



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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## NOTICE OF ADOPTED AMENDMENT

01/21/2014

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 004-13

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, February 07, 2014

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



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

**FOR DLCD USE**  
 File No.: 004-13 (19976)  
               [17733]  
 Received: 1/17/2014

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-2-13**

Date of adoption: 01/13/2014                      Date sent: 1/17/2014

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): 08/15/2013

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:

Cottage Industry was included in an additional residential zone. Several criteria for the use were revised for clarification .

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

Phone: (541) 469-1137

E-mail: 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:

17.08.030, "C" Definitions; 17.124.220, Specific Standards Applying to Conditional Uses; Conditional Uses in 17.16.040 Suburban Residential, 17.20.040 Single-family Residential, 17.24.040 Two-family Residential, and 17.32.040 Manufactured Home Residential

**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: |
|---------------------------|--------------|----------------|

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

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

Curry County

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-722**

**IN THE MATTER OF ORDINANCE 14-O-722, AN ORDINANCE AMENDING SECTION 17.08.030 AND ADDING SUBSECTIONS 17.16.040(U), 17.20.040(T), 17.24.040(U), 17.32.040(U), AND SECTION 17.124.220, COTTAGE INDUSTRY TO TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.**

Sections:

Section 1. Ordinance Identified.

Section 2. Amends Sections 17.08.030.

Section 3. Adds Subsections 17.16.040 (U), 17.20.040 (T), 17.24.040 (U), 17.32.040 (U) and Section 17.124.220

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.08.030, and adds Subsections 17.16.040 (U), 17.20.040 (T), 17.24.040 (U), 17.32.040 (U) and Section 17.124.220, Cottage Industry to Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amends Sections 17.08.030. Section 17.08.030 is amended to read as follows:

**17.08.030 C terms.**

“City” means the city of Brookings, Oregon, as represented by the city manager or designated representative.

“City engineer” means the city engineer of the city of Brookings, Oregon.

“City manager” means the city manager of the city of Brookings, Oregon.

“Clinic” means a place for group medical services not involving overnight housing of patients.

“Club” means an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not groups organized primarily to render a service carried as a business for profit.

“Code” means the city of Brookings land development code.

“Collocation” means the placement of two or more antenna systems or platforms by separate FCC license holders (“providers”) on a structure such as a tower, building, water tank or utility pole.

“Commercial service drive” means an accessway for a shopping center containing four or more businesses having common parking areas.

“Commission” or “planning commission” means the planning commission of the city of Brookings, Oregon.

“Comprehensive plan” means the comprehensive plan of the city of Brookings, Oregon.

“Condominiums” means a type of residential, commercial or industrial development offering individual ownership of units and common ownership of open spaces and other amenities and facilities, and regulated, in part, by state law (ORS 94.004 through 94.480).

“Construct” means to build, form, or erect by fitting parts together systematically. For the purposes of this code, “construct” shall also include the preparation of a site for building by the clearing of brush and grading of land for roads, driveways, utilities and foundations.

“Contiguous” means the same as “abutting.”

“Cottage Industry” means a small-scale commercial operation conducted at a residence that is more intense than allowed in BMC 17.104, Home Occupations requiring a Conditional Use Permit.

“Council, city” or “common council” means the city council of the city of Brookings, Oregon.

“Courtyard” means an open, unoccupied space of one lot or parcel on which a group of dwelling units face or front.

“Cul-de-sac” means a short street which has one end open to traffic and is terminated by a vehicular turn-around.

