



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/17/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Brookings Plan Amendment
DLCD File Number 007-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 26, 2012

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Donna Colby-Hanks, City of Brookings
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

DEC 11 2012

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Brookings**

Date of Adoption: **12/4/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☐ Yes ☒ No Date:

☐ Comprehensive Plan Text Amendment

☐ Land Use Regulation Amendment

☐ New Land Use Regulation

Local file number: **CPZ-1-12**

Date Mailed: **12/5/2012**

☐ Comprehensive Plan Map Amendment

☒ Zoning Map Amendment

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Zone change from Tourist Commercial (C-4) to General Commercial (C-3)

Does the Adoption differ from proposal? Please select one

Plan Map Changed from:

to:

Zone Map Changed from: **C-4**

to: **C-3**

Location: **1201 Chetco Ave**

Acres Involved: **1.45**

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☐ Yes ☒ No

If no, do the statewide planning goals apply?

☐ Yes ☒ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 007-12 (19629) [17270]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

Local Contact: **Donna Colby-Hanks**

Phone: **(541) 469-1137** Extension:

Address: **898 Elk Drive**

Fax Number: **541-469-3650**

City: **Brookings**

Zip: **97415-**

E-mail Address: **dcolbyhanks@brookings.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

**BEFORE THE PLANNING COMMISSION
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

**In the matter of City Council File No. CPZ-1-12;) Final ORDER
application for a Zone Change; O'Reilly Automotive) and Findings of
Stores, Inc.) Fact**

ORDER approving an application for a zone change from C-4 (Tourist Commercial) to C-3 (General Commercial), on a 1.45 acre parcel located on Assessor's Map 41-13-06BC, Tax Lot 2200.; Zoned C-4 (Tourist Commercial).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Chapter 17.140, Amendments, Brookings Municipal Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its scheduled public hearing on December 4, 2012; and,
3. Recommendations were presented by the Planning Manager in the form of a written Staff Report dated November 21, 2012, and by oral presentation, and evidence and testimony was presented by the Applicant at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Report and approved the request for the zone change.

THEREFORE, LET IT BE HEREBY ORDERED that the application for a zone change on the subject parcel is approved. This approval is supported by the following findings and conclusions:

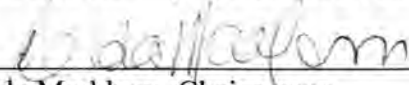
FINDINGS and CONCLUSIONS

1. Applicant has filed a complete application requesting a Zone Change from Commercial (C-4) to Commercial (C-3) on the 1.45 acre subject property. The application is supported by findings of fact and conclusion of law and evidence submitted by Applicant's Agent (**Attachment B**) as well as Staff's analysis addressing the criteria.
2. The subject property is presently developed with two commercial building. One was previously used as an real estate office. The other is a locksmith business. These buildings will be removed from the property to accommodate the proposed auto parts store.
3. City water and sewer are available to the subject property.
4. Storm drainage will need to be retained/detained on-site or connection/upsized to existing City infrastructure will be required.

5. Needed street improvements on Arnold Lane will be addressed prior to a building permit being issued with either a Deferred Improvement Agreement or installation of the necessary improvements.
6. Oregon Department of Transportation (ODOT) will advise the Applicant of the required street improvements on Chetco Avenue prior to the building permit being issued. The Applicant will obtain an access permit from ODOT prior to the building permit being issued.
7. The uses allowed in the C-4 zone and the uses allowed in the C-3 zone are comparable in intensity. The impacts to surrounding land uses will not be greater with approval of the zone change request.
8. The impacts to City services and streets from uses allowed in the C-3 zone are comparable in intensity with the impacts from uses in the C-4 zone.
9. The zone change request is from one commercial zone to another commercial zone. None of the state wide Planning Goals are applicable.
10. The requested general commercial zoning designation is appropriate as the proposed use is allowed outright in the C-3 zone.

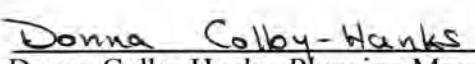
LET IT FURTHER BE OF RECORD that the Planning Commission APPROVED the Zone Change requested by File # CPZ-1-12.

