



# 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](http://www.lcd.state.or.us)

## AMENDED NOTICE OF ADOPTED AMENDMENT

November 1, 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 C



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: November 14, 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

PROP **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**

**OCT 25 2007**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Brookings**

Local file number: **LDC-2-06**

Date of Adoption: **10/22/2007**

Date Mailed: **10/24/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/22/2006

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other:                           |

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

Revisions to the City's Land Development Code-Chapter 17.168-Public Facilities Improvement Standards and Criteria for Utilities. (Codification of the Brookings Municipal Code resulted in new citations- formerly cited as "Section 172-Public Facilities".)

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

Further word-smithing and clarification about when up-grading of public infrastructure is required. This version also removed many construction details that will inserted in the Public Works document that describes standards specifications for infrastructure.

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:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                           | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <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 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"/> |

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

**DLCD # 005-06C (15580)**

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

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

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

In the Matter of an Ordinance Amending	)	
Chapter 17.168, Public Facilities	)	
Improvement Standards and Criteria for	)	Ordinance 07-O-596
Utilities, of the Brookings Municipal	)	
Code, in its entirety.	)	

The City of Brookings ordains as follows:

Chapter 17.168, Public Facilities Improvement Standards and Criteria for Utilities, of the Brookings Municipal Code, is hereby amended to read as follows:

**Chapter 17.168**  
**PUBLIC FACILITIES IMPROVEMENT STANDARDS AND CRITERIA FOR UTILITIES**

**Sections:**

- 17.168.010 General on-site development standards and requirements.
- 17.168.020 General off-site development standards and requirements.
- 17.168.030 Easements.
- 17.168.040 Underground utilities.
- 17.168.050 Service extension.
- 17.168.060 Improvement plans.
- 17.168.070 Performance bond and improvement agreement.

**17.168.010 General on-site development standards and requirements.** On-site means utilities on the subject property. Unless otherwise provided by this code, all improvements shall be at the sole cost and expense of the developer, who shall provide, install or cause to be installed, including, but not limited to, the following:

- Water mains and fire hydrants, sanitary sewer mains, storm drain mains and all associated equipment and easements required by the City.
- Electrical, communication, and Cable TV conduits or raceways and transformer bases.
- Street light bases and stanchions.
- Grading and erosion control and drainage plans pursuant to Section 100 of this code.

**17.168.020 Off-site development standards and requirements.** Off-site means City utilities not on the subject property.

1. New single family or duplex development on an existing lot may not be required to upgrade existing City water, sanitary sewer, or storm drain mains, unless deemed necessary by Site Plan Committee. Site Plan Committee will determine if up-sizing of utility infrastructure is needed to accommodate the proposed development and what funding mechanisms would be employed.
2. New multi-family or commercial development will be considered on a case-by-case basis. Site Plan Committee will determine if up-sizing of utility infrastructure is needed to accommodate the proposed development and what funding mechanisms would be employed. If Site Plan Committee allows deferment of the up-sizing, the Deferred Improvement Agreement (DIA) process will be as described in BMC 17.170.070.
3. Land divisions will be handled as stated in #2 above.
4. Conditional Use Permits will be dealt with as stated in #2 above only if the approval of the application will result in more intense use of the subject property.
5. The Site Plan Committee's decision regarding required improvements to existing City infrastructure may be appealed to the Planning Commission.
6. If the original developer is required to install off-site improvements, future reimbursement may be applicable. The Public Works document, "General Engineering Requirements and Standard Specifications" contains provisions for the reimbursement process.

**17.168.030 Easements.**

- A. Public utility easements (PUE). All development including partitions, subdivisions, and Planned Communities shall provide a continuous five (5) foot "PUE" adjacent to the right-of-way on street frontages to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).
- B. Unless determined as unnecessary by the City, an easement dedicated to the City shall be placed over all water and sanitary sewer mains and storm drain facilities, including natural water courses used for engineered drainage, located across private property or common areas. The width of the required easement will be determined at the time of review and approval of construction plans for the

facility.