Section 3. Adds Subsections 17.16.040 (U), 17.20.040 (T), 17.24.040 (U), 17.32.040 (U) and Section 17.124.220. Subsections 17.16.040 (U), 17.20.040 (T), 17.24.040 (U), 17.32.040 (U) and Section 17.124.220 are added to read as follows:

**Chapter 17.16.040 Suburban Residential (SR) District Conditional Uses**

U. Cottage Industries subject to BMC 17.124.220.

**Chapter 17.20.040 Single-Family Residential (R-1) District Conditional Uses**

T. Cottage Industries subject to BMC 17.124.220.

**Chapter 17.24.040 Two-Family Residential (R-2) District Conditional Uses**

U. Cottage Industries subject to BMC 17.124.220.

**Chapter 17.32.040 Manufactured Home Residential (R-MH) District, Conditional Uses**

U. Cottage Industries subject to BMC 17.124.220.

**Section 17.124.220 Cottage Industry**

A. A person residing in the dwelling shall be engaged in the operations of the cottage industry. The business may employ individuals not residing in the dwelling.

B. The operation of the Cottage Industry shall be conducted between the hours of 8:00 a.m. to 6:00 p.m. and during the normal work week of Monday through Friday, unless otherwise approved by the Planning Commission.

C. Materials and/or mechanical equipment not recognized as being part of the normal residence shall be screened from view of the street and adjacent residential parcels.

D. There shall be no retail sales of products or services not directly produced on the premises.

E. The activity shall not require or involve the use of heavy commercial or industrial vehicles with more than two (2) axles and six (6) tires for delivery of materials to or from the premises.

F. The exterior residential appearance of all structures shall be preserved, and the use is clearly secondary to the use of the dwelling for residential purposes.

G. Additional parking required for the activity shall be provided on the premises pursuant to Chapter 17.92 and the activity shall not require on-street parking. The required two off-street parking spaces for each residential unit shall not be utilized for the cottage industry. The Planning Commission shall determine the appropriate parking requirements for uses not listed in Chapter 17.92.

H. There shall be no emission or odorous, toxic, noxious matter nor any use causing electrical or telecommunication interference, vibration, noise, heat or glare in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.

I. All Cottage Industries shall be evaluated to determine if additional System Development Charges (SDC) are applicable. All additional SDCs shall be paid to the City prior to operation of the Cottage Industry.

J. No more than 50% of the dwelling shall be used for the Cottage Industry. Any accessory structure may be used in conducting the activity. If the property contains a carport or garage it shall not be converted to create a non-conforming residence.

K. Manufacturing, processing, and similar operations shall be conducted entirely within a completely enclosed structure, unless otherwise approved by the Planning Commission.

L. Proof of a current city business license unless exempt shall be provided.

M. All State and Federal laws and regulations must be adhered to and copies of all required permits and licenses shall be provided to the City.

First Reading: January 13, 2014 Passage: January 13, 2014  
Second Reading: January 13, 2014 Effective Date: February 12, 2014

Signed by me in authentication of its passage this 14<sup>th</sup> day of January, 2014

Ron Hedenskog  
Mayor Ron Hedenskog

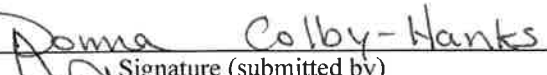
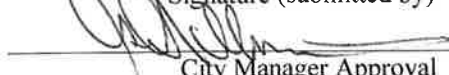
ATTEST:  
Joyce Helington  
City Recorder Joyce Helington

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: January 13, 2014

Originating Dept: PWDS-Planning

  
Signature (submitted by)  
  
City Manager Approval

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Subject: A hearing on File LDC-2-13 for consideration of the addition to Section 17.08.030 "C" Definitions to include Cottage Industry, addition of Section 17.124.220, Cottage Industry, to Chapter 17.124 Specific Standards Applying to Conditional Uses and the addition of Cottage Industries to conditional uses in Section 17.16.040 Suburban Residential (SR), Section 17.20.040 Single-family Residential (R-1), Section 17.24.040 Two-family Residential (R-2), and Section 17.32.040 Manufactured Home Residential (R-MH), Brookings Municipal Code (BMC).

Recommended Motion: A motion to approve amendments to the BMC as provided in File LDC-2-13.

Financial Impact: None.

Background/Discussion: BMC Chapter 17.104, Home Occupation provides for very limited, light commercial activity in dwellings in residential zones. Several criteria (**Attachment A, Chapter 17.104.030**) must be met for a home occupation to receive approval. One of which limits the business activity to only be performed by persons residing in the dwelling. The criteria ensures that the limited business use does not impact the neighborhood. There are no fees for a Home Occupation permit which receives approval from Staff.