Dated this 4th day of December, 2012.



Hedda Markham, Chairperson

ATTEST:



Donna Colby-Hanks, Planning Manager

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Zone Change
FILE NO: CPZ-1-12
HEARING DATE: December 4, 2012

REPORT DATE: November 21, 2012
ITEM NO: 5.2

GENERAL INFORMATION

OWNER: Harbor Medical, LLC.

APPLICANT: O'Reilly Automotive Stores, Inc.

REPRESENTATIVES: Liz Dugger, Real Estate Transaction Manager.

REQUEST: A Zone Change from Tourist Commercial (C-4) to General Commercial (C-3).

TOTAL LAND AREA: 1.45 ac.

LOCATION: At the intersection of Arnold Lane and Chetco Avenue more specifically 1201 Chetco Avenue

ASSESSOR'S NUMBER: 41-13-06BC, Tax Lot 2200.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: C-4, Tourist Commercial.

PROPOSED: C-3, General Commercial.

SURROUNDING: R-3 (multi-family residential) to the south, C-4 to north, east, and west, C-3 further out to the northwest and east.

COMP. PLAN: Commercial.

LAND USE INFORMATION

EXISTING: One vacant commercial building, formerly a real estate office, and a locksmith office.

PROPOSED: Removal of the two commercial buildings and construction of an auto parts store.

SURROUNDING: The subject property is surrounded on the north and east by numerous motels and restaurants, a fruit/gift shop to the west, a vacation rental and multi-family complex to the south.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local newspaper.

APPLICABLE CRITERIA

Land Development Code – Ordinance No. 06-O-572
Chapter 17.140 – Amendments

BACKGROUND INFORMATION

The subject property is an irregularly shaped, 1.45 acre parcel of land located at the intersection of Arnold Lane and Chetco Avenue. The property is accessed by Arnold Lane, which has a 40 ft. right-of-way with a paved road surface, no curb, gutter, or sidewalks and by Chetco Avenue, which has an 80 ft. right-of-way with a four paved travel lanes and bicycle lanes on each side. There is a sidewalk in very poor condition on the north side of Chetco Avenue. The Applicant's future development plans involve removing the existing commercial buildings and siting an auto parts store with the required parking and landscaping. Since this property may be larger than their development needs, any excess would be partitioned and sold. (**Exhibit 2**).

The property is zoned C-4 (Tourist Commercial) which does not allow for auto parts stores. The parcels adjacent on the north, west, and east are also zoned C-4. The area beyond the adjacent parcels are zoned C-3 (General Commercial) which allows for retail and service shops. The parcels to the south are zoned R-3 (Multi-family residential) and are developed with a vacation rental and a multi-family complex. City services are available to the subject property (**Attachment A**).

PROPOSED PLAN and ZONE CHANGE

Amendments to the Comprehensive Plan and zoning maps are governed by Chapter 17.140 of the Brookings Municipal Code (BMC). The Applicant is requesting a zone change from the C-4 designation to the C-3 designation to allow the siting of an auto parts store on the subject property.

ANALYSIS

The following is staff's analysis of the proposed zone change in relation to the criteria found in BMC Chapter 17.140, Amendments. The Applicant's findings are **Attachment B**.

Compatibility of the proposed zoning designation with the surrounding land uses.

- Properties in the area of the subject property are zoned C-4 and C-3 and developed with numerous

motels and restaurants. These commercial uses are similar in intensity and are compatible with the proposed auto parts store and other uses allowed outright in the C-3 zone.

- The R-3 zoned property to the south is developed with a vacation rental and a multi-family complex. R-3 parcels are considered a transition zone between commercial parcels and lower intensity single family dwelling zones. The commercial uses in the C-3 zone are comparable in intensity with the uses in the C-4 zone and would not impact the residential zone to any greater degree. Site Plan Committee reviewed this proposal and is supportive of the zone change. The City Operations Fire Chief has provided comments (**Attachment C**). Coos-Curry Electric has provided a utility confirmation form (**Attachment D**).