**17.168.040 Underground utilities.**

Primary utility lines, including, but not limited to, electricity, communications, street lighting and cable television shall be required to be placed underground, whenever possible. Secondary utility lines must be undergrounded. All such service and facilities shall be located in a public utility easement or right-of-way with a junction box. The developer shall confer with each utility company to determine the necessary conduits and equipment, their location and installation requirements. All costs of such equipment and installation shall be at the developers cost or as agreed to between the developer and the utility provider.

**17.168.050 Service extension.** Where no City utility mains presently exist, a condition of development permit approval will be provision of basic urban services (water, sanitary sewer, storm drainage and streets) along the full length of all portions of the subject property fronting a public right-of-way. Installation of services shall be according to the provision of the City's current edition of the Infrastructure Development Guidelines.

**17.168.060 Improvement plans.**

The developer shall cause plans and specifications for all public improvements to be prepared by an engineer registered in the State of Oregon. A security deposit in the amount established by the City ordinance shall be collected by the City to cover the cost of plan review and inspections.

First reading: October 22, 2007  
Second reading: October 22, 2007  
Passage: October 22, 2007  
Effective date: November 21, 2007  
Signed by me in authentication of its passage this 23rd day of October, 2007.

Pat Sherman  
Pat Sherman, Mayor

ATTEST:

Joyce Heffington  
Joyce Heffington, Interim City Recorder

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

FINDINGS FOR  
17.168, UTILITIES



## COUNCIL AGENDA REPORT

**To:** Mayor and City Council

**From:** Dianne Morris, Planning Director

**Date:** August 31, 2007

**Re:** File # LDC-2-06 revisions to Chapter 17.170, Street Standards, 17.168, Utilities, and 17.80, Site Plan Approval, Brookings Municipal Code (BMC).

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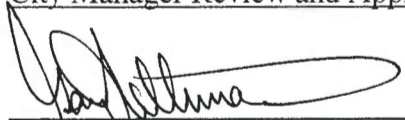
**Subject:** Draft versions of Chapter 17.170, Street Standards and 17.168, Public Improvement Standards and Criteria for Utilities, BMC, and deletion of a section of Chapter 17.80, Site Plan Approval.

**Background /Discussion:** A hearing to consider these Chapters was continued from the City Council's August 27, 2007 meeting. The new proposed language has been inserted in these drafts. In Chapter 17.170, Street Standards, the remaining discussion item is the size of cul-de-sac to be required. The Fire Chief will be in attendance to discuss this at the Council hearing. Language covering the possibility of a reimbursement is also added in BMC 17.170.030(C). In Chapter 17.168, Utilities, BMC, the same reimbursement language is added. Also in BMC 17.168.020(1) the text is altered to reflect the possible requirement to up-sizing off-site infrastructure when constructing a single family or duplex dwelling.

**Recommendation:** Approval of the revisions to these Chapters and removing of the language in Chapter 17.80.040(C) to avoid conflicting requirements.

**Financial Impact(s):** None.

**City Manager Review and Approval for placement on Council Agenda:**

  
\_\_\_\_\_  
Gary Milliman, City Manager

**Chapter 17.168**  
**PUBLIC IMPROVEMENT STANDARDS AND CRITERIA FOR**  
**UTILITIES**

**Draft August 28, 2007**

**New language bold and italicized.**

**Sections:**

- 17.168.010 General on-site development standards and requirements.
- 17.168.020 General off-site development standards and requirements.
- 17.168.030 Easements.
- 17.168.040 Underground utilities.
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**17.168.010 General on-site development standards and requirements.** On-site means utilities on the subject property. Unless otherwise provided by this code, all improvements shall be at the sole cost and expense of the developer, who shall provide, install or cause to be installed, including, but not limited to, the following:

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- Street light bases and stanchions.
- Grading and erosion control and drainage plans pursuant to Section 100 of this code.

