



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 3, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Brookings Plan Amendment
DLCD File Number 005-06 B

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: July 17, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Dianne Morris, City of Brookings

<paa> ya/ph

FORM 2

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

(See reverse side for submittal requirements)

JUN 28 2007

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Brookings Local File No.: LDC-2-06
(If no number, use none)

Date of Adoption: June 25, 2007 Date Mailed: June 26, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Sept. 22, 2006

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡

Revisions to Land Development Code Chap. 17.172, Land Divisions .
(Codification of the Brookings Municipal Code resulted in new
citations. Formerly cited as "Section 176")

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write same.≡ If you did not give notice for the proposed amendment, write AN/A.≡

Several changes were incorporated as suggested by the Planning
Commission and City Council including incorporation of Chap. 17.112,
Rear Lot Development into Chap. 17.172.

Plan Map Changed from: _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 10, 11, 12

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 005-068(15580)

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

An Ordinance of the City of Brookings)
Amending the Brookings Municipal Code,)
Chapter 17.172, Land Divisions, and) Ordinance 07-O-587
Repealing Chapter 17.112, Rear Lot)
Development, of the Brookings Municipal)
Code.

Whereas, the City of Brookings, Oregon, desires to repeal Chapter 17.112, Rear Lot Development, of the Brookings Municipal Code, based on the fact that Chapter 17.112, Rear Lot Development will now be included in the amended Chapter 17.172, Land Divisions, of the Brookings Municipal Code,
And

Whereas, the City of Brookings Oregon, desires to amend Chapter 17.172, Land Divisions, of the Brookings Municipal Code:

Now, therefore, the City of Brookings ordains as follows:

The City of Brookings ordains as follows:

Section 1. Chapter 17.112 Rear Lot Development of the Brookings Municipal Code is hereby repealed,

Section 2. Chapter 17.172, Land Divisions of the Brookings Municipal Code is amended to read as follows:

Sections:

- | | |
|------------|----------------------------------------------|
| 17.172.010 | Purpose. |
| 17.172.020 | Applicability. |
| 17.172.030 | Procedures. |
| 17.172.040 | Lot Line Adjustments and Lot Line Vacations. |
| 17.172.050 | Lot Design Standards. |
| 17.172.060 | Partitions. |
| 17.172.061 | Rear Lot Partitions. |
| 17.172.070 | Subdivisions. |
| 17.172.080 | Final Subdivision Plat Approval. |

17.172.010 Purpose. The purpose of this section is to provide procedures, standards and criteria for the processing and creation of lots or parcels for residential, commercial and industrial uses consistent with state statutes, and provisions and standards of this code.

17.172.020 Applicability. The provisions of this section apply to all lands within the city limits which are proposed to be further divided into lots or parcels.

17.172.030 Procedures. The following procedures are intended to expedite land divisions, and to ensure thorough public review and comment for land division which may have greater neighborhood impact to existing and future public facilities and services.

- A. Preapplication conference. Prior to submitting a preliminary map or plat for review, the applicant is encouraged to request a preapplication conference with city staff, unless the applicant and City Manager, or his/ her designee, agree that the conference is not needed.

Subdivision applications are required to have a pre-application conference conducted by the Subdivision Committee as stated in BMC 17.172.070(A).

- 1. The purpose of the conference is to acquaint the applicant with the substantive and procedural requirements of this section, to provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development code requirements, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

17.172.040 Lot Line Adjustments and Lot Line Vacations. A complete application together with all required filing materials shall be submitted to the City Manager or his/her designee prior to review of the request.

- A. Lot Line Adjustment – A lot line adjustment alters a property line between two existing discrete parcels or lots.

1. Application and submittal requirements:

- a) Completed application form and fee. All vested property owners of the parcels involved shall sign the application.
- b) Two copies of a map of survey prepared by a surveyor licensed in the State of Oregon.
- c) If there is any existing development on the subject properties it shall be shown on the map of survey to confirm that required setbacks and other zoning requirements are maintained for any proposed adjustment of property lines.
- d) Current deeds with legal descriptions of each parcel associated with the proposed adjustment.

- e) New legal description of each parcel after adjustment.
2. Criteria for approval. The City Manager or his/ her designee shall approve, approve with conditions, or deny the request based upon the following criteria:
- a) An additional lot is not created by the lot line adjustment.
 - b) An existing parcel is not reduced in size below the minimum lot size established by the applicable zoning district.
 - c) The adjusted lot configuration does not result in a substandard condition relative to all applicable site development standards of this code.
 - d) Failure to provide any information required by this code shall not constitute a waiver to any standards, criteria or requirements of this code.
3. Filing an approved lot line adjustment. Within sixty (60) days of approval the applicant shall file approved map with the Curry County Surveyor and record the resulting deed(s) with the new descriptions with the Office of the Clerk. If this process is not completed within sixty (60) days from the date of approval, the approval becomes null and void. The City may consider and approve an extension if a written request and justification is submitted. The applicant shall provide a copy of the filed map and recorded deeds to the City Planning Department to complete the process.
4. Appeals. The final action of the City Manager or his/her designee ~~maybe~~ appealed pursuant to Chapter 17.156 BMC.
- B. Lot Line Vacations – A lot line vacation removes a property line between two existing discrete parcels or lots.
1. Application and submittal requirements:
- a. Completed application form and fee. All vested property owners of the parcels involved shall sign the application.
 - b. Two copies of a plot plan, drawn to scale, indicating the outside

boundary of the entire area involved and the interior property line to be vacated.

