



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

02/19/2014

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 003-14

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, March 07, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. 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

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# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 003-14 (20228)  
[17765]  
Received: 2/14/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Brookings

Local file no.: **LDC-4-13**

Date of adoption: 02/10/2014      Date sent: 2/14/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted):

No

Is the adopted change different from what was described in the Notice of Proposed Change?      Yes      No

If yes, describe how the adoption differs from the proposal:

N/A

Local contact (name and title): Donna Colby-Hanks

Phone: (541) 469-1137

E-mail: [dcolbyhanks@brookings.or.us](mailto:dcolbyhanks@brookings.or.us)

Street address: 898 Elk Drive

City: Brookings

Zip: 97415-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.      A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.      A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.      A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres.      A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Brookings Municipal Code Chapter 17.88 Signs was revised to allow one sandwich board sign per business and to exempt these signs from the permitting process.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: LCD, ODOT

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Adopting ordinance as well as Planning Commission and City Council staff reports.

**IN AND FOR THE CITY OF BROOKINGS**  
**STATE OF OREGON**  
**ORDINANCE 14-O-721**

**IN THE MATTER OF ORDINANCE 14-O-721, AN ORDINANCE ADDING SUBSECTION 17.88.040(R) AND DELETING SUBSECTION 17.88.100(F) OF CHAPTER 17.88, SIGNS, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.**

Sections:

- Section 1. Ordinance Identified.
- Section 2. Adds Subsection 17.88.040(R).
- Section 3. Deletes Subsection 17.88.100(F).

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Subsection 17.88.040(R) and deletes Subsection 17.88.100 (F) of Chapter 17.88, Signs, Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Adds Subsection 17.88.040(R). Subsection 17.88.040(R) is added to read as follows:  
17.88.040(R). Sandwich Board Signs. Sandwich board signs may be displayed in commercial zones on private property, and/or within city rights or way, and/or in rights of way under the City's jurisdiction provided the following conditions are met:

1. Only one such sign shall be permitted for each business and shall not exceed two feet in width and four feet in height.
2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians, not be placed in parking spaces or parking areas, and be located outside of vehicular travel lanes.
4. Signs shall be displayed only at such times as the business they are intended to identify is open for business. [Ord. 08-O-608 § 2.]
5. Any sign placed within a corner vision area located at the intersection of streets, shall not exceed three feet in height. The corner vision area shall consist of a triangular area measured from the corner of the intersection property lines for a distance of fifteen feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.

Section 3. Deletes Subsection 17.88.100(F). Subsection 17.88.100(F) is hereby deleted in its entirety.

First Reading:

February 10, 2014

Passage:

February 10, 2014

Second Reading:

February 10, 2014

Effective Date:

March 12, 2014

Signed by me in authentication of its passage this

11<sup>th</sup>

day of

February, 2014


ATTEST:

Ron Hedenslog  
Mayor Ron Hedenslog

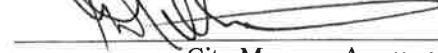
Joyce Heffington  
City Recorder Joyce Heffington

**CITY OF BROOKINGS**  
**COUNCIL AGENDA REPORT**

Meeting Date: February 10, 2014

  
Signature (submitted by)

Originating Dept: PWDS - Planning

  
City Manager Approval

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Subject: Ordinance deleting Subsection 17.88.100(F) and adding Subsection 17.88.040(R), Exempt signs, Chapter 17.88 Signs of Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 14-O-721.

Financial Impact: None.

Background/Discussion: The revisions to these subsections were approved by the City Council at their January 27, 2014 meeting.

Policy Considerations: N/A

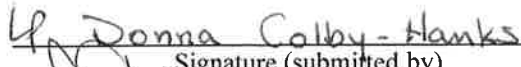
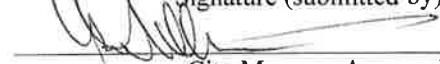
Attachment(s): Adopting Ordinance 14-O-721.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: January 27, 2014

Originating Dept: PWDS-Planning

  
Signature (submitted by)  
  
City Manager Approval

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Subject: A hearing on File LDC-4-13 for consideration of the sandwich board sign regulations in Chapter 17.88 Signs, Brookings Municipal Code (BMC).