Impacts on City Services and Streets.

- City sewer and water facilities have been considered for the project. The City Public Works Department has provided confirmation of services (**Attachment A**).
- Storm drainage facilities in this area are old and records are deficient. The facility in Arnold Lane is overburdened and will not accommodate additional drainage. There are facilities on Moore Street and on Chetco Avenue. The Applicant will be required to provide on-site retention/detention or connect/upsue to existing City infrastructure. The details of storm drainage will be addressed prior to the building permit being issued.
- Chetco Avenue is under the jurisdiction of Oregon Department of Transportation (ODOT). ODOT has been notified of the proposed zone change. ODOT has provided comments (**Attachment E**) and requests the Applicant obtain an access permit. Street improvements on Chetco Avenue may be required by ODOT prior to a building permit being issued.
- The Applicant will be required to provide street improvements adjacent to the subject property on Arnold Lane. The City will determine whether the Applicant will be allowed to record a Deferred Improvement Agreement (DIA) for street improvements or be required to install the needed improvements. This will be determined when the Applicant submits all the needed materials to request a building permit.
- The impacts to the City services and streets from uses in the C-3 zone are comparable with the impacts from uses in the C-4 zone.

Conformance with the Comprehensive Plan, provisions of the Code, and any applicable Statewide Planning Goals.

The Applicant's Representative has provided findings (**Attachment B**) addressing the criteria and the Comprehensive Plan. Staff has provided analysis above. This application is for a simple zone change from one commercial designation to another. None of the Statewide Planning Goals are applicable.

FINDINGS AND CONCLUSIONS

1. Applicant has filed a complete application requesting a Zone Change from Commercial (C-4) to Commercial (C-3) on the 1.45 acre subject property. The application is supported by findings of fact and conclusion of law and evidence submitted by Applicant's Agent (**Attachment B**) as well as Staff's analysis addressing the criteria.
2. The subject property is presently developed with two commercial building. One was previously used

as an real estate office. The other is a locksmith business. These buildings will be removed from the property to accommodate the proposed auto parts store.