- c. Copies of the current deeds for the properties involved and the new description of the outside boundary of the entire new parcel as it is proposed.
2. Criteria for approval. The City Manager or his/ her designee shall approve or deny the request based upon the following criteria:
 - a. Ownership of both parcels must be identical in order to combine into one parcel.
 - b. Property taxes must be current prior to recording the deed.
 3. Finalizing Lot Line Vacation. Staff will send an approval letter with the plot plan and descriptions to the Curry County Surveyor and to the Curry County Assessor's Office to authorize updating of the Assessor's map and the recording of a deed for the newly created parcel. The applicant shall provide a copy of the recorded deed to the City Planning Department to complete the process. If this process is not completed within sixty (60) days from the date of approval, the approval becomes null and void. The City may consider and approve an extension if a written request and justification is submitted.
 4. Appeals. The final action of the City Manager or his/her designee ~~may~~ be appealed pursuant to Chapter 17.156 BMC.

17.172.050 Lot Design Standards. In any residential land division, lots and blocks shall conform to the following standards, in addition to the provisions of BMC 17.16 through 17.32.

- A. Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this code.
- B. Lot dimensions. The lot dimensions shall comply with the minimum standards of this code. If the proposed partitioning results in the creation of lots greater than twice the minimum lot size allowed, indicate by dashed lines whether future divisions and streets can be created.

- C. Through lots. Through (double frontage) lots shall be avoided except where necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation. Access shall be limited to the residential street frontage wherever possible, as determined by the City.
- D. Arterial access. When driveway access from arterial or major collector streets is necessary for several adjoining lots, the review authority shall require that such lots be served by a combined access driveway in order to limit possible traffic hazards on such streets. The driveway shall be designed and arranged to prohibit vehicles from backing into traffic traveling on arterials. An access control strip may be required to be placed along all lots abutting arterial streets requiring access onto the lesser class street where possible.
- G. Fire protection. The fire marshal may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire fighting capabilities.
- H. Reciprocal easements. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will insure access rights shall be recorded with, and shown on, the approved final plat.
- I. Rear Lot Partitions (Flag Lots): This configuration can only be used when the subject property cannot be subdivided or partitioned utilizing standard configurations. Standards for Rear Lot Partitions are found in 17.172.061 BMC.

17.172.060 Partition – A land division creating 3 or fewer parcels and not creating a platted street.

- A. The property owner or his authorized agent may request a partition by filing an application on a Land Use Application form with appropriate fees with the City Manager or his/her designee for review by the Site Plan Committee pursuant to BMC 17.80.020. Upon determination by the Site Plan Committee that the application is complete, the application will be scheduled for a Planning Commission Hearing. Such application shall be accompanied by ten (10) copies of the preliminary partition plat *and* shall contain, but not be limited to, the following material:
 - 1. A plat not smaller than 18” x 24” drawn in ink, prepared by a surveyor licensed in the State of Oregon.

2. North arrow, date of preparation, and scale (appropriate to the area involved and sufficient to show detail of the plan and related data at a standard engineering scale).
3. Name and address of each of the following: property owner(s), surveyor, and engineer.
4. Streets: names, locations, and pavement widths of adjoining rights-of-way.
5. Easements: locations, widths, and purpose of all existing and proposed easements.
6. Utilities: location and size of all existing and proposed storm drains, sanitary sewer mains, water mains, and above and below ground utilities.
7. Natural features: location and extent of creeks, streams, marshes, and wooded areas.
8. Flood areas: show location of the Federal Emergency Management Agency (FEMA) 100-year flood plain and other areas subject to ponding.
9. Slope: contour map with contour intervals of five (5) feet or less shall be provided. Sufficient lines should be drawn approximately perpendicular to the contours to indicate slopes throughout the project area. This is to determine compliance with the provisions of Section 100, Hazardous Building Site Protection/Hillside Development Standards, of the Land Development Code. Elevations shall be referenced to the North American Vertical Datum of 1988 (NAVD 88).
10. Drainage: show direction of drainage.
11. Lot dimensions: existing and proposed lot lines and their bearings and dimensions.
12. Lot size: existing and proposed lot size in square feet and acreage.
13. Existing uses: location and outline of existing buildings on the property with distances in feet to new lot lines created by the proposed partition.
14. The approving authority (Planning Commission) certificate shall contain a statement that acknowledges compliance with all conditions of

development permit and state statutes, and such compliance shall be certified by the signature of the chair of the Planning Commission affixed thereon.

