

## **Curry Coast Pilot**

### **LONE RANCH PROJECT PLANS SENT BACK TO CITY**

***Published: April 27, 2005***

By Brian Bullock

Pilot staff writer

Building standards and wetlands protection at U.S. Borax's Lone Ranch project site will need to be reconsidered, according to the Oregon Land Use Board of Appeals (LUBA),

The board remanded two portions of an appeal of approval of the project to the city of Brookings. The appeal was filed by Cascade Resources Advocacy Group (CRAG) on behalf of Oregon Shores Conservation Coalition, Citizens For Order Development and Brookings residents Catherine Wiley, Peter Chasar and Bill Smith.

The Master Plan of Development provided by the U.S. Borax development team asked for smaller lots than currently exist in the Brookings Development Code (BDC). The city code allows 6,000-square-foot minimum lots for single family homes. The Lone Ranch project proposes 5,000-square-foot lots.

Permitted use in Master Planned Developments also became an issue in the appeal. Section 70.020 of the BDC, which spells out general provisions of a Master Planned Development, doesn't feature building standards, such as lot size or coverage, height or setback requirements. Section 70.030 of the code allows all uses allowed outright and conditional uses in the Master Planned zone that are allowed in normal city zones.

Both of those issues concerned the petitioners.

"They have to demonstrate why those standards are proposed for the development," said J.D. Brown, attorney for CRAG who filed the appeal with LUBA. "That was something that was particularly troubling for some residents.

"Our concern is that it (the approval) is just a blank check. There's no limitations on standards. This kind of sets the tone for future master plans."

The LUBA decision agreed with petitioners of the appeal that the Master Plan didn't demonstrate why the project's proposed building standards "equally or better meet the purpose of the existing regulations."

The city sees the LUBA finding as an interpretive disagreement. The Master Plan section of the development code doesn't contain specific building standards.

"It gives the flexibility of allowing different design standards," said City Planner John Bischoff.

Tim Ramis, counsel for the Lone Ranch development team, said LUBA essentially asked the developers to refine their master plan.

"I think what LUBA is saying is they want to have a very clear explanation on why a particular standard is better than an existing standard. We think that's perfectly reasonable," Ramis said. "We think the community deserves a good explanation."

The LUBA decision also agreed with the appeal that a hydrological assessment of the property is necessary to determine whether or not the project will have an impact on existing wetlands.

In its presentation to the city, the Lone Ranch development team identified wetlands and locations of endangered western lilies. Developers offered that the hydrological assessments would be provided during the Detailed Development Plan phases that would be associated with each neighborhood plan. It also offered a storm water drainage plan it said was designed to preserve the wetlands.

The petitioner argued that the assessment is needed now to determine if constructing 1,000 homes would impact the wetlands.

LUBA agreed, but admitted the assessment could be provided in phases.

The board also had an issue with the city's condition of approval concerning the wetlands. The city demanded that a hydrological study be provided with each DDP and that state and federal agencies responsible for wetlands and endangered species protection sign off on the plan.

"LUBA would like a condition rewritten to be more explicit that wetland protection needs to be taken into account. We agree with that. We have no objection to making sure the conditions are quite clear. Our plan does that and we would expect to be able to comply with any studies," Ramis explained. "We go to work on further refining our plan and doing further work on the development standards, taking a hard look at our wetlands protection plan and making sure they're as strict as LUBA wants them."

The LUBA decision can be appealed. The petitioners have 21 days to appeal the decision to the state Court of Appeals. Brown said CRAG is considering its options in the case.

"Land use is really only one of the issues here," Brown said.

He said the project would also need federal permits from the U.S. Army Corps of Engineers because of the wetlands issue.

"It's something we'll continue to monitor," Brown said.