



Oregon

Theodore R. Kubongoski, 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

02/05/2013

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 006-12

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, February 19, 2013

This amendment was submitted to DLCD for review 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 Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Donna Colby-Hanks, City of Brookings
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DEPT OF

JAN 31 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

DATE STAMP

Jurisdiction: **City of Brookings**

Local file number: **LDC-2-12**

Date of Adoption: **1/28/2013**

Date Mailed: **1/29/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/6/2012

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 Chapter 17.40 Public Open Space to include airport facilities.

Does the Adoption differ from proposal? No, no explanation is necessary

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

to:

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

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
<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 checked="" 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...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 006-12 (19528) [17350]

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

Curry County, Oregon Dept. of Aviation, Federal Aviation Administration

Local Contact: **Donna Colby-Hanks**

Phone: (541) 469-1137 Extension:

Address: **898 Elk Drive**

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

City: **Brookings**

Zip: **97415-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

ORDINANCE NO. 13-O-707

IN THE MATTER OF ORDINANCE NO. 13-O-707, AN ORDINANCE AMENDING SECTION 17.40.020,
PUBLIC OPEN SPACE, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amending Section 17.40.020.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.40.020, Public Open Space, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amends Section 17.40.020: Section 17.40.020, is amended to reads as follows:

17.40.020 Permitted uses.

The following uses are permitted:

- A. Government structures including offices, fire stations, police stations;
- B. Publicly owned parks and/or recreation facilities, including recreational parks, swimming pools, tennis courts, playgrounds, campgrounds, and picnic areas;
- C. Community centers;
- D. Public schools;
- E. Public golf courses;
- F. Public museums, art galleries, libraries and information centers;
- G. Water-dependent or water-related uses only to be located within shorelands boundary;
- H. Wireless communication facilities, pursuant to Chapter 17.164 BMC, in conjunction with an existing tower operated by a public entity. [Ord. 99-O-446.GG § 2; Ord. 99-O-446.EE § 2; Ord. 89-O-446 § 1.]
- I. Existing airport facilities including expansion and accessory uses intended for the convenience of airport customers such as restaurants, car rentals, or retail shops subject to Chapter 17.76 Airport Approach (AA) Overlay Zone.

First Reading:

January 28, 2013

Passage:

January 28, 2013

Second Reading:

January 28, 2013

Effective Date:

February 27, 2013

Signed by me in authentication of its passage this

29th

, day of

January

, 2013

ATTEST:

Ron Hedensky
Mayor Ron Hedensky

Joyce Heffington
City Recorder Joyce Heffington

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-2-12
HEARING DATE: January 8, 2013

REPORT DATE: December 27, 2012
ITEM NO: 5.1

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Addition to Chapter 17.40.020, Public Open Space (P/OS), Permitted uses, Brookings Municipal Code (BMC)
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

As the City of Brookings annexes properties outside the city limits, it expands into a predetermined region called the Urban Growth Area. The boundary of this area was determined by a committee consisting of interested citizens, effected state agencies, and representatives from both Curry County as well as the City of Brookings. The City Council is tasked with determining the most appropriate zoning for all annexed properties. The Council will consider the existing zoning, the existing development on the property, as well as the future plans of its owner(s), when deriving a particular property's new city zone designation. However, if there is no existing city zone that permits – either outright or conditionally – the existing uses on the property in question, the annexation must be a conditioned subject to a text amendment. This text amendment prevents the creation of non-conforming uses pursuant to existing zoning designations.

A conditioned annexation has the potential to create issues if a text amendment is denied or is not approved accommodating the development plans of the property owner. The best course of action is to complete the text amendment prior to the annexation. This provides certainty for the property owner.

The Brookings Airport is located within the City of Brookings Urban Growth Area. However, the Land Development Code does not provide for a zone where airports are allowed, either outright or conditionally. To resolve this, Staff proposes to allow existing airports along with limited accessory uses outright in the Public Open Space (P/OS).