B. Supplemental materials to be supplied by the applicant.

1. A copy of the most recent deed for the subject property.
2. A statement by the city finance director that all city liens and assessments on the property have been paid, or that the application has been made to the city to segregate assessments.
3. If the proposed partitioning results in the creation of lots greater than twice the minimum lot size allowed, indicate by dashed lines whether future divisions and streets can be created.
4. One copy of the preliminary partition plat shall have an access plan showing the location of driveways on the proposed parcels.
5. A determination of seasonal high water table impact on development of the property, and any necessary groundwater drainage mitigation design.
6. One copy 8 ½" x 11" of the preliminary plat to be used for exhibit purposes.

C. Planning Commission authority. The Planning Commission shall have the authority to approve, approve with conditions or deny the request, based upon the following criteria:

1. Conformance with the Comprehensive Plan, and applicable development standards of this code, and state and federal laws.
2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
3. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
4. The ability to take access from the frontage road pursuant to the provisions of BMC 17.128.060.
5. Conditions necessary to satisfy the intent of the Land Development Code

and Comprehensive Plan can be satisfied prior to final approval.

D. Final plat requirements.

1. Any changes or modifications resulting from preliminary plat review shall be incorporated and submitted as the minor partition final plat, along with additional supplementary information as required by conditions of approval.
2. The final plat shall conform to the requirements of Oregon Revised Statutes and Curry County Surveyor. It must be prepared on archivable Mylar by a surveyor licensed in the State of Oregon.

E. Filing an approved final plat must be completed within one (1) year from the date of preliminary approval. An extension of time may be granted, for good cause, by the Planning Commission if such extension request is submitted prior to the expiration of the initial one year period and provided such extension does not exceed one (1) additional year. After obtaining all required approvals and signatures, the developer shall:

1. File the plat with the Curry County Surveyor within 90 days of receiving approval and signature of the partition plat by the City of Brookings, and failure to file same within said time period shall render the approval null and void.
2. Within 10 days after filing the survey plat with the county surveyor, the owner/developer shall provide the City two (2) copies of the survey plat.

F. Appeals. The final action of the Planning Commission may be appealed to the City Council pursuant to Chapter 17.152 BMC.

17.172.061 Rear Lot Partitions (Flag Lots). To be used only when the subject property cannot be subdivided or partitioned utilizing standard configurations.

A. The following criteria must be met before a lot is eligible to be developed under the provisions of this section:

1. Property must be less than four acres in area;
2. Property must be situated, dimensioned, or contain existing development that prevents using standard parcel configurations;

3. Minimum Area. Twice that required by the underlying zoning district and not including the area necessary for the accessway;
 4. Minimum Width. Twenty feet greater than required by the applicable zoning district.
- B. Development standards. Provided the eligibility requirements are met, a partition may be approved subject to the following standards and criteria:
1. Front Lot.
 - a) Minimum lot width: the same as required by the applicable zoning district.
 - b) Minimum lot depth: 75 feet.
 - c) Setback requirements: same as required in the applicable zoning district.
 2. Rear Lot.
 - a) Accessway minimum width: 20 feet.
 - b) Setback requirements: no building shall be erected within 10 feet of any property line on any proposed or existing lot with a rear lot configuration.
 - c) Minimum lot size: same as required by the applicable zoning district, not including the area of the accessway.
 - d) Maximum length of accessway: 200 feet.
 - e) Accessway shall be conveyed with ownership of the rear lot and shall be an integral part of the rear lot.
 - f) Accessway shall be improved to a permanent, dust-free surface of asphaltic concrete or Portland cement.
 3. The partitioning of the property pursuant to the rear lot standards shall be in accordance with BMC 17.172.060 and other applicable sections of this code.
 4. No more than two lots shall be created to the rear of another lot which fronts on a street in a residential district. Tandem (side by side) accessways to rear lots are not allowed.

17.172.070 Subdivisions. A subdivision is a division of land that includes creating a new

street or any division creating four or more lots.

- A. There is hereby created a Subdivision Committee consisting of the City Manager, Planning Director, City Engineer, Building Official, Public Works Director, or their designees, and representatives from all affected utilities including, but not limited to, electrical power, communications and cable television, County Surveyor, County Planning Department, State Highway Department, if the property is adjacent to a state highway, and the school district.

The purpose of the Subdivision Committee is to determine compliance with the objectives, standards, and criteria of the Land Development Code and provisions contained herein, and to review all submitted preliminary plat requests for conformance with requirements thereof. Following submittal of the preliminary plat and requisite filing material, a meeting of the subdivision committee shall be convened to which the subdivider or his representative is invited to attend and participate.

Eighteen (18) Copies of the preliminary plat, containing information as listed in 17.172.060 B. (1) below, shall be submitted by the applicant. Copies will be distributed to the Subdivision Committee which will be given ten (10) days to review the plat and submit comments to be included within the subdivision committee report. Following consultation and discussion, a report shall be prepared by the committee, which report shall include any deficiencies or missing information as noted by the Subdivision Committee.

Following the Subdivision Committee meeting the applicant will submit the needed materials pursuant to the Subdivision Committee's report. This submittal will be reviewed by the Site Plan Committee to determine completeness of the application. Upon written clearance from the Site Plan Committee, the application will be scheduled at Planning Commission Hearing.