Recommended Motion:

1. A motion to approve the deletion of Section 17.88.100(F), Sandwich Board signs and the addition of Section 17.88.040(R), Exempt signs, Chapter 17.88 Signs, BMC (**Attachment A**)
2. A motion to retain the current permit fee and to approve revisions to Section 17.88.100(F), Chapter 17.88 Signs, BMC (**Attachment B**)
3. A motion to reduce the permit fee for sandwich board signs to \$40 until a fee resolution is adopted and to approve revisions to Section 17.88.100(F), Chapter 17.88 Signs, BMC (**Attachment B**).

Financial Impact: Minimal reduction in fees collected with a reduced permit fee.

Background/Discussion: City Council considered revisions to the criteria for sandwich board signs at their January 13, 2014 meeting. After deliberations, Staff was directed to make additional revisions to exempt sandwich board signs from the permitting process as an option (**Attachment A**).

With this option, the criteria for sandwich board signs would be relocated from Section 17.88.100(F) Sandwich Board Signs to Section 17.88.040(R), Exempt signs. Signs being displayed must meet the criteria outlined but a sign permit would not be required.

With the no permit option, city enforcement of signs located within Chetco Avenue right of way would be for non-compliance with the criteria in Chapter 17.88 Signs as this right of way is under the jurisdiction of Oregon Department of Transportation (ODOT). However, Oregon Revised Statute (ORS 377.715) prohibits these signs from being erected on the right of way of a state highway. The State of Oregon could remove the signs pursuant to ORS. Applicants may not be aware of this risk without the permit process.

With the revisions as proposed at the January 13th meeting which require a permit (**Attachment B**), applicants would be made aware of the safety requirements that include compliance with the Americans with Disability Act as well as corner vision requirements. A permit requirement (whether at current fee or reduced fee) prompts ODOT review and approval of permit.

Since most of these signs would be located within the public right of way, which is for the use of all citizens, allowing business owners to display or use the right of way without review is inconsistent with other sections of the BMC which require permits for the use. The permit application would also provide contact information to quickly address any issues that arose. The cost to process the permit application could be recovered with a reduced fee.

Staff contacted several other coastal communities regarding their code requirements for sandwich board signs. Of the four cities (Florence, Coos Bay, Reedsport, Lincoln City) that responded, three require sign permits while the fourth didn't but also did not allow the signs within rights of way.

Policy Considerations: Use of the public right of way without review is inconsistent with other sections of the BMC that require permits and fees.

- Attachment(s):
- A. Final draft of BMC Section 17.88.100(F) Sandwich Board Signs, and Section 17.88.040(R) Exempt signs of Chapter 17.88 Signs.
  - B. Final draft of BMC Subsection F Sandwich Board Signs, of Section 17.88.100

Original text to be deleted is stricken.

Proposed new text is **bold**.

Text added by Planning Commission (12-03-13) is **underlined bold**.

Text deleted and relocated by City Council (01-13-14) is ~~double stricken~~

~~17.88.100(F). Sandwich Board Signs. Sandwich board signs may be permitted in commercial zones on private property, and/or within city rights of way, and/or in rights of way under the City's jurisdiction if the business entrance does not have street frontage (alleys are not considered street frontage) and provided the following conditions are met:~~

- ~~1. Only one such sign shall be permitted for each business and shall not exceed two feet in width and four feet in height.~~
- ~~2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.~~
- ~~3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians, **not be placed in parking spaces or parking areas, and be located outside of vehicular travel lanes.**~~
- ~~4. Signs shall be displayed only at such times as the business they are intended to identify is open for business. [Ord. 08 O 608 § 2.]~~
- ~~5. **Any sign placed within a corner vision area located at the intersection of streets, shall not exceed three feet in height. The corner vision area shall consist of a triangular area measured from the corner of the intersection property lines for a distance of fifteen feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.**~~



## 17.88.040 Exempt signs.

The following signs and devices shall not be subject to the provisions of this chapter:

17.88.040(R). Sandwich Board Signs. Sandwich board signs may be displayed in commercial zones **on private property, and/or within city rights of way, and/or in rights of way under the City's jurisdiction** ~~if the business entrance does not have street frontage (alleys are not considered street frontage)~~ and provided the following conditions are met:

1. Only one such sign shall be permitted for each business and shall not exceed two feet in width and four feet in height.
2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians, **not be placed in parking spaces or parking areas, and be located outside of vehicular travel lanes.**
4. Signs shall be displayed only at such times as the business they are intended to identify is open for business. [Ord. 08-O-608 § 2.]
5. **Any sign placed within a corner vision area located at the intersection of streets, shall not exceed three feet in height. The corner vision area shall consist of a triangular area measured from the corner of the intersection property lines for a distance of fifteen feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.**

Original text to be deleted is stricken.

