23.08 feet;  
thence along said curve through a central angle of 08°49'28" an arc distance of 23.10 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";  
thence North 34°24'57" West 103.20 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";  
thence North 14°24'41" East 104.71 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";  
thence North 75°25'39" West 179.92 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";  
thence South 33°21'42" West 131.81 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";  
thence South 27°08'25" West 289.54 feet to the POINT OF BEGINNING.

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3. New Tax Lot 400, Assessor's Map 40-13-36A; All designated as Residential and Zoned R-2 (Two Family Residential):

A parcel of land lying within the Northeast Quarter of Section 36, Township 40 South, Range 14 West, Willamette Meridian, City of Brookings, Curry County, Oregon, described as follows:

COMMENCING at a point which lies 694.37 feet East, and 635.18 feet North (record 698.6 feet East, and 693.2 feet East) of the Center 1/4 corner of said Section 36;

thence North  $27^{\circ}08'25''$  East 180.49 feet to the beginning of a non-tangent curve concave to the South having a radius of 45.00 feet of which the long chord bears North  $70^{\circ}21'34''$  West 11.75 feet;

thence along said curve through a central angle of  $14^{\circ}59'58''$  an arc distance of 11.78 feet;

thence South  $62^{\circ}52'01''$  East 51.01 feet;

thence South  $28^{\circ}45'39''$  East 49.97 feet ;

thence North  $60^{\circ}57'10''$  East 16.94 feet;

thence North  $85^{\circ}14'26''$  East 113.02 feet to a 5/8" rebar with plastic cap stamped LS 1027 and the TRUE POINT OF BEGINNING;

thence North  $06^{\circ}18'00''$  East 11.38 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a tangent curve concave Southeast having a radius of 110.00 feet of which the long chord bears North  $44^{\circ}37'49''$  West 136.44 feet;

thence along said curve through a central angle of  $76^{\circ}39'38''$  an arc distance of 147.18 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a reverse curve concave Northeast having a radius of 110.00 feet of which the long chord bears North  $71^{\circ}43'30''$  East 42.87 feet;

thence along said curve through a central angle of  $22^{\circ}28'16''$  an arc distance of 43.14 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";

thence North  $60^{\circ}29'21''$  East 87.51 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a tangent curve concave South having a radius of 150.00 feet of which the long chord bears North  $85^{\circ}59'35''$  East 129.17 feet;

thence along said curve through a central angle of  $51^{\circ}00'27''$  an arc distance of 133.54 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";

thence South  $68^{\circ}30'12''$  East 172.51 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng."

thence South  $39^{\circ}27'53''$  West 52.57 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng."

thence North  $68^{\circ}30'12''$  West 22.23 feet to the beginning of a non-tangent curve concave to the North having a radius of 50.00 feet of which the long chord bears North  $76^{\circ}47'05''$  West 98.92 feet;

thence along said curve through a central angle of  $163^{\circ}07'56''$  an arc distance of 142.36 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a radius reverse curve concave to the South having a radius of 20.00 feet of which the long chord bears North  $31^{\circ}51'40''$  West 23.87 feet;

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3. New Tax Lot 400, Assessor's Map 40-13-36A; All designated as Residential and Zoned R-2 (Two Family Residential) continued:

thence along said curve through a central angle of  $73^{\circ}17'05''$  an arc distance of 25.58 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";

thence North  $68^{\circ}30'12''$  West 17.03 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a tangent curve concave Southeast having a radius of 100.00 feet of which the long chord bears South  $85^{\circ}59'35''$  West 86.11 feet;

thence along said curve, through a central angle of  $51^{\circ}00'27''$  an arc distance of 89.02 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";

thence South  $60^{\circ}29'21''$  West 87.51 feet and the beginning of a radius tangent curve concave to the Northwest having a radius of 160.00 feet of which the chord bears South  $71^{\circ}43'30''$  West 62.35 feet;

thence along said curve through a central angle of  $22^{\circ}28'16''$  an arc distance of 62.75 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a reverse curve concave Southeast having a radius of 60.00 feet of which the long chord bears South  $44^{\circ}37'49''$  West 74.42 feet;

thence along said curve through a central angle of  $76^{\circ}39'38''$  an arc distance of 80.28 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";

thence South  $06^{\circ}18'00''$  West 1.60 feet to a 5/8" rebar with plastic cap stamped LS 1027;

thence South  $85^{\circ}14'26''$  West 50.95 feet to the POINT OF BEGINNING.

4. New Tax Lot 401, Assessor's Map 40-13-36A; All designated as Residential and Zoned R-2 (Two Family Residential):

A parcel of land lying within the Northeast Quarter of Section 36, Township 40 South, Range 14 West, Willamette Meridian, City of Brookings, Curry County, Oregon, described as follows:

COMMENCING at a point which lies 694.37 feet East, and 635.18 feet North (record 698.6 feet East, and 693.2 feet East) of the Center 1/4 corner of said Section 36;

thence North  $27^{\circ}08'25''$  East 180.49 feet to the beginning of a non-tangent curve concave to the South having a radius of 45.00 feet of which the long chord bears South  $70^{\circ}21'34''$  East 11.75 feet;

thence along said curve through a central angle of  $14^{\circ}59'58''$  an arc distance of 11.78 feet;

thence South  $62^{\circ}52'01''$  East 51.01 feet;

thence South  $28^{\circ}45'39''$  East 49.97 feet ;

thence North  $60^{\circ}57'10''$  East 16.94 feet;

thence North  $85^{\circ}14'26''$  East 163.97 feet to a 5/8" rebar with plastic cap stamped LS 1027 and the TRUE POINT OF BEGINNING;

thence North  $06^{\circ}18'00''$  East 1.60 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a tangent curve concave Southeast having a radius of 60.00 feet of which the long chord bears North  $44^{\circ}37'49''$  East 74.42 feet;

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4. New Tax Lot 401, Assessor's Map 40-13-36A; All designated as Residential and Zoned R-2 (Two Family Residential) continued:

thence along said curve through a central angle of  $76^{\circ}39'38''$  an arc distance of 80.28 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a reverse curve concave Northwest having a radius of 160.00 feet of which the long chord bears North  $71^{\circ}43'30''$  East 62.35 feet;

thence along said curve through a central angle of  $22^{\circ}28'16''$  an arc distance of 62.75 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";

thence North  $60^{\circ}29'21''$  East 87.51 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a tangent curve concave Southeasterly having a radius of 100.00 feet of which the long chord bears North  $85^{\circ}59'35''$  East 86.11 feet;

thence along said curve through a central angle of  $51^{\circ}00'27''$  an arc distance of 89.02 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";

thence South  $68^{\circ}30'12''$  East 17.03 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a tangent curve concave the Southeasterly having a radius of 20.00 feet of which the long chord bears South  $31^{\circ}51'40''$  East 23.87 feet;

thence along said curve through a central angle of  $73^{\circ}17'05''$  an arc distance of 25.58 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng." and the beginning of a reverse curve concave to the North having a radius of 50.00 feet of which the long chord bears South  $76^{\circ}47'05''$  East 98.92 feet;

thence along said curve through a central angle of  $163^{\circ}07'56''$  an arc distance of 142.36 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";

thence South  $68^{\circ}30'12''$  East 22.23 feet to a 5/8" rebar with plastic cap stamped "Stuntzner Eng.";

thence South  $39^{\circ}27'53''$  West 186.64 feet to a 5/8" rebar with plastic cap stamped 3/4" iron pipe;  
thence North  $75^{\circ}25'35''$  West 310.51 feet to the POINT OF BEGINNING.