1. Plat Requirements. The application shall be accompanied by eighteen (18) copies of the plat, not less than 18" X 24" in size, drawn by a surveyor licensed in the State of Oregon and shall contain, but not be limited to, the following material:
 - a. North arrow, date of preparation, and scale (appropriate to the area involved and sufficient to show detail of the plan and related data at a standard engineering scale).
 - b. The plat must state both the proposed name of the subdivision and be titled "Preliminary Subdivision Plat." The proposed subdivision name

cannot duplicate or resemble the name of any other subdivision or partition in Curry County.

- c. A surveyor's certificate showing location by section, township, range, and legal metes and bounds description sufficient to define the location and exterior boundaries of the parent parcel.
- d. Name and address of property owner(s), surveyor, and engineers.
- e. A vicinity sketch shown on the plat map of a sufficient size to locate the project site.
- f. Boundaries of the subject tract, drawn to scale, proposed blocks (if applicable) lot numbers, dimensions, and area in square feet and acreage.
- g. Slope: contour map with contour intervals of five (5) feet or less shall be provided. Sufficient lines should be drawn approximately perpendicular to the contours to indicate slopes throughout the project area. This is to determine compliance with the provisions of Chapter 17.100, Hazardous Building Site Protection/Hillside Development Standards, of the Land Development Code. Elevations shall be referenced to the North American Vertical Datum of 1988 (NAVD 88).
- h. Streets existing: location, names, pavement widths, alleys and rights-of-way on, abutting and/or adjoining the tract
- i. Streets proposed: location, names, rights-of-way pavement widths, radius of curves, grades, and proposed connectivity. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.
- j. Easements: locations, widths, and purpose of all existing and proposed easements on, adjoining and/ or abutting the tract.
- k. Pedestrian ways: location and widths of all proposed sidewalks and pedestrian facilities.

- l.** Natural features: location and direction of flow of all creeks, drainageways, and marshes.
- m.** Flood areas: location of Federal Emergency Management Agency (FEMA) 100-year flood plain and all other areas subject to seasonal ponding.
- n.** Utilities: location and size of all existing and proposed sanitary sewer mains, storm drain facilities, water mains, irrigation canals, above and below ground utility installations on, abutting or pertinent to, the tract.
- o.** Proposed streets, and utility improvements on the property.
- p.** Dedication: locations of all areas to be offered for dedication for public use, with the purpose, condition, or limitations of such reservations clearly indicated.
- q.** Existing improvements on the property with scaled location and present use of all existing structures.
- r.** Special setbacks: locations of special setback lines.
- s.** The following tabulated data:
 - 1)** Total site area (in acres and square feet)
 - 2)** Total area designated for public or private rights-of-way.
 - 3)** Net usable site area (in acres and square feet; item #1 minus #2).
 - 4)** Maximum dwelling units allowed (divide item #3 by the density allowance of the zoning district within which the proposal is located).
 - 5)** Actual number of lots proposed for each phase of the proposed project development.
 - 6)** Lot sizes: proposed lot sizes in square feet and acreage.
- t.** Any areas designated for phasing of the project development.

u. Zoning of property.

v. Plat must be stamped and signed by the responsible surveyor, licensed in the State of Oregon.

2. Required supplemental materials

- a. A copy of the most recent deed for the subject property.
- b. A determination of seasonal high water table impact on development of the property, and a groundwater drainage mitigation design, if necessary.
- c. If the proposed subdivision results in the creation of lots greater than twice the minimum lot size allowed, indicate by dashed lines how future divisions can be created or remainder lot must be deed restricted to prohibit further partitioning.
- d. One copy of the subdivision plat shall have an access plan showing the location of driveways on the proposed lots.
- e. On parent parcels containing slopes of 15% or greater or other hazardous conditions, a geologic report prepared by a geologist, geotechnical engineer or other qualified individual, licensed by the State of Oregon, shall be submitted. The report shall be prepared pursuant to the provisions of Chapter 17.100 BMC.
- f. An engineered grading, storm water drainage, and erosion control plan pursuant to the provisions of BMC17.100.070.
- g. Findings of fact: The applicant shall provide written findings that demonstrate the proposed subdivision is in compliance with the criteria set forth in Chapter 17.176.060. C. 1 thru 7.
- h. One copy 8 ½" x 11" of the preliminary plat to be used for exhibit purposes.

B. Planning Commission Authority. The Planning Commission shall have the authority to approve, approve with conditions, or deny the request, based upon the following criteria:

1. Conformance with the Comprehensive Plan, and applicable development standards of this code, and state and federal laws.