The proposed Cottage Industry will provide for more intense commercial uses in residential zones. Applications will be reviewed for compliance with the criteria by the Planning Commission as a Conditional Use Permit. These applications must also meet the criteria in BMC 17.136.050(C), Conditional Use Permit (**Attachment A**). Notice will be mailed to all property owners within 250 feet of the property where the use is proposed as well as being published in the newspaper. This process allows for neighborhood concerns to be addressed while providing options to encourage economic growth.

The Planning Commission conducted a workshop, acting in their role of *Committee for Citizen Involvement*, to review and discuss Cottage Industries on November 5, 2013. Revisions were made to the draft to address their concerns. The Planning Commission held a public hearing on the matter at their December 3, 2013 meeting and recommended approval to City Council without any further revisions.

Policy Considerations: N/A

Attachment(s):

- A. BMC Chapter 17.104 and Section 17.136.050
- B. Final draft BMC Section 17.08.030, Section 17.124.220, Section 17.16.040, Section 17.20.040, Section 17.24.040, and Section 17.32.040.



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

SUBJECT: Land Development Code Amendment  
FILE NO: LDC-2-13  
HEARING DATE: December 3, 2013

REPORT DATE: November 21, 2013  
ITEM NO: 5.4

**GENERAL INFORMATION**

APPLICANT: City Initiated.  
REPRESENTATIVE: City Staff.  
REQUEST: Addition to Section 17.08.030 "C" Definitions to include Cottage Industry, addition of Section 17.124.220 Specific Standards Applying to Conditional Uses, Cottage Industry, and addition of Cottage Industries to conditional uses in Section 17.16.040 Suburban Residential (SR), Section 17.20.040 Single-family Residential (R-1), Section 17.24.040 Two-Family Residential (R-2), and Section 17.32.040 Manufactured Home Residential (R-MH), Brookings Municipal Code (BMC).  
PUBLIC NOTICE: Published in local newspaper.

**BACKGROUND INFORMATION**

BMC Chapter 17.104, Home Occupation provides for very limited, light commercial activity in dwellings in residential zones. Several criteria must be met for a home occupation to receive approval. One of which limits the business activity to only be performed by persons residing in the dwelling. The criteria ensure that the limited business use does not impact the neighborhood. Home occupations are approved by Staff.

The proposed Cottage Industry will provide for more intense commercial uses in the residential zones. Applications will be reviewed for compliance with the criteria by the Planning Commission as a Conditional Use Permit. Notice will be mailed to all property owners within 250 feet of the property where the use is proposed as well as being published in the newspaper. This process allows for neighborhood concerns to be addressed while providing options to encourage economic growth.

The Planning Commission conducted a workshop to review and discuss Cottage Industries on November 5, 2013. Revisions were made to the draft to address their concerns. Site Plan Committee reviewed the proposed Cottage Industry additions and found it 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-2-13, for addition a definition for Cottage Industry, addition of standards for Cottage Industry, and addition of Cottage Industries as a conditional use to the SR, R-1, R-2, and R-MH zones, BMC, to the City Council.

**Chapter 17.104 Home Occupations****17.104.030 Criteria.**

The home occupation proposal must conform to the following criteria:

- A. The activity must be conducted entirely within the dwelling, garage, or accessory structure.
- B. The activity must be conducted only by persons residing in the dwelling.
- C. The outward residential appearance of all buildings must be preserved, and the use is clearly incidental and secondary to the use of the dwelling for residential purposes.
- D. Not more than 50 percent of the floor area of the individual dwelling unit may be utilized for the intended purposes. Any part of a garage or accessory structure may be used provided off-street parking requirements are met.
- E. No merchandising or sale of commodities may be conducted on the premises, except such as is produced by the occupants on the premises.
- F. A sign may be maintained in conjunction with the home occupation activity, provided it is nonlighted, indicates only the name and trade of the property owner, and is no greater than two square feet in area.
- G. The use requires no additional off-street parking spaces.
- H. There shall be no emission of odorous, toxic, noxious matter nor any use causing electrical or telecommunication interference, vibration, noise, heat or glare in such quantities as to be readily detectable at any point along or outside property lines of a home occupation so as to produce a public nuisance or hazard.
- I. Proof of a current business license unless exempt must be provided.

