

Ordinance No. 05-O-446.UU

In the Matter of an Ordinance Amending Ordinance 89-0-446, An Ordinance Creating the Land Development Code to amend Section 148, Annexations in its entirety.
(Passed February 14, 2005, effective March 16, 2005)

Sections:

- Section 1. Ordinance identified.
- Section 2. Amendment to Section 148.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Ordinance No. 89-0-446, enacted April 10, 1989 entitled, the Land Development Code.

Section 2. Amendment to Section 148. Ordinance No. 89-O-446, Section 148 is hereby amended to read as follows:

Sections:

- 148.010 Generally.
- 148.020 Application procedures.
- 148.030 Annexation impact analysis.
- 148.040 Zoning of annexed property.

148.010 Generally. A proposal to annex territory to the City of Brookings shall be processed in accordance with the requirements contained herein, provided that the proposal complies with the provisions of ORS 222.111 to 222.180 and ORS 222.840 to 222.915.

148.020 Application procedures. An application for annexation may be filed with the City on a form prescribed by the City, accompanied by a filing fee in the amount established by general resolution of the City Council. No part of the filing fee is refundable. Said application shall contain the following information:

- A. Vicinity map identifying the proposed area of annexation and existing City limits.
- B. Assessor's parcel maps of the proposed annexation area, which maps shall indicate and identify those parcels for which consents to annex have been signed by either electors and/ or owners depending on which annexation process is used under the provisions of the ORS.
- C. Consent to annex forms completed and signed by all property owners within the territory proposed to be annexed.
- D. Legal metes and bounds, or lot and block description of the territory proposed to be

the Land Development Code for provision of these services. The adequacy of these services shall be considered in relation to annexation proposals.

- C. Documentation of impacts on existing streets within the annexation area and adjacent transportation facilities by future development of the area. The adequacy of the transportation facilities shall be considered in relation to annexation proposals.
- D. As development occurs within the annexed area new streets shall be constructed to the standards of the Brookings Transportation System Plan and Land Development Code. Existing streets within the annexed area shall remain in the county's jurisdiction until such time as they are improved to the city street standards.
- E. Documentation of the availability and adequacy to serve the proposed annexation with police, fire, parks, and school facilities and services.
- F. Improvements for needed infrastructure shall be secured by a funding mechanism that will place the economic burden on the territory proposed for annexation and not on the City of Brookings.

148.040 Zoning of annexed property.

- A. A proposal for annexation shall include a request for a city zoning designation for the territory proposed to be annexed which shall be considered at the time of the annexation proposal, however, the City Council will ultimately determine the zoning to be applied. The zoning designation of annexed territory shall be specified in the annexation ordinance and shall become effective upon acceptance of the annexation by the secretary of state.

[Effective March 16, 2005]

annexed.

- E. Specific information on each parcel within the territory proposed to be annexed as follows:
 - 1. Current assessed valuation as shown on the Curry County Assessor's tax rolls.
 - 2. Acreage.
 - 3. Map and tax lot number.
 - 4. Owner or owners of record and/or registered electors residing on the premises of the subject parcel.
- F. Addresses of all dwelling units and businesses within the territory proposed to be annexed.
- G. Significant natural features within the area proposed for annexation including but not limited to, streams, wetlands, slopes, and areas of geological significance.
- H. Adjoining land uses.
- I. Written findings of fact prepared by the petitioner(s) or petitioner(s) representatives which address the following:
 - 1. Existing land uses within the territory proposed to be annexed.
 - 2. Existing zoning and comprehensive plan designations within the territory.
 - 3. Existing improvements, such as water system, streets, sanitary sewer, storm drainage.
 - 4. Special service districts within the territory proposed to be annexed, such as water, irrigation, fire, school, sanitary, etc.
 - 5. Urban services needed and necessary to service the territory proposed to be annexed, the availability of same relative to capacity, condition and cost of extension and/or improvement to urban standards and an estimated time line for any required improvements.
 - 6. Compliance with all applicable goals and policies of the comprehensive plan.
 - 7. Compliance with all of the items listed in subsection 148.030.
 - 8. The burden of providing the findings is the responsibility of the applicant.

148.030 Annexation impact analysis. The following criteria shall apply to all annexation requests:

- A. The proposed use for the site complies with the Brookings Comprehensive Plan and with the designation on the Brookings Comprehensive Plan Map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Brookings Comprehensive Plan.
- B. An adequate level of urban services and infrastructure to accommodate anticipated future development either is available, or can reasonably be made available. An adequate level of urban services shall be defined as:

Municipal sanitary sewer, storm drainage, and water service meeting the requirements enumerated in the Brookings Public Facilities and Services Plan and