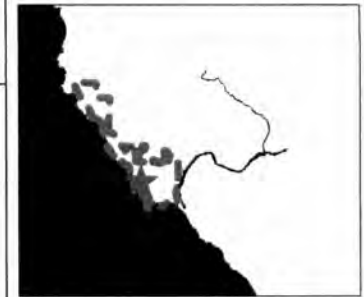
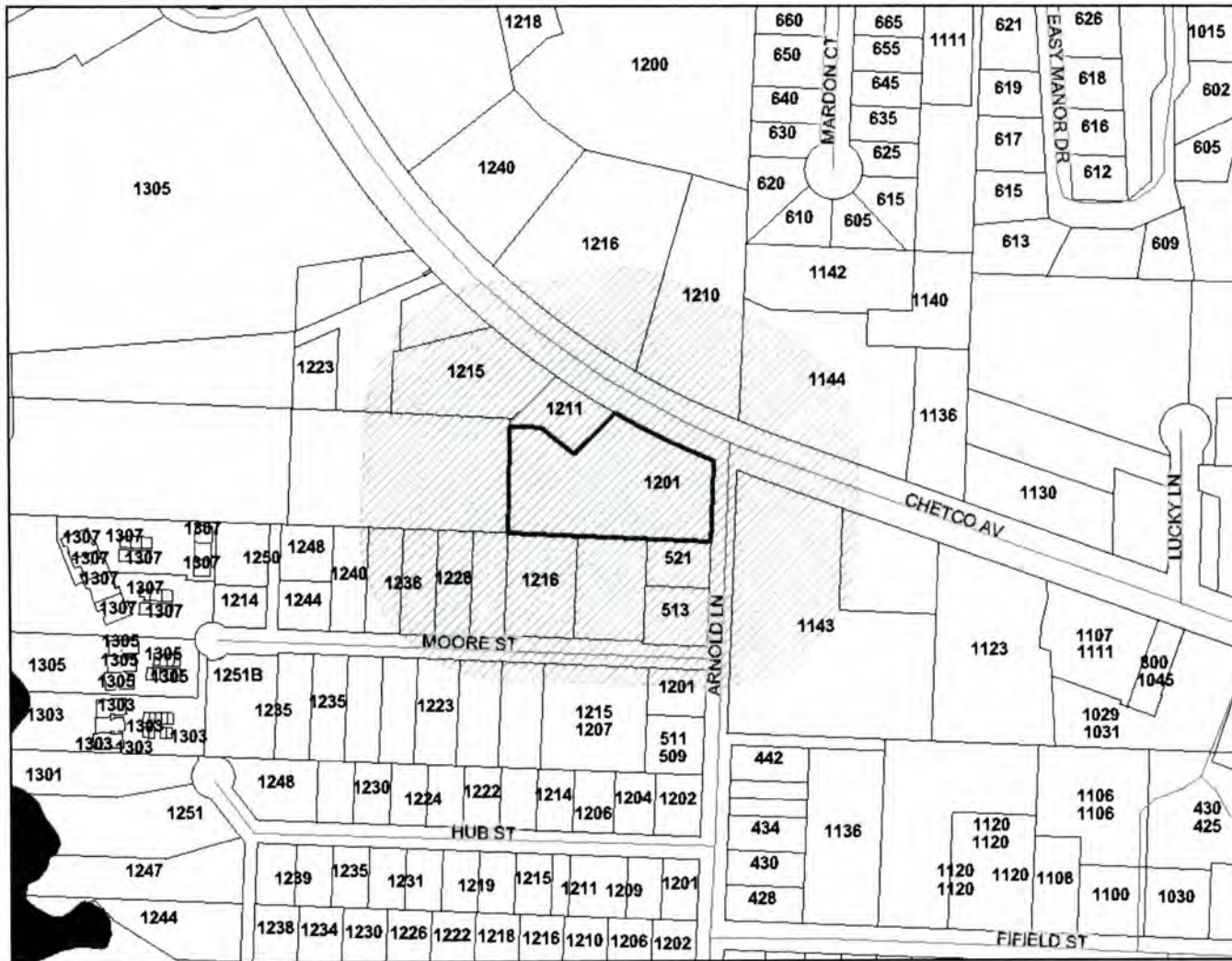
3. City water and sewer are available to the subject property.
4. Storm drainage will need to be retained/detained on-site or connection/upsized to existing City infrastructure will be required.
5. Needed street improvements on Arnold Lane will be addressed prior to a building permit being issued with either a Deferred Improvement Agreement or installation of the necessary improvements.
6. Oregon Department of Transportation (ODOT) will advise the Applicant of the required street improvements on Chetco Avenue prior to the building permit being issued. The Applicant will obtain an access permit from ODOT prior to the building permit being issued.
7. The uses allowed in the C-4 zone and the uses allowed in the C-3 zone are comparable in intensity. The impacts to surrounding land uses will not be greater with approval of the zone change request.
8. The impacts to City services and streets from uses allowed in the C-3 zone are comparable in intensity with the impacts from uses in the C-4 zone.
9. The zone change request is from one commercial zone to another commercial zone. None of the state wide Planning Goals are applicable.
10. The requested general commercial zoning designation is appropriate as the proposed use is allowed outright in the C-3 zone.

RECOMMENDATION

Staff recommends **APPROVAL** of File No. CPZ-1-12, based on the findings submitted by the Applicant and the findings and conclusions stated in the staff report.

Staff has prepared a FINAL ORDER to be considered at this meeting (**Attachment F**).

CPZ-1-12 Figure 1



Legend

SDE.CURRY.V_SITUS_NUMBER

- RIVERS
- ROADS
- PARCELS
- URBAN GROWTH BOUNDARY
- OCEAN

0 325 650 975 ft.