The purpose of the P/OS zone is to recognize, preserve and enhance publicly owned recreation, open space, educational and cultural areas, facilities and services, to protect the natural and scenic resources, and to ensure adequate provision for open spaces consistent with the policies of the city.

The Brookings Airport is currently owned and maintained as a public airport by Curry County. Curry County, the City of Brookings, and several adjacent property owners have begun the preliminary process to annex into the City of Brookings. Approval of a text amendment to allow airports is needed to prevent conditions from being placed on this future proposed annexation. The P/OS is the most appropriate zone. Site Plan Committee reviewed the proposal and finds this text addition is consistent with City ordinances and policies.

Chapter 17.40.020 Permitted uses, Public Open Space (P/OS) with the proposed text is included at Attachment A.

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-2-12, Chapter 17.40.020(I), Public Open Spaces, Permitted Uses, Existing airports, BMC, to the City Council.

Text addition in bold.

Chapter 17.40

PUBLIC OPEN SPACE (P/OS) DISTRICT

17.40.020 Permitted uses.

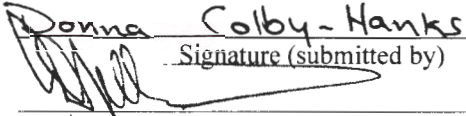
The following uses are permitted:

- A. Government structures including offices, fire stations, police stations;
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- I. Existing airport facilities including expansion and accessory uses intended for the convenience of airport customers such as restaurants, car rentals, or retail shops subject to Chapter 17.76 Airport Approach (AA) Overlay Zone.**

COUNCIL AGENDA REPORT

Meeting Date: January 28, 2013

Originating Dept: Planning


Signature (submitted by)

City Manager Approval

Subject: A hearing on File LDC-2-12 for consideration and possible adoption of text to add existing airports as an outright use in Chapter 17.40 Public Open/Space (P O/S), Brookings Municipal Code (BMC).

Recommended Motion: A motion approving text adding existing airports as an outright use in Chapter 17.40 Public Open/Space, BMC.

Financial Impact: None.

Background/Discussion: Properties within the Brookings Urban Growth Area (UGA) are planned for the eventual annexation into the City. As the properties are annexed into the City, the City Council is tasked with determining the most appropriate city zone to assign considering existing county zoning, existing development on the property, and the owner's future plans. However, if there is no existing city zone that permits, either outright or conditionally, the existing uses on the property in question, the annexation must be conditioned subject to a text amendment or denied. These requirements prevent the creation of non-conforming uses pursuant to existing zoning designations.

A conditioned annexation has the potential to create issues if a text amendment is denied or is not approved accommodating the development plans of the property owner. The best course of action is to complete the text amendment prior to the annexation. This provides certainty for the property owner.

The Brookings Airport is located within the City of Brookings Urban Growth Area. However, the Land Development Code does not provide for a zone where airports are allowed, either outright or conditionally. To resolve this, Staff proposes to allow existing airports along with limited accessory uses outright in the Public Open Space (P/OS).

One of the purposes of the P/OS zone is preserve and enhance publicly owned facilities and services. The Brookings Airport, located within the UGA, is currently owned and operated by Curry County. The preliminary steps to annex the airport and several adjacent properties has begun. Approval of a text amendment to allow airports is needed to prevent conditions from being placed on the future annexation.

Site Plan Committee reviewed the proposal and found this text addition to be consistent with City ordinances and policies. The Planning Commission reviewed the draft revisions at their January 8, 2013 meeting and recommended approval.

Policy Considerations: N/A

Attachment(s): Draft text adding existing airports as an outright use in Chapter 17.40, Public Open/Space, BMC.

Text addition in **bold**.

Chapter 17.40

PUBLIC OPEN SPACE (P/OS) DISTRICT

17.40.020 Permitted uses.

The following uses are permitted:

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City of Brookings

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Brookings OR 97415

Plan Amend Specialist
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