2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
 3. Adjoining property under separate ownership can either be developed or be provided access (connectivity) that will allow its development in accordance with this code.
 4. The proposed name of the subdivision shall be approved by the Commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town," "city," "place," "court," "addition," or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.
 5. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to, or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.
 6. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.
 7. If the developer intends to record and develop a subdivision granted preliminary plat approval in phases, the Planning Commission may authorize a total time schedule for platting all phases not to exceed ten (10) years, but the first phase and each subsequent phase must each be recorded within consecutive three (3) year periods.
- C. Public hearing.** Before preliminary plat approval may be granted by Planning Commission, the proposed preliminary plat shall be considered by the Commission in a public hearing. Notice of said hearing shall be given as provided in Chapter 17.84 BMC.
- D. Conditions.** Conditions of approval may be attached to the preliminary plat approved by the Planning Commission, but only as required to comply with the applicable provisions of this code, the Comprehensive Plan, state statutes, or federal law. All conditions of approval shall be satisfied prior to final plat approval.
- E. Appeals.** The final action of the Planning Commission may be appealed as provided

in Chapter 17.152 BMC of this code.

- F. Minor Change. A minor change to an unrecorded subdivision plat map may be allowed through the procedure set forth in BMC 17.116.110.
- G. Expiration of preliminary plat. The applicant has two (2) years from the date of approval to submit the final plat for the Planning Commission hearing. An extension of time may be granted, for good cause, by the Planning Commission if such extension is authorized by the Commission prior to expiration of the two (2) year period, and provided such extension not exceed two (2) additional years. No further extensions may be authorized without resubmittal of a preliminary plat application to the Planning Commission.

17.172.080 Final Subdivision Plat Approval. The form and content of a final plat shall be in accordance with the provisions of ORS Chapter 92.010 et seq, and in addition shall comply with all the provisions of this Code. A complete application together with all required materials shall be submitted to the City Manager or his/her designee prior to review of the request for final plat approval. Within thirty (30) days of submission, the City Manager or his/her designee shall determine whether the final plat substantially conforms to the approved preliminary plat, and conforms with the applicable requirements of this code. If it is found that the plat fails to conform, then the applicant shall be advised and afforded an opportunity to make corrections. When it is found to conform, the application will be scheduled for a Planning Commission hearing.

- A. Final Plat Requirements. The plat must comply with ORS Chapter 92.010 et seq. The application shall be accompanied by ten (10) copies of the plat not less than 18" X 24" in size, prepared by a surveyor licensed in the State of Oregon and shall contain, but not be limited to, the following material:
 1. North arrow, date of preparation, and scale (appropriate to the area involved and sufficient to show detail of the plan and related data at a standard engineering scale).
 2. Name of the owner(s), and surveyor.
 3. All monuments found or existing and set pertinent to the subdivision.
 4. Existing streets: location, names, pavement widths, alleys, and rights-of-way on, abutting, and/or adjoining the tract.

5. New Streets: location, names, rights-of-way pavement widths, radius of curves, grades, and proposed connectivity. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and shall indicate reservations and restrictions relating to the private streets.
6. All easements shall be clearly labeled and identified, and, if they are already easements of record, the plat must state that. The widths of the easements and the lengths, bearings of the lines, and sufficient titles thereon to definitely locate the easement with respect to the subdivision must be shown. If an easement, other than a right-of-way, is being dedicated by the plat, it shall be referred to in the certificate of dedication and its purpose and scope shall be adequately stated in said certificate.
7. Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision.
8. Lot size: existing and proposed lot size in square feet and acreage.
9. Identification of land to be dedicated for any public purpose, or designated for any private purpose, to distinguish it from lots. The following phrasing shall be used when identifying open space areas.
 - a. Common open space - shall be used to identify those areas created for the purpose of common ownership, enjoyment, and maintenance by an approved homeowners' association group or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owners of property within the subdivision.
 - b. Public open space - shall be used when identifying those areas dedicated to the city of Brookings for open space purposes.
10. The following certificates which may be combined where appropriate:
 - a. A certificate signed and acknowledged by all parties having any proprietary interest in the land, consenting to the preparation and recording of the final plat.

- b. A certificate signed and acknowledged as above, designating all areas shown on the final plat intended for private use.
 - c. A certificate conforming to ORS Chapter 92.010 et seq with the seal and signature of the surveyor responsible for the survey and final plat.
 - d. A certificate signed by all parties having any proprietary interest in the land, dedicating to the public any streets, roads, public open space, bikeways, and pedestrian facilities.
 - e. A certificate signed by all parties having any proprietary interest in the land, dedicating to the public any utility infrastructure.
11. The Federal Emergency Management Agency (FEMA) 100 year floodplain, as applicable.
- B. Supplementary Materials.** At the time of filing for final plat approval, the applicant shall also file concurrent therewith the following:
- 1. Written confirmation from City that all infrastructure has been installed, improved, and accepted by the City or that a satisfactory Security Improvement Agreement, as described in Chapter 17.80 BMC, has been provided and accepted by the City. Applicant must also provide a copy of the required Warranty Bond for the project.
 - 2. A title report or subdivision guarantee by a title company doing business in Curry County, showing names of all persons whose consent is necessary for the preparation of said plat and for any dedication to the public use, and their interest therein, certified for the benefit and protection of the city that the persons therein named are all of the persons necessary to dedicate to the streets and other easements thereon. Said title report shall be dated no later than 15 days from the date of submittal.
 - 3. A copy of proposed Covenants, Conditions, and Restrictions (C, C, & R's) if the C, C, & R's contain a statement required as a condition of approval. This must be recorded simultaneously with the plat and the instrument number shown on the plat.
 - 4. Such streets, offers of dedication, or other instruments as are required by the conditions of approval of the preliminary plat.
 - 5. A statement that all applicable fees required by the city code have been

paid.