Map center: 42° 3' 21.7" N, 124° 17' 45.8" W



Scale: 1:3,486

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

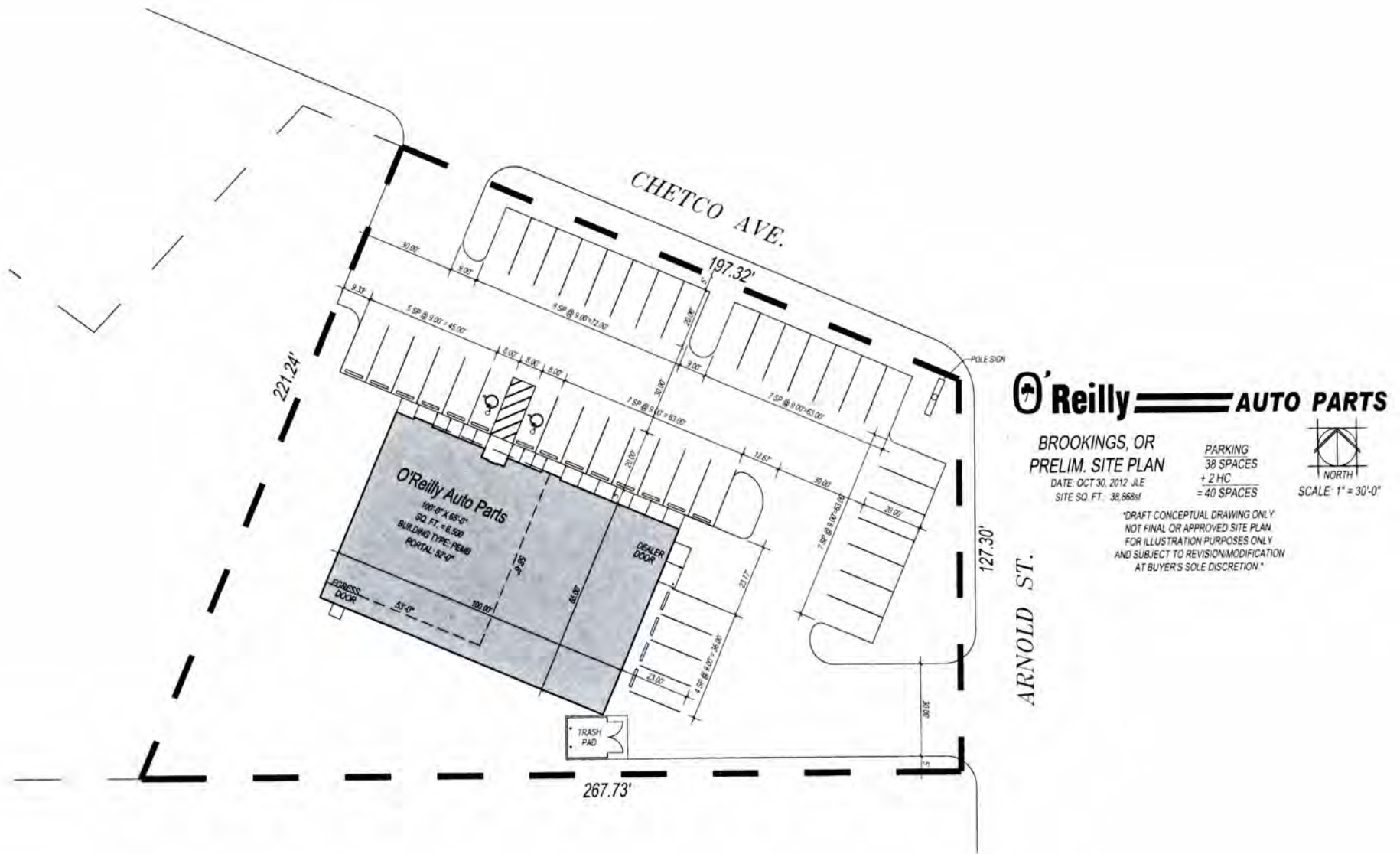


Figure 2

CITY OF BROOKINGS
Public Works Department
898 Elk Drive, Brookings, OR 97415
Telephone – 541.469.1151
FAX – 541.469.3650

Attachment A

Date - _____
 Date - 11/5/12 to ☐ Planning
 Date - _____ to ☐ PW
 Final Approval
 Date - 11/14/12 to ☒ Building
 Applicant notified: _____

WATER/SEWER/STORM DRAIN SERVICE AVAILABILITY REQUEST

Depending on the research required requests may take up to 10 days to process.

