



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

05/04/2011

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 002-11

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: Thursday, May 19, 2011

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.

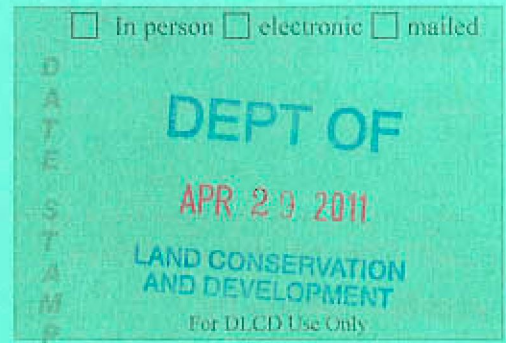
Cc: Dianne Morris, City of Brookings
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Brookings**

Local file number: **LDC-1-11**

Date of Adoption: **4/25/2011**

Date Mailed: **4/28/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date: 0/00/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Adds Section 17.172.090, Subdivision Replats, to the Brookings Municipal Code (BMC)

Does the Adoption differ from proposal? Yes, Please explain below:

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved:

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...

45-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. 002-11 (18814) [16627]

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

None.

Local Contact: **Dianne Morris**

Phone: (541) 469-1138 Extension:

Address: 898 Elk Dr.

Fax Number: 541-469-3650

City: Brookings

Zip: 97415-

E-mail Address: dmorris@brookings.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

ORDINANCE 11-O-682

IN THE MATTER OF ORDINANCE 11-O-682, AN ORDINANCE ADDING SECTION 17.172.090,
SUBDIVISION REPLAT, TO CHAPTER 17.172, LAND DIVISIONS, OF BROOKINGS MUNICIPAL CODE
TITLE 17, LAND DEVELOPMENT CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Adds Section 17.172.090.

The City of Brookings ordains as follows:

Section 1, Ordinance Identified. This ordinance adds Section 17.172.090, Subdivision Replat, to Chapter 17.172, Land Divisions, of Brookings Municipal Code Title 17, Land Development Code.

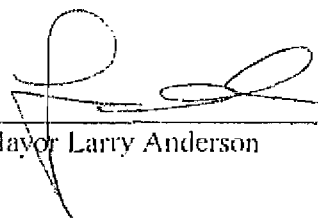
Section 2. Adds Section 17.172.090. Section 17.172.090, Subdivision Replat, is added to read as follows:

**Chapter 17.172
LAND DIVISIONS**

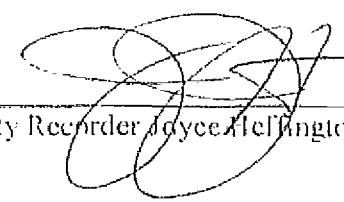
17.172.090, Subdivision Replat. The act of replatting shall allow the reconfiguration of lots and public easements within a recorded plat. A replat shall comply with all applicable subdivision standards as found in 17.172.070, BMC. Staff will advise the applicant concerning the required materials and criteria to be addressed based on the specific proposal.

First Reading: April 25, 2011
 Second Reading: April 25, 2011
 Passage: April 25, 2011
 Effective Date: May 25, 2011

Signed by me in authentication of its passage this 27th day of April, 2011



Mayor Larry Anderson

ATTEST:


City Recorder Joyce Hefington

Findings

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: April 25, 2011

Originating Dept: Planning

Deanne Morris
Signature (submitted by)
[Signature]
City Manager Approval

Subject: A hearing on File LDC-1-11 for consideration and possible adoption of new text in Section 17.172.090, Subdivision Replat, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving new text in Section 17.172.090, Subdivision Replat, BMC.

Financial Impact: None

Background/Discussion: Reconfiguring a recorded subdivision is called a "replat" in survey law. It can be as simple as creating two lots out of one or involve a significant reconfiguring of several lots and streets. Appropriate subdivision standards apply depending on the complexity of the proposal. The City's Code presently has no language addressing this type of application.

The proposed draft language is:

"17.172.090 Subdivision Replat. The act of replatting shall allow the reconfiguration of lots and public easements within a recorded plat. A replat shall comply with all applicable subdivision standards as found in 17.172.070, BMC. Staff will advise the applicant concerning the required materials and criteria to be addressed based on the specific proposal."

Previously the subdivision standards and fee were used to process a replat. On March 14, 2011, the City Council adopted a new fee for replats. It is a "cost recovery" fee. If the proposal is a simple lot split the base fee is approximately the same as a partition fee. If the proposal is a more complicated reconfiguration the fee charged will reflect the true costs of processing that specific application. This results in equitable costs for the applicant.

The Planning Commission reviewed this draft language and recommended approval.

Policy Considerations: N/A

Attachment: None

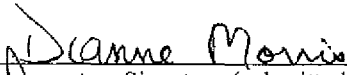
APPROVED BY CITY COUNCIL ON

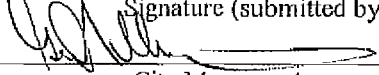
4-25-11

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: April 25, 2011

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: Ordinance adding Section 17.172.090, Subdivision Replat, Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 11-O-682

Financial Impact: None

Background/Discussion: Revisions to this section were approved by the City Council at their April 25, 2011 meeting.

Policy Considerations: N/A

Attachment(s): A. Adopting Ordinance 11-O-682.

APPROVED BY CITY COUNCIL ON

4-25-11

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

ORDINANCE 11-O-682

IN THE MATTER OF ORDINANCE 11-O-682, AN ORDINANCE ADDING SECTION 17.172.090,
SUBDIVISION REPLAT, TO CHAPTER 17.172, LAND DIVISIONS, OF BROOKINGS MUNICIPAL CODE
TITLE 17, LAND DEVELOPMENT CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Adds Section 17.172.090.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Section 17.172.090, Subdivision Replat, to Chapter 17.172, Land Divisions, of Brookings Municipal Code Title 17, Land Development Code.

Section 2. Adds Section 17.172.090. Section 17.172.090, Subdivision Replat, is added to read as follows:

**Chapter 17.172
LAND DIVISIONS**

17.172.090, Subdivision Replat. The act of replatting shall allow the reconfiguration of lots and public easements within a recorded plat. A replat shall comply with all applicable subdivision standards as found in 17.172.070, BMC. Staff will advise the applicant concerning the required materials and criteria to be addressed based on the specific proposal.

First Reading: _____
 Second Reading: _____
 Passage: _____
 Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2011

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-1-11
HEARING DATE: April 5, 2011

REPORT DATE: March 24, 2011
ITEM NO: 7.2

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.172.090, Subdivision Replat, Brookings
Municipal Code (BMC)
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

Reconfiguring a recorded subdivision is called a “replat” in survey law. It can be as simple as creating two lots out of one or involve a significant reconfiguring of several lots and streets. Appropriate subdivision standards apply depending on the complexity of the proposal. The City’s Code presently has no language addressing this type of application.

The draft language proposed is as follows:

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RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-1-11, Chapter 17.172.090, Subdivision Replats, BMC, to the City Council.

17.172.090 Subdivision Replat

The act of replatting shall allow the reconfiguration of lots and public easements within a recorded plat. A replat shall comply with all applicable subdivision standards as found in 17.172.070, BMC.



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

TO:

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

ANGELA HOUCK

APR 29 2011

973012540