6. One copy 8 ½" x 11" of the final plat to be used for exhibit purposes.
7. A plan showing building setback lines, if any are to be made a part of the subdivision's deed restrictions.

C. Planning Commission authority. The Planning Commission shall approve or deny the request for final plat approval based upon the following criteria:

1. Substantial conformance with the approved preliminary plat.
2. Compliance with conditions of approval. The applicant must provide written documentation in the form of the final plat and other materials documenting that all required conditions of approval have been met.

D. Final action. The Planning Commission shall review the final plat and shall state findings to approve or deny the request.

E. Appeals. The final action of the Planning Commission may be appealed as provided in Chapter 17.152 BMC.

F. Approval Signatures and Recording of Final Plat. Following review and approval of the final plat, the developer/owner shall, within 6 months of the date of final approval, take the following actions:

1. Obtain the signature of the Chair of the Planning Commission and Planning Director certifying the final plat is approved by the City.
2. Obtain all other signatures required to be on the final plat as stated in ORS Chapter 92.010 et seq.
3. After all the necessary approvals and signatures have been obtained, the applicant shall forthwith file for record the approved final plat.
4. Within 10 days after recordation of the final plat, the developer/owner shall provide the City with two (2) copies of the recorded plat.

First reading: June 25, 2007
Second reading: June 25, 2007
Passage: June 25, 2007
Effective date: July 26, 2007

Signed by me in authentication of its passage this 26 day of June, 2007.

Pat Sherman
Pat Sherman, Mayor

ATTEST:

PH
Paul Hughes, Finance Director/Recorder

City of Brookings
898 Elk Drive
Brookings, OR 97415



COUNCIL AGENDA REPORT

STAFF REPORTS FOR
REVISIONS

To: City Council

From: Dianne Morris, Planning Director

Date: June 13, 2007

Re: File LDC-2-06, Land Development Code Revisions, Adoption of Chapter 17.172,
Land Divisions.

Subject: Ordinance No. 07-0-587 to amend Chapter 17.172, Land Divisions and repeal Chapter 17.112, Rear Lot Development. This version incorporates Chapter 17.112, Rear Lot Development, into Chap. 17.172.

Background /Discussion: The proposed language in the revisions to Chapter 17.172, Land Divisions was approved by the Council at the June 11, 2007 meeting. The attached Ordinance reflects the changes that were approved.

Recommendation: Staff recommends **APPROVAL** of Ordinance No. 07-0-587.

Financial Impact (s): None.

City Manager Review and Approval for Placement on Council Agenda:


Ken Hobson, Interim City Manager

City of Brookings
898 Elk Drive
Brookings, OR 97415



COUNCIL AGENDA REPORT

To: City Council

From: Dianne Morris, Planning Director

Date: May 8, 2007

Re: LDC-2-06 Land Development Code Revisions, Chapters 17.172, Land Divisions and 17.112, Rear Lot Development, BMC. Criteria to decide this matter is found in Chapter 17.140, Amendments, BMC.

Subject: Revisions to Chapter 17.172, Land Divisions. This version incorporates Chapter 17.112, Rear Lot Development, into Chap. 17.172. There are some revisions to Chapter 17.112 also.

Background /Discussion: The proposed revisions to Chapter 17.172, Land Divisions, came before you first at the March 12, 2007 meeting. After discussion the Council voted to send Chap. 17.172 back to the Planning Commission for further review at their request. At the Planning Commission hearing on April 3, 2007 the Commission asked Staff to rewrite Chap. 17.172 to include Chap. 17.112, Rear Lot Development. Staff was directed to determine how this might be accomplished at this stage of the review process without causing many months of delay. Staff conferred with Dave Perry, DLCD, and obtained approval to forego the 45 day notice requirement to DLCD and proceed with hearings on Chap. 17.112, Rear Lot Development, BMC. This is possible as this is mostly a formatting change with only a few small text changes expected. The attached draft version has integrating Chap. 17.112 and 17.172, BMC. Staff has referenced where the changed text is located at the start of draft Chap. 17.172, BMC.

Recommendation: On May 1, 2007 the Planning Commission reviewed the attached version and recommended approval to the City Council. Staff also supports a recommendation of **APPROVAL** of File # LDC-2-06, Chapter 17.172, Land Divisions, BMC.

Financial Impact (s): None.

City Manager Review and Approval for Placement on Council Agenda:


Ken Hobson, Interim City Manager

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COUNCIL AGENDA REPORT

To: Mayor & City Council
From: Dianne Morris, Planning Director
Date: February 21, 2007
Re: Revisions to the Land Development Code

Subject: Revisions to Section 164, Violations; Section 170, Street Standards; Section 171, Neighborhood Circulation Plans; Section 172, Public Improvement Standards and Criteria for Utilities; Section 176, Land Divisions; of the Land Development Code.