Applicant: O'Reilly Automotive Stores, Inc. Date: November 5, 2012
 Telephone: (417) 520-4582 Fax: () email: ldugger@oreillyauto.com
 Current Property Owner: Harbor Medical, LLC
 Property Address: 1501 Chetco Ave Map & Tax Lot No. 41-13-06BC/2200
 Is the property located within the current City Limits? ☒ YES ☐ NO* *If no, DIA forms required.
 Does property have a well? ☐ YES ☒ NO ♦If yes, backflow protector will be required.
 Describe project and proposed sized of piping to serve development: Proposed O'Reilly Auto Parts store -- at this time, the exact size of piping needed for development is unknown. Typically, O'Reilly will use a 3/4" to 1" water service line and a 4" sewer line and 12" storm drain. When utility plans are available, we can provide additional information.

For City Use Only:

Administrative Services

Is there a current water account/service for this property? ☒ YES/How many 1 ☒ NO
 Is there a current sewer account/service for this property? ☒ YES/How many 1 ☒ NO
 Are there any liens on this property? ☐ YES ☒ NO

Planning

*Out of city limits, DIA Forms Submitted: YES ☒ NO In UGB: ☒ YES ☐ NO

Public Works

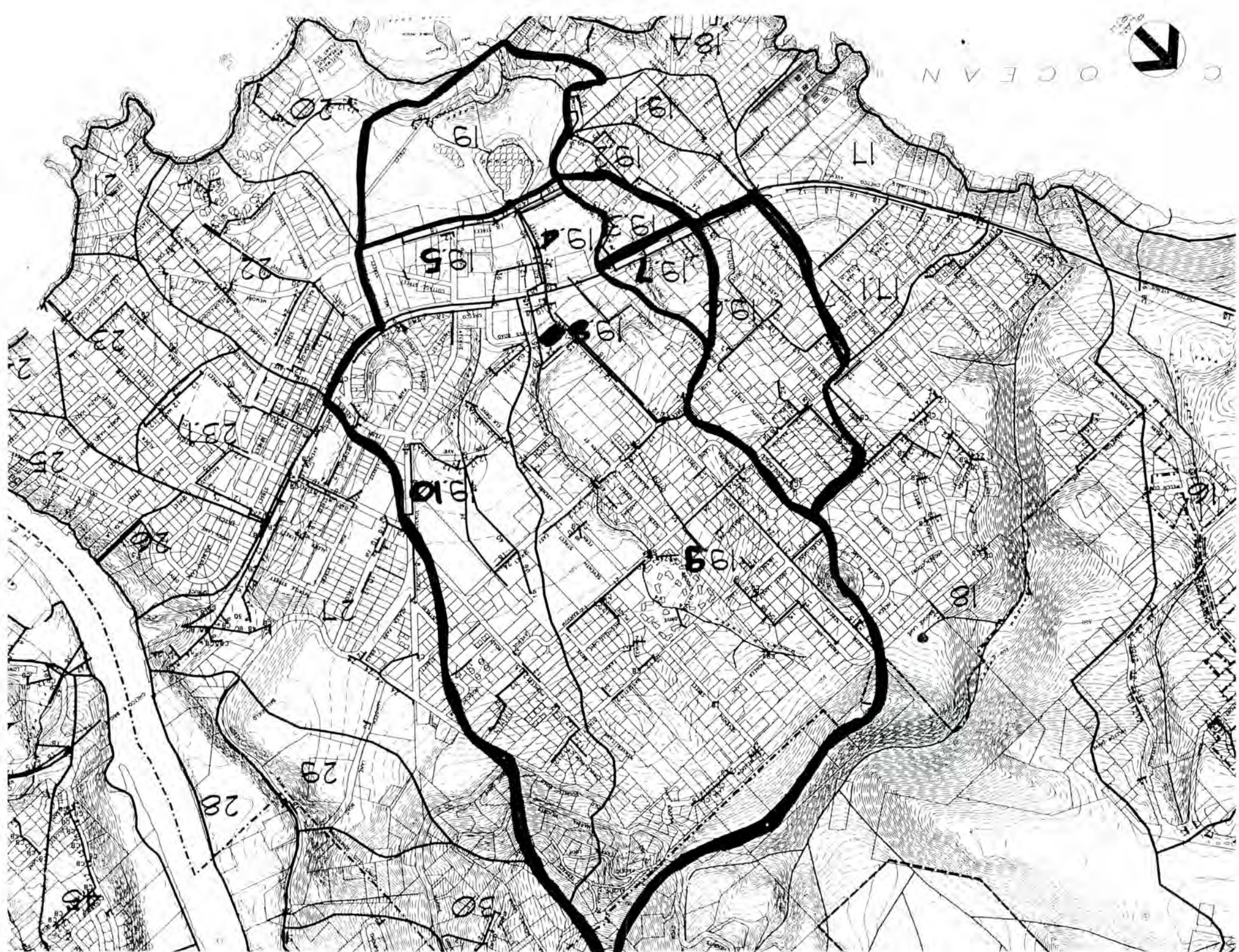
Location and size of existing infrastructure: Adequate?
 Water: 12" AC. ON CHETCO 8" D.I. ON ARNOLD ☒ YES ☐ NO
 Sewer: 8" ON ARNOLD ☒ YES ☐ NO
 Stormdrain: NONE / NO RECORDS / CAN'T USE ARNOLD / HOWLAND ☐ YES ☒ NO

