



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/5/2009

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 021-09

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: Friday, November 27, 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



Jurisdiction: **City of Brookings**

Local file number: **LDC-15-09**

Date of Adoption: **10/26/2009**

Date Mailed: **10/28/2009**

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".

Revisions to Land Development Code Chapter 17.12, Establishment of Zoning Districts and Zoning Map of the Brookings Municipal Code (BMC)

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

There a few minor word changes.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☐ Yes ☒ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD File# 021-09 (17916) [15791]

DLCD file No. _____

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

None.

Local Contact: **Dianne Morris**

Phone: (541) 469-1138 Extension:

Address: **898 Elk Dr.**

Fax Number: **541-469-3650**

City: **Brookings**

Zip: **97415-**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

ORDINANCE NO. 09-O-649

IN THE MATTER OF ORDINANCE NO. 09-O-649, AN ORDINANCE AMENDING CHAPTER 17.12,
ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP, TITLE 17, LAND DEVELOPMENT CODE, OF
THE BROOKINGS MUNICIPAL CODE, IN ITS ENTIRETY.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Chapter 17.12, in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.12 Establishment of Zoning Districts and Zoning Map, Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amend Chapter 17.12. Chapter 17.12, Establishment of Zoning Districts and Zoning Map is amended to read as follows:

Chapter 17.12
Establishment of Zoning Districts and Zoning Map

Sections:

- 17.12.010 Classification of zoning districts.
- 17.12.020 Application of regulations to districts generally.
- 17.12.030 Zoning map.
- 17.12.040 Interpretation of district boundaries.

17.12.010 Classification of zoning districts.

For the purposes of this code, the city of Brookings is divided into zoning districts designated as follows:

Zoning Districts	Map Symbol and Abbreviated Designation
Suburban Residential	SR
Single-Family Residential	R-1
Two-Family Residential	R-2
Multiple-Family Residential	R-3

Mobile Home Residential	R-MH
Professional Office	PO-1
Public Open Space	P/OS
Neighborhood Commercial	C-1
Shopping Center Commercial	C-2
General Commercial	C-3
Tourist Commercial	C-4
Industrial Park	I-P
General Industrial	M-2
Master Plan Development	MPD
Marine Activities	MA
Airport Approach Overlay	AA

[Ord. 96-O-446.BB § 3; Ord. 89-O-446 § 1.]

17.12.020 Application of regulations to districts generally.

No structure shall be erected or altered, nor shall any use be allowed, in violation of the requirements of the District in which it is located, unless specifically provided for elsewhere in the Code.

17.12.030 Zoning map.

A. The location and the boundaries of the districts designated in BMC [17.12.010](#) are hereby established as shown on the map entitled "Zoning Map of the City of Brookings", and hereafter referred to as the "zoning map."

B. A copy of this map shall be maintained on file in the Planning Department and is hereby made a part of this code. Any revisions of said map, when an ordinance is duly entered, signed and filed with the city recorder as authorized by subsection (C) of this section are a part of this code.

C. When the zoning of any area is changed by the City Council in the manner prescribed by this code, the official zoning map shall be so revised that it accurately portrays said change and dated with the effective date of the adopting ordinance. [Ord. 89-O-446 § 1.]

17.12.040 Interpretation of district boundaries.

In making a determination where uncertainty exists as to boundaries of any of the aforesaid districts as shown on said zoning map, the following rules shall apply:

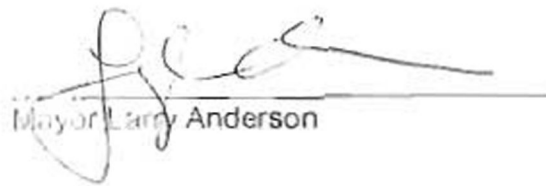
A. Where district boundaries are indicated as approximately following right-of-way line of streets, alleys or highways, such lines shall be construed to be such district boundaries.

B. Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the centerline of the former right-of-way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

C. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. If a district boundary divides a lot into two or more districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary; provided, that the boundary adjustment is for a distance of less than 20 feet. If an adjustment of more than 20 feet is required, the change in the district boundary shall be treated as an amendment. [Ord. 89-O-446 § 1.]

First reading: October 26, 2009
Second reading: October 26, 2009
Passage: October 26, 2009
Effective date November 25, 2009

Signed by me in authentication of its passage this 27th day of October, 2009.


Mayor Larry Anderson

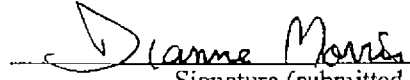
ATTEST:


City Recorder Joyce Heffington

FINDINGS

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: October 26, 2009


Signature (submitted by)

Originating Dept: Planning

City Manager Approval

Subject: A hearing on File LDC-15-09 for consideration and possible adoption of revisions to Chapter 17.12, Establishment of Zoning Districts and Zoning Map of the Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.12 Establishment of Zoning Districts and Zoning Map, BMC.

Financial Impact: None

Background/Discussion: The Land Development Code (LDC) Committee reviewed Chapter 17.12, Establishment of Zoning Districts and Zoning Map.