Background /Discussion: There are numerous sections in the Land Development Code that are in need of corrections or major revisions. A Land Development Code Committee reviewed and prepared draft versions of the above referenced Sections. The Planning Commission held several hearings to review and make suggested changes to the draft versions. The Planning Commission is forwarding the following Sections with a recommendation to approve the proposed changes.

Interim City Manager, Ken Hobson, is conducting research on Street Standards, Section 170.070, "Street Improvements, deferred". His recommendations will not be ready for the March 12, 2007 hearing and for that reason staff feels review of Section 170 should be postponed until the City Council's March 26, 2007 meeting. Staff will prepare another draft of Section 170 with Ken's suggestions prior to the March 26, 2007 meeting.

Proposed Amendments. The draft sections are such a complete change from the current version it would have been extremely confusing to leave old text with strikethroughs, new text in italics etc. as is often done. Instead staff has provided you with a copy of both the newly revised version, and following that, the current version of each section for you to compare in the review process. The current version of Section 172 has been separated into three new Sections, 170, Street Standards; 171, Neighborhood Circulation Plans; and 172, Public Improvement Standards and Criteria for Utilities. A current version of Section 172 is found following the three newly

revised versions of Sections 170, 171, & 172. Many of the changes were simply to clarify language or put the text in a more understandable format. The following comments will focus on the substantive changes to process or policy. Once a final version of the revisions has been adopted by the City Council, the City's Code Publishing consultants will take care of renumbering etc. to codify the changes into the Municipal Code.

Following this staff report are copies of the draft versions and the current versions of each Section. Following the Sections are the written comments received by the Planning Commission during their hearings.

Section 164, "Violations". (new title) The changes reference other sections where enforcement and penalties are listed to provide consistency in the Land Development Code.

Section 170, "Street Standards". This Section will be reviewed on March 26, 2007 after additional information can be provided to the City Council regarding Section 170.070, "Street improvements, deferred". This Section is currently a part of Section 172, "Public Facilities Improvement Standards and Criteria". These draft revisions made separate sections for streets, utilities, and neighborhood circulation plans.

Section 170.020, "Definitions" was added to clarify terms used in this Section.

Section 170.050, "Street Construction Standards". Current text which describes construction details have been deleted and are proposed to be added to the Public Works document titled "Standard Details and Specifications for Construction".

Section 170.060, "Street Standards", Table 170.060 describes various types of streets. This revision adds a Residential One Way Street, Commercial One Way Street, Hillside Street, and a One Way Hillside Street. These options are designed to provide for challenging topography and other circumstances. There is still authority for the Planning Commission to consider an alternate construction standard but having these street types defined will provide for uniformity in most cases. When an applicant proposes to create a new street the plat is initially reviewed by the Site Plan Committee, which includes the Fire Chief and Public Works. They offer guidance as to which street standard would be appropriate or if an alternate standard is warranted. The Planning Commission then reviews the proposal and has the authority to approve or deny.

Section 170.070, "Street Improvements, Deferred." This Section leaves the provision for Deferred Improvement Agreements (DIA) but eliminates the formula for when this option can be considered. The Planning Commission and City Staff have discussed other options as the "Note" after this section indicates.

Section 170.100, "Access Management". The chart describing various driveway approaches has been removed and is proposed to be included in the Public Works "Standard Details and Specifications for Construction" document. Residential driveway

approaches are addressed in 170.120 in this version. "F" of this Section describes connectivity requirements to provide for continuity in the City's road system. Other language in this section better defines commercial and shared access.

Section 170.110, "Bicycle and Pedestrian Development Standards". This Section describes the requirements for provision of bicycle and pedestrian facilities.

Section 171, "Neighborhood Circulation Plans". This Section is currently included in Section 172, "Public Facilities Improvement Standards and Criteria". As these standards are specific to one area, the Dawson Tract, having it in a separate section will avoid some confusion that's occurred in the past.

Section 172, "Public Improvement Standards and Criteria for Utilities". This Section is currently included in Section 172, "Public Facilities Improvement Standards and Criteria". Current text which describes construction details have been deleted and are proposed to be added to the Public Works document titled "Standard Details and Specifications for Construction".

Section 176, "Land Divisions".

Section 176.040, "Lot Line Adjustments and Lot Line Vacations". A more complete description of submittal requirements and the filing process have been added to the Lot Line Adjustment portion. The description of submittals and process for Lot Line Vacation has been added. I think it would be best to make Lot Line Vacations a separate item ("176.050") within this Section.


Sections 176.060, "Partitions" and 176.070, "Subdivisions" have had many "housekeeping" type changes to better explain the submittal process and requirements. The standards for approval for partitions remain the same. For subdivisions, Standards 176.060 C. (4) & (5) have been removed as they are understood without listing as a standard. The last standard listed in the draft version describes timelines for approval of phasing a subdivision. Other standards remain the same. Expiration of preliminary approval, 176.060 H., extends the time to two (2) years from the current one (1) year limitation. Given weather and the complexity of some subdivision infrastructure, it was considered appropriate.

