



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/6/2009

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 015-09

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: Tuesday, August 18, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<paa>

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**

In person electronic mailed

DEPT OF

JUL 30 2009

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Brookings**

Local file number: **LDC-10-09**

Date of Adoption: **7/27/2009**

Date Mailed:

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

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".

Clarification and small revisions to Land Development Code Chapter 17.124 Specific Standards Applying to Conditional Uses.

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

One small deletion.

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
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE NO. 09-O-640

IN THE MATTER OF ORDINANCE NO. 09-O-640, AN ORDINANCE AMENDING SECTION 17.124.100 CHURCHES, HOSPITALS, OTHER RELIGIOUS OR CHARITABLE INSTITUTIONS, AND SECTION 17.124.120, COMMUNITY BUILDINGS, SOCIAL HALLS, LODGES, FRATERNAL ORGANIZATIONS, AND CLUBS IN AN "R" DISTRICT, OF CHAPTER 17.124, SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Sections 17.124.100 and 17.124.120.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.124.100, Churches, hospitals, other religious or charitable institutions, and Section 17.124.120, Community buildings, social halls, lodges, fraternal organizations, and clubs in an "R" district of the Brookings Municipal Code.

Section 2. Amends Sections 17.124.100 and 17.124.120. Sections 17.124.100 and 17.124.120 are hereby amended to read as follows:

Chapter 17.124
SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES

17.124.100 Churches, hospitals, other religious or charitable institutions.

In any "R" district, all such uses shall be located on a street adequate to serve the use. All off-street parking facilities shall be adequately screened from abutting property to reduce noise and other negative impacts. [Ord. 08-O-616 § 2; Ord. 89-O-446 § 1.]

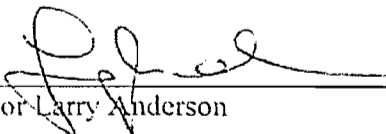
17.124.120 Community buildings, social halls, lodges, fraternal organizations, and clubs in an "R" district.

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First Reading: July 27, 2009
Second Reading: July 27, 2009
Passage: July 27, 2009
Effective Date: August 26, 2009

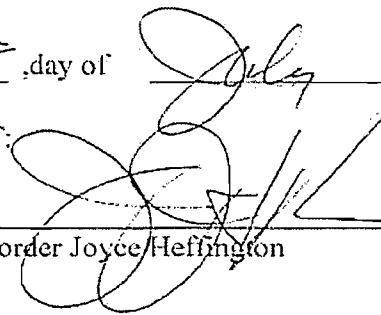
Signed by me in authentication of its passage this

28th day of July, 2009



Mayor Larry Anderson

ATTEST:



City Recorder Joyce Heffington

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

ORDINANCE NO. 09-O-640

IN THE MATTER OF ORDINANCE NO. 09-O-640, AN ORDINANCE AMENDING SECTION 17.124.100 CHURCHES, HOSPITALS, OTHER RELIGIOUS OR CHARITABLE INSTITUTIONS, AND SECTION 17.124.120, COMMUNITY BUILDINGS, SOCIAL HALLS, LODGES, FRATERNAL ORGANIZATIONS, AND CLUBS IN AN "R" DISTRICT, OF CHAPTER 17.124, SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

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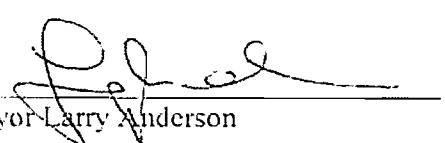
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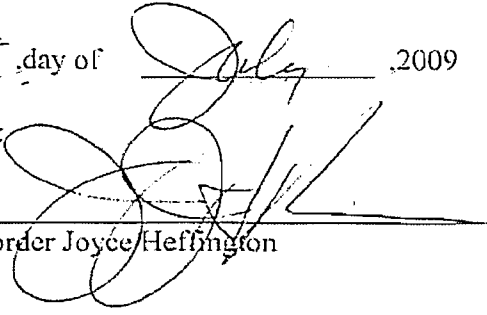
Signed by me in authentication of its passage this

28th day of July, 2009



Mayor Larry Anderson

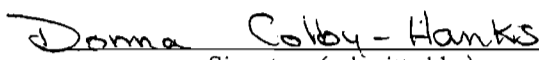
ATTEST:



City Recorder Joyce Hefington

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: July 27, 2009


Signature (submitted by)

Originating Dept: Planning

City Manager Approval

Subject: A hearing on File LDC-10-09 for consideration and possible adoption of revisions to Chapter 17.124, Specific Standards Applying to Conditional Uses of the Brookings Municipal Code (BMC) .