Additional Comments: EXISTING WATER & SEWER STUB INS ARE VERY OLD & SHOULD BE RENEWED BEFORE 1/2 STREET IMPROVEMENTS INSTALLED.

Building

Pay Backs: \$ -() - SDC's: \$ 0 credit for SDC + office removal
 Other all required permits
& account deposits

Attach/Draw Site Location Map with cross streets, etc. on back of this form



**PROPOSED O'REILLY AUTO PARTS
BROOKINGS, OR**

PROJECT NARRATIVE

REAL PROPERTY DESCRIPTION

The subject property is located at 1201 Chetco Avenue, Brookings, Curry County, Oregon.

There is currently a 1,500 sf building and a 1,040 sf building that will demolished, and the property will be developed with a 100' x 65' O'Reilly Auto Parts store.



Proposed Development (see attached Site Plan)

The proposed development will consist of O'Reilly's prototypical 6,500 s.f. metal building, with parking spaces, a dumpster pad, a pole sign, and landscaping.

Zoning Change:

This site is zoned C-4, Tourist Commercial, and O'Reilly is requesting that the property be rezoned to C-3, General Commercial. The adjoining properties are zoned C-4. The property is bounded on the north and east by right of way.

Compatibility of the Proposed Zoning:

The properties in this area are zoned both C-4 and C-3, so the requested change is consistent with surrounding zoning designations. Also, while not technically a "Tourist Commercial" use, the proposed store could be deemed beneficial for tourists, as it would provide a useful service for any tourist in need of auto parts during a trip to Brookings. The remaining property that is not utilized for O'Reilly's development will be placed on the market and portioned off so that it may be used by another retail developer. The rezoning and development of these properties for retail commercial are compatible with the surrounding residential zoning, as they will provide valuable and easily accessible services to the neighbors in the multi-family and single family residences to the west of this location.

Impacts on City Services and Streets:

Utilities are available to the site, as two businesses already exist, so there will be no additional services needed. The site fronts on Hwy 101, which will be the main point of access, and will be a shared drive for this development and the future development on the remaining property. A secondary access on to Arnold Street is also needed. Deliveries to the proposed store are made during overnight hours, so this will not impact traffic on the highway or street. O'Reilly will also take into account the nearby residences in designing the store and scheduling deliveries during the overnight hours.