Section 176.080, "Final Subdivision Plat Approval". The Committee altered the format describing the process and submittals for clarification. Some of the submittal requirements have been combined or eliminated. The approval criterion remains the same except for requiring written confirmation that conditions of approval have been met. Process for recording of the final plat and timelines have been clarified.

Recommendation: The Planning Commission and Staff recommend approval of the changes proposed for the above referenced Sections of the Land Development Code.

Financial Impact(s): None.

City Manager Review and Approval for placement on Council Agenda:

A handwritten signature in black ink, appearing to read "Ken Hobson", written over a horizontal line.

Ken Hobson, Interim City Manager

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendments
FILE NO: LDC-2-06
HEARING DATE: Nov. 14, 2006

REPORT DATE: Oct. 2, 2006
ITEM NO: 8.1

GENERAL INFORMATION

APPLICANT: City Initiated.

REPRESENTATIVE: City Staff.

REQUEST: Revisions to Section 100, Hazardous Building Site Protection
Hillside Development Standards; Section 164, Enforcement and
Penalties; Section 170, Street Standards; Section 171, Neighborhood Circulation
Plans; Section 172, Public Improvement Standards and Criteria for Utilities;
Section 176, Land Divisions; of the Land Development Code.

PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

There are numerous sections in the Land Development Code that are in need of corrections or major revisions. In Oct. 2005 a committee was formed to work on preparing drafts for these various sections. The Planning Staff, the City Manager, Public Works Director, and one member from both the City Council and Planning Commission form this committee. Meetings have been held weekly. Draft revisions to several sections of the Code have been completed and are included in this packet. The Planning Commission will make a recommendation to the City Council regarding this matter.

PROPOSED AMENDMENTS

The draft sections are such a complete change from the current version it would have been extremely confusing to leave old text with strikethroughs, new text in italics etc. as is often done. Instead staff has provided you with a copy of both the existing and the newly revised version of each section for you to compare in the review process. The current version of Section 172 has been separated into three Sections, 170, Street Standards; 171, Neighborhood Circulation Plans; and 172, Public Improvement Standards and Criteria for Utilities. Many of the changes were simply to clarify language or put the text in a more understandable format. The following comments will focus on the substantive changes to process or policy. Once a final version of the revisions has been adopted by the City Council, the City's Code Publishing consultants will take care of renumbering etc. to codify the changes into the Municipal Code.

Section 100, “Hazardous Building Site Protection Hillside Development Standards”

This Section regulates removal of vegetation, any disturbance or development on oceanfront property and property with slopes greater than 15% or property with other known or suspected hazard.

Section 100.010, “Definitions” was added to describe terms used in this Section.

Section 100.030, “General Mitigation” was added to describe requirements that are applicable to all properties. This Section will be referenced in ALL residential and commercial zones in the near future as revisions are made to them. This Section requires:

- Determination of seasonal high water table when partitioning or subdividing all properties.
- Erosion control plan for all properties prior to site preparation.
- Prior approval for minimal vegetation removal to allow access for surveyor/ geologist to prepare reports before applying for a permit.
- Permit for any grading.

Section 100.060, “Geologic Report Required”. Clarification of when a report is needed and what it must contain.

Section 100.070, “Engineered Plans Required”. This Section requires basically the same components as the current version – a plan showing erosion control, vegetation removal, grading, and storm drainage – but the components are better organized and explained.

Section 100.080, “Enforcement”. Cleaned up language that was in conflict with other sections.

Section 164, “Violations” (new title) The changes reference other sections where enforcement and penalties are listed to provide consistency in the Land Development Code.

Section 170, “Street Standards”. This Section is currently a part of Section 172, “Public Facilities Improvement Standards and Criteria”. These draft revisions made separate sections for streets, utilities, and neighborhood circulation plans.

Section 170.020, “Definitions” was added to clarify terms used in this Section.

Section 170.050, “Public Facilities Construction Standards” would more appropriately be titled “Street Construction Standards”. Current text which describes construction details have been deleted and are proposed to be added to the Public Works document titled “Standard Details and Specifications for Construction”.

Section 170.060, “Street Standards”, Table 170.060 describes various types of streets. This revision adds a Residential One Way Street, Commercial One Way Street, Hillside Street, and a One Way Hillside Street. These options are designed to provide for

challenging topography and other circumstances. There is still authority for the Planning Commission to consider an alternate construction standard but having these street types defined will provide for uniformity in most cases.

Section 170.070, "Street Improvements, Deferred." This Section leaves the provision for Deferred Improvement Agreements (DIA) but eliminates the formula for when this option can be considered.

Section 170.100, "Bicycle Routes" never contained any standards. It has been replaced with Section 170.110.

Section 170.100, "Access Management". The chart describing various driveway approaches has been removed and is proposed to be included in the Public Works "Standard Details and Specifications for Construction" document. Residential driveway approaches are addressed in 170.120 in this version. "F" of this Section describes connectivity requirements to provide for continuity in the City's road system. Other language in this section better defines commercial and shared access.

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RECOMMENDATION

Staff supports a recommendation of approval of file LDC-2-06, revisions to Sections 100, 164, 170, 171, 172, and 176 to the City Council.