**Chapter 17.136 Conditional Use Permits****17.136.050 Action by the planning commission.**

**C. Findings of Fact.** In order to grant any conditional use, the planning commission must find, based upon factual evidence, provided by the applicant, that:

- 1. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code;
- 2. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;
- 3. The proposed use will have minimal adverse impact upon adjoining properties. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing;
- 4. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area;
- 5. The proposal is in compliance with the comprehensive plan.

Proposed new text is **bold**.

Revisions from Planning Commission Workshop (11-05-13)

Additional new text is **underlined bold**.

Text deleted is ~~underlined strikethrough~~.

17.08.030 "C" Definitions

**"Cottage Industry" means a small-scale commercial venture operation conducted at a residence that is more intense than allowed in BMC 17.104, Home Occupations requiring a Conditional Use Permit. ~~as a home occupation, where the creation of products and services is conducted at a residence.~~**

Chapter 17.16.040 Suburban Residential (SR) District Conditional Uses

**U. Cottage Industries subject to BMC 17.124.220.**

Chapter 17.20.040 Single-Family Residential (R-1) District Conditional Uses

**T. Cottage Industries subject to BMC 17.124.220.**

Chapter 17.24.040 Two-Family Residential (R-2) District Conditional Uses

**U. Cottage Industries subject to BMC 17.124.220.**

Chapter 17.32.040 Manufactured Home Residential (R-MH) District, Conditional Uses

**U. Cottage Industries subject to BMC 17.124.220.**

## 17.124.220 Cottage Industry

- A. ~~The cottage industry must be conducted by the person residing in the dwelling.~~ A person residing in the dwelling shall be engaged in the operations of the cottage industry. The business may employ individuals not residing in the dwelling.
- B. The operation of the Cottage Industry shall be conducted between the hours of 8:00 a.m. to 6:00 p.m. and during the normal work week of Monday through Friday, unless otherwise approved by the Planning Commission.
- C. Materials and/or mechanical equipment not recognized as being part of the normal residence shall be screened from view of the street and adjacent residential parcels.
- D. There shall be no retail sales of products or services not directly produced on the premises.
- E. The activity shall not require or involve the use of heavy commercial or industrial vehicles with more than two (2) axles and six (6) tires for delivery of materials to or from the premises.
- F. The exterior residential appearance of all structures shall be preserved, and the use is clearly secondary to the use of the dwelling for residential purposes.
- G. Additional parking required for the activity shall be provided on the premises pursuant to Chapter 17.92 and the activity shall not require on-street parking. The required two off-street parking spaces for each residential unit shall not be utilized for the cottage industry. The Planning Commission shall determine the appropriate parking requirements for uses not listed in Chapter 17.92.
- H. There shall be no emission or odorous, toxic, noxious matter nor any use causing electrical or telecommunication interference, vibration, noise, heat or glare in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.

- I. All Cottage Industries shall be evaluated to determine if additional System Development Charges (SDC) are applicable. All additional SDCs shall be paid to the City prior to operation of the Cottage Industry.
- J. No more than 50% of the dwelling shall be used for the Cottage Industry. Any accessory structure may be used in conducting the activity. If the property contains a carport or garage it shall not be converted to create a non-conforming residence.
- K. Manufacturing, processing, and similar operations shall be conducted entirely within a completely enclosed structure, unless otherwise approved by the Planning Commission.
- L. Proof of a current city business license unless exempt shall be provided.
- M. All State and Federal laws and regulations must be adhered to and copies of all required permits and licenses shall be provided to the City.