Statement and Supportive Evidence:

The Comprehensive Plan for the City of Brookings has designated this as an area for commercial development. Rezoning to a C-3 zone is compatible with this designation. In addition to this, the proposed plan meets with all city codes, including parking and landscaping. The O'Reilly Auto Parts store will add an important service to the neighboring community by providing a service to the residents of this area, especially to the residents of the nearby multi-family residences. Also, the traffic to and from the O'Reilly Auto Parts store will have a low impact on the surrounding residential properties, as O'Reilly is not a high intensity business, such as a gas station, restaurant or grocery store.

Closing

O'Reilly Auto Parts would like to develop this property in the most advantageous way for the City, surrounding property owners and O'Reilly. We are looking forward to becoming a part of this area of the Brookings community and thank you for your consideration of the requested rezoning. We will be pleased to provide additional information as required for this variance.



City of Brookings

FIRE / RESCUE

898 Elk Drive, Brookings, OR 97415

(541) 469-1142 Fax (541) 469-3650

TTY (800) 735-1232

jwatson@brookings.or.us

11/15/2012

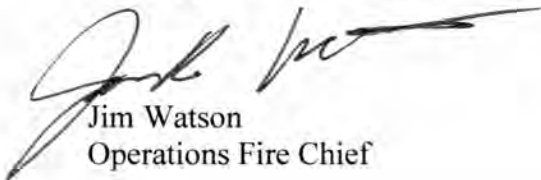
O'Reilly Auto Parts.

Donna, I don't see any problem from a fire point of view for a zone change for this property.

These are the questions I have before building permits, etc are issued:

Is there going to be high pile storage?

What type of building construction is the building going to be?



Jim Watson
Operations Fire Chief

Your Safety Is Our Business

**America's
Wild Rivers
Coast**
101 MILES OF NATURE'S BEST

CITY OF BROOKINGS



UTILITY CONFIRMATION FORM

This form must be signed by Coos-Curry Electric, the electric utility provider, and then submitted with your application. Bring a copy of your plot plan or plat when discussing your proposal with the utility provider.

I. Application Information – This section to be filled out by applicant

Applicant Name: O'Reilly Automotive Stores, Inc. Date: 11/5/12
Assessor Map #: 41-13-06BC Tax Lot: 2200
Site Address: 1201 Chetco Avenue
Proposal: Subdivision/ Partition Variance
Conditional Use Permit X Other

II. Utility Provider Confirmation:

Utility Provider: Coos-Curry Electric

I have reviewed the above referenced proposal and can confirm that the subject property is within this utility provider's district boundary and service can be provided. Any needed extension of service lines and all applicable fees and required charges have been discussed with the applicant.

Signature:

Title:

DMS-SCADA Dispatcher

Date:

11-13-12



Oregon

John A. Kitzhaber, MD, Governor

Attachment E

Department of Transportation

SW Area Office
307 Highway 42 E
Coquille, OR 97423-1854
(541) 396-3707
Fax (541) 396-5321

November 16, 2012

Donna Colby-Hanks
Planning Manager
City of Brookings
898 Elk Drive
Brookings, OR 97415

RE: Conditional Use Permit, 1201 Chetco Ave, Brookings, OR 97415

Dear Donna:

The Oregon Department of Transportation (ODOT) does not object to approval of a CUP for the property located at 1201 Chetco Ave. The applicant will need to apply for access to Chetco Ave.

Please have the applicant contact this office.

If you have any questions feel free to contact me at 541-396-1151.

Sincerely,

Jeff Waddington
Permit Specialist



CITY OF BROOKINGS

898 Elk Drive
Brookings, OR 97415
Ph: (541) 469-2163 Fax: (541) 469-3650

TO:

Plan Amend Specialist
DLCD
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

DEPT OF

DEC 11 2012

**LAND CONSERVATION
AND DEVELOPMENT**