**17.168.020 Off-site development standards and requirements.** Off-site means City utilities not on the subject property.

- I.* New single family or duplex development on an existing lot ~~are~~ *may* not required to upgrade existing City water, sanitary sewer, or storm drain mains, unless deemed necessary by Site Plan Committee. ***Site Plan***



***Committee will determine if up-sizing of utility infrastructure is needed to accommodate the proposed development and what funding mechanisms would be employed.***

2. New multi-family or commercial development will be considered on a case-by-case basis. Site Plan Committee will determine if up-sizing of utility infrastructure is needed to accommodate the proposed development and what funding mechanisms would be employed. If Site Plan Committee allows deferment of the up-sizing, the Deferred Improvement Agreement (DIA) process will be as described in BMC 17.170.070.
3. Land divisions will be handled as stated in #2 above.
4. Conditional Use Permits will be dealt with as stated in #2 above only if the approval of the application will result in more intense use of the subject property.
5. The Site Plan Committee's decision regarding required improvements to existing City infrastructure may be appealed to the Planning Commission.
6. ***If the original developer is required to install off-site improvements, future reimbursement may be applicable. The Public Works document, "General Engineering Requirements and Standard Specifications" contains provisions for the reimbursement process.***

**17.168.030 Easements.**

- A. Public utility easements (PUE). All development including partitions, subdivisions, and Planned Communities shall provide a continuous five (5) foot "PUE" adjacent to the right-of-way on street frontages to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).
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**17.168.050 Service extension.** Where no City utility mains presently exist, a condition of development permit approval will be provision of basic urban services (water, sanitary sewer, storm drainage and streets) along the full length of all portions of the subject property fronting a public right-of-way. Installation of services shall be according to the provision of the City's current edition of the Infrastructure Development Guidelines.

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The developer shall cause plans and specifications for all public improvements to be prepared by an engineer registered in the State of Oregon. A security deposit in the amount established by the City ordinance shall be collected by the City to cover the cost of plan review and inspections.

City of Brookings  
898 Elk Drive  
Brookings, OR 97415



## COUNCIL AGENDA REPORT

**To:** Mayor and City Council

**From:** Dianne Morris, Planning Director

**Date:** August 14, 2007

**Re:** File # LDC-2-06 revisions to Chapter 17.170, Street Standards, 17.168, Utilities, and 17.80, Site Plan Approval, Brookings Municipal Code (BMC).

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**Subject:** Numerous revisions are contained in these draft versions of Chapter 17.170, Street Standards and 17.168, Public Improvement Standards and Criteria for Utilities, BMC. Deletion of a section of Chapter 17.80, Site Plan Approval is proposed to avoid a conflict with new language in Chap. 17.170.

**Background /Discussion:** The major revisions in Chap. 17.170, Street Standards, BMC include new options for dealing with street in-fill requirements. These are found in BMC 17.170.070. The Table 17.170.060 has additional types of streets to provide a more varied menu of options to allow for the possible development of presently landlocked parcels, topographically challenged parcels, and other circumstances that currently prevent efficient utilization of our land base. In all the various committee meetings, staff meetings, workshops, and hearings we received a variety of input including counsel from our Fire Chief and Public Works Department to ensure the proposed standards would provide a safe, convenient transportation system.

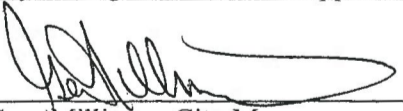
Following Chap. 17.170 is BMC 17.80.040 (C) with the language to be removed to avoid a conflict with the proposed language describing options to deal with street in-fill.

Much of the language currently in the BMC dealing with public utilities has been removed and is slated for inclusion in the Public Works document titled, "General Engineering Requirements and Standard Specifications". The major change to Chapter 17.168, Public Improvement Standards and Criteria for Utilities, involves requirements for off-site improvements. These are found in BMC 17.168.020.