Proposed new text is **bold**.

Text added by Planning Commission (12-03-13) is **underlined bold**.

17.88.100(F). Sandwich Board Signs. Sandwich board signs may be permitted in commercial zones **on private property, and/or within city rights or way, and/or in rights of way under the City's jurisdiction** ~~if the business entrance does not have street frontage (alleys are not considered street frontage)~~ and provided the following conditions are met:

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# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

4 Donna Colby-Hanks  
Signature (submitted by)  
City Manager Approval

Originating Dept: PWDS-Planning

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Subject: A hearing on File LDC-4-13 for consideration of revisions to Subsection F, Sandwich Board signs, of Section 17.88.100 General standards for signs in all zones, Chapter 17.88 Signs, Brookings Municipal Code (BMC).

Recommended Motion: A motion to approve the revisions to Subsection F of Section 17.88.100, Chapter 17.88 Signs, BMC.

Financial Impact: None.

Background/Discussion: City Council suspended by Resolution No. 13-R-1000, the code requirement for a sign permit for sandwich board signs and the limitation of sandwich board signs to businesses whose entrance does not have street frontage at their March 25, 2013 meeting. The purpose of the suspension was to ascertain if additional sandwich board signs would significantly increase the number of tourists stopping in Brookings.

City Council reviewed and discussed the benefits versus the negative impacts of the suspension of the sign requirements at their October 7, 2013 workshop. With the suspension being overall supported by the downtown merchants, City Council directed Staff to revise Section 17.88.100(F) to accommodate additional siting of sandwich board signs. Business owners will need to obtain a sign permit, however the limitation of sandwich boards signs only being available to businesses without street frontage has been removed.

Site Plan Committee reviewed the proposed revisions to sandwich board sign requirements and found them to be consistent with City ordinances and policies. The Planning Commission held a public hearing on the matter at their December 3, 2013 meeting and recommended approval to City Council with a revision to clarify that the signs could not be located in parking spaces.

Policy Considerations: N/A

Attachment(s): A. Final draft of BMC Subsection F Sandwich Board Signs, of Section 17.88.100

Original text to be deleted is ~~stricken~~.

Proposed new text is **bold**.

Text added by Planning Commission (12-03-13) is **underlined bold**.

17.88.100(F). Sandwich Board Signs. Sandwich board signs may be permitted in commercial zones **on private property, and/or within city rights or way, and/or in rights of way under the City's jurisdiction** if the ~~business entrance does not have street frontage (alleys are not considered street frontage)~~ and provided the following conditions are met:

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**CITY OF BROOKINGS PLANNING COMMISSION**  
**STAFF REPORT**

SUBJECT: Land Development Code Amendment  
FILE NO: LDC-4-13  
HEARING DATE: December 3, 2013

REPORT DATE: November 21, 2013  
ITEM NO: 5.6

**GENERAL INFORMATION**

APPLICANT: City Initiated.  
REPRESENTATIVE: City Staff.  
REQUEST: Revisions to Section 17.88.100(F) Sandwich Board Signs, Brookings  
Municipal Code (BMC).  
PUBLIC NOTICE: Published in local newspaper.

**BACKGROUND INFORMATION**

City Council suspended by Resolution No. 13-R-1000, the code requirement for a sign permit for sandwich board signs and the limitation of sandwich board signs to businesses whose entrance does not have street frontage at their March 25, 2013 meeting. The purpose of this suspension was to ascertain if additional sandwich board signs would significantly increase the number of tourists stopping in Brookings.

City Council reviewed and discussed the benefits versus the negative impacts of the suspension of the signs requirements at their October 7, 2013 workshop. The suspension was overall supported by the downtown merchants. City Council directed Staff to revise Section 17.88.100(F) to accommodate additional siting of sandwich board signs.

Following this report is the draft version of Section 17.88.100(F), Attachment A.

Site Plan Committee reviewed the proposed revisions to sandwich board sign requirements and found them to be consistent with City ordinances and policies.

**RECOMMENDATION**

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-4-13, Section 17.88.100(F), Sandwich board signs, BMC, to the City Council.

Original text to be deleted is stricken.

Proposed new text is **bold**.

17.88.100(F). Sandwich Board Signs. Sandwich board signs may be permitted in commercial zones **on private property, and/or within city rights or way, and/or in rights of way under the City's jurisdiction** ~~if the business entrance does not have street frontage (alleys are not considered street frontage)~~ and provided the following conditions are met:

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