Specific revisions are:

- 17.12.010, Classification of zoning districts. Master Plan Development was added to the list of Zoning Districts. This zone was created in 2003 but was never added in this section.
- 17.12.020, Application of regulations to districts generally. This section was rewritten to simplify the language.
- 17.12.030, Zoning map. Subsection B was revised to reflect that the zoning map is maintained in the Planning Department not in the City Recorder's office.

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

Policy Considerations: N/A

Attachment(s): **Draft version of Chapter 17.12, Establishment of Zoning Districts and Zoning Map, BMC.**

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment REPORT DATE: September 22, 2009
FILE NO: LDC-15-09 ITEM NO: 7.3
HEARING DATE: October 6, 2009

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.12 Establishment of Zoning Districts and
Zoning Map, Brookings Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

The Land Development Code (LDC) Committee reviewed Chapter 17.12, Establishment of Zoning Districts & Zoning Map.

Specific revisions are:

- 17.12.010 Classification of zoning districts. Master Plan Development was added to the list of Zoning Districts. This zone was created in 2003 but was never added to the list of zones in this section.
- 17.12.020 Application of regulations to districts generally. The section was rewritten to simplify the language.
- 17.12.030 Zoning map. Subsection B was revised to reflect that the zoning map is maintained in the Planning Department not in the City Recorder's office.

Following this report is the draft version of BMC 17.12 (Attachment A).

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-15-09, Chapter 17.12, Establishment of Zoning Districts and Zoning Map, BMC, to the City Council.

Attachment A

Chapter 17.12 ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

DRAFT 8-13-09

Text to be added is ***bold and italicized***.

Text to be omitted has strikethrough

Sections:

- 17.12.010 Classification of zoning districts.
- 17.12.020 Application of regulations to districts generally.
- 17.12.030 Zoning map.
- 17.12.040 Interpretation of district boundaries.

17.12.010 Classification of zoning districts.

For the purposes of this code, the city of Brookings is divided into zoning districts designated as follows:

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Two-Family Residential	R-2
Multiple-Family Residential	R-3
Mobile Home Residential	R-MH
Professional Office	PO-1
Public Open Space	P/OS
Neighborhood Commercial	C-1
Shopping Center Commercial	C-2
General Commercial	C-3
Tourist Commercial	C-4
Industrial Park	I-P
General Industrial	M-2
Master Plan Development	MPD
Marine Activities	MA
Airport Approach Overlay	AA

[Ord. 96-O-446.BB § 3; Ord. 89-O-446 § 1.]

17.12.020 Application of regulations to districts generally.

~~A. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.~~

~~B. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.~~

~~C. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity with the yard, setback, building location, site area and coverage requirements hereinafter prescribed with the district in which such building or open space is located.~~

~~D. No yard or other open space provided about any building or on any building lot for the purpose of complying with the provisions of this code shall be considered as providing a yard or other open space for any other building or any other building lot.~~
[Ord. 89-O-446 § 1.]

No structure shall be erected or altered, nor shall any use be allowed, in violation of the requirements of the District in which it is located, unless specifically provided for elsewhere in the Code.

17.12.030 Zoning map.

~~A. The location and the boundaries of the districts designated in BMC 17.12.010 are hereby established as shown on the map entitled "Zoning Map of the City of Brookings", dated, with the effective date of the ordinance, signed by the city recorder and mayor and hereafter referred to as the "zoning map."~~

~~B. The signed~~ **A** copy of this map shall be maintained on file in the city recorder's office **Planning Department** and is hereby made a part of this code. Any revisions or replacements of said map, when **an ordinance is** duly entered, signed and filed with the city recorder as authorized by subsection (AC) of this section are a part of this code.

~~C. Each copy of this title shall contain a copy of the zoning map. However, the signed map in the city recorder's office shall be the "official map" of the city of Brookings zoning districts.~~

~~DC.~~ When the zoning of any area is changed by the ~~eCity~~ **City Council** in the manner prescribed by this code, the official zoning map shall be so revised that it accurately portrays said change **and dated with the effective date of the adopting ordinance.**, and the number of the ordinance by which the change of zone was effected shall be ~~endorsed on the map; provided, that failure to so revise the said map shall not affect the validity of any zone change. The council may, from time to time, direct the administrative staff to replace the official zoning map, or a portion thereof, with a map, or portion thereof, which includes all lawful changes of zone and city boundaries to date. Such map, or portion thereof, filed as a replacement, shall bear the number of the ordinance authorizing the same and shall bear dated, authenticating signatures of the mayor and city recorder. Any map or portion thereof thereby replaced shall be retained in a separate file by the city recorder.~~ [Ord. 89-O-446 § 1.]

17.12.040 Interpretation of district boundaries.

In making a determination where uncertainty exists as to boundaries of any of the aforesaid districts as shown on said zoning map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, alleys or highways, such lines shall be construed to be such district boundaries.

B. Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the centerline of the former right-of-way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

C. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. If a district boundary divides a lot into two or more districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary; provided, that the boundary adjustment is for a distance of less than 20 feet. If an adjustment of more than 20 feet is required, the change in the district boundary shall be treated as an amendment. [Ord. 89-O-446 § 1.]



ACF CITY OF BROOKINGS

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

TO:

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