**Recommendation:** The Planning Commission reviewed these Chapters and recommended approval to the City Council. There have also been numerous Staff meetings and Council workshops resulting in these drafts. Staff supports approval of the revisions.

**Financial Impact(s):** None.

**City Manager Review and Approval for placement on Council Agenda:**

  
\_\_\_\_\_  
Gary Milliman, City Manager

**Chapter 17.168**  
**PUBLIC IMPROVEMENT STANDARDS AND CRITERIA FOR**  
**UTILITIES**

**Draft August 14, 2007**

**New language bold and italicized.**

**Sections:**

- 17.168.010 General on-site development standards and requirements.
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City of Brookings  
898 Elk Drive  
Brookings, OR 97415



## COUNCIL AGENDA REPORT

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

HEARING  
MARCH 12, '07

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**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

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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.

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**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:**

  
Ken Hobson, Interim City Manager

New Sec. 172

**Section 172**  
**PUBLIC IMPROVEMENT STANDARDS AND CRITERIA FOR**  
**UTILITIES**

**Final Draft June 22, 2006**

**Sections:**

- 172.010 General development standards and requirements.
- 172.020 Easements.
- 172.030 Underground utilities.
- 172.040 Service extension.
- 172.050 Improvement plans.
- 172.060 Performance bond and improvement agreement.

**172.010 General development standards and requirements.** Unless otherwise provided by this code all improvement shall be at the sole cost and expense of the developer, who shall provide, install or cause to be installed, including, but not limited to the following:

- Water mains and fire hydrants, sanitary sewer mains, storm drain mains and all associated equipment and easements required by the City.
- Electrical, communication and Cable TV conduits or raceways and transformer bases.
- Street light bases and stanchions.
- Grading and erosion control and drainage plans pursuant to Section 100 of this code.

**172.020 Easements.**

- A. Public utility easements (PUE). All development including partitions, subdivisions, and Planned Communities shall provide a continuous five (5) foot "PUE" adjacent to the right-of-way on street frontages to be utilized for water related equipment (meters, valves, etc. and other utilities (electrical pedestals, street lights, telephone and other facilities).

- B. Unless determined as unnecessary by the City, an easements dedicated to the City shall be placed over all water and sanitary sewer mains and storm drain facilities, including natural water courses used for engineered drainage, located across private property or common areas. The width of the required easement will be determined at the time of review and approval of construction plans for the facility.
- C. Pedestrian easements. The Site Plan Committee or Subdivision Committee may recommend and the Planning Commission may approve perpetual, unobstructed pedestrian easements in order to facilitate pedestrian access from streets or lots to school, parks, or other nearby streets, or from off-street parking areas.

**172.030 Underground utilities.**

Utility lines, including, but not limited to, electricity, communications, street lighting and cable television shall be required to be placed underground. All such service and facilities shall be located in a public utility easement with a junction box designed to carry the service drops underground to each serviced building or structure for each lot of the development. The developer shall confer with each utility company to determine the necessary conduits and equipment, their location and installation requirements. All costs of such equipment and installation shall be at the developers cost or as agreed between the developer and the utility provider.

**172.040 Service extension.** Within the City limits, and as a condition of development permit approval, basic urban services (water, sanitary sewer, storm drainage and streets) shall be extended along the full length of all portions of the subject property fronting a public right-of-way. Installation of services shall be according to the provision of the City's current edition of the Infrastructure Development Guidelines.

**172.050 Improvement plans.**

- A. The developer shall cause plans and specifications for all public improvements to be prepared by an engineer registered in the state of Oregon. A security deposit in the amount established by the City ordinance shall be collected by the City to cover the cost of plan review

and inspections.

**172.060 Security and warranty bond and improvement agreement.**

Refer to Section 80, of this code for Security and Warranty Bond requirements.

**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.

**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".

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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.

New Sec. 172

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**CITY OF BROOKINGS**

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**TO:**

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Attn: Plan Amendment Specialist  
635 Capitol St. NE Suite 150  
Salem, OR 97301-2540