Recommended Motion: Motion approving revisions to Section 17.124.100, Churches, hospitals, other religious or charitable institutions, and Section 17.124.120 Community buildings, social halls, lodges, fraternal organizations, and clubs in an "R" district.

Financial Impact: None .

Background/Discussion: After several discussions and questions from the public, the City's Land Development Code (LDC) Committee reviewed the criteria that churches, hospitals, community buildings, lodges, and other clubs need to meet to obtain approval for a conditional use permit to site one of these structures in a residential zone. The LDC felt the 30 foot setback from property lines required for structures did not reduce the impact of the use on the surrounding neighborhood and was inappropriate. In Section 17.124.100 and 17.124.120 revisions were made to have structures comply with the setback requirements for the underlying zone. Language was added to require off-street parking facilities to be adequately screened from abutting property to reduce noise and other negative impacts. The parking areas, not the structures, are the part of the facilities where noise and activities may impact the neighboring residential uses.

The Planning Commission reviewed these Sections and recommended approval to the City Council without making any additional suggested revisions.

Policy Considerations: N/A

Attachment(s): Draft version of Sections 17.124.100 and 17.124.120 of Chapter 17.124, Specific Standards Applying to Conditional Uses, BMC.

Attachment A

Chapter 17.124
SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES
May 26, 2009

17.124.100 Churches, hospitals, other religious or charitable institutions.

In any "R" district, all such uses shall be located on a street adequate to serve the use. ~~All buildings shall be set back a minimum of 30 feet from a side or rear lot line, and the minimum front yard setback as established in the "R" district in which it is located.~~ All off-street parking facilities shall be adequately screened from abutting property **to reduce noise and other negative impacts.** [Ord. 08-O-616 § 2; Ord. 89-O-446 § 1.]

17.124.120 Community buildings, social halls, lodges, fraternal organizations, and clubs in an "R" district.

~~All buildings shall be set back a minimum of 30 feet from a side or rear lot line, and the minimum front yard setback as established in the "R" district in which it is located.~~ **In any "R" district, all such uses shall be located on a street adequate to serve the use. All off-street parking facilities shall be adequately screened from abutting property to reduce noise and other negative impacts.** There shall be no external evidence of any incidental commercial activities taking place within the building. All buildings shall be located on a street adequate to serve the use and be able to provide access without causing traffic congestion on local residential streets. Any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances. [Ord. 08-O-616 § 2; Ord. 89-O-446 § 1.]

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: July 27, 2009

Donna Colby-Hanks
Signature (submitted by)

Originating Dept: Planning

City Manager Approval

Subject: Adopting ordinance for approved revisions to Chapter 17.124, Specific Standards Applying to Conditional Uses of the Brookings Municipal Code (BMC) .

Recommended Motion: Motion to approve Adopting Ordinance 09-O-640, revisions to Chapter 17.124 Specific Standards Applying to Conditional Uses, BMC.

Financial Impact: None

Background/Discussion: The revisions to Chapter 17.124, Specific Standards Applying to Conditional Uses were approved by the City Council at their July 27, 2009 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 09-O-640.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment REPORT DATE: June 26, 2009
FILE NO: LDC-10-09 ITEM NO: 7.2
HEARING DATE: July 7, 2009

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.124 Specific Standards Applying to
Conditional Uses, Brookings Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

After several discussions and questions from the public, the City's Land Development Code (LDC) Committee reviewed the criteria that churches, hospitals, community buildings, lodges, and other clubs need to meet to obtain approval for a conditional use permit to site one of these structures in a residential zone. The LDC felt the 30 foot setback requirement for structures did not reduce the impact of the use on the surrounding neighborhood and was inappropriate. In Section 17.124.100 and 17.124.120 revisions were made to have structures comply with the setback requirements for the underlying zone. Language was added to require off-street parking facilities to be adequately screened from abutting property to reduce noise and other negative impacts. The parking areas, not the structures, are the part of the facilities where noise and activities may impact the neighboring residential uses.

Following this report is the draft version of BMC 17.28.100 and 17.124.120 (Attachment A).

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-10-09, Chapter 17.124, Specific Standards Applying to Conditional Uses, BMC, to the City Council.

EUGENE OR 974

29 JUL 2009



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MAILED FROM ZIP CODE 97415

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 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

9730132340

