



Oregon

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

Date: 11/14/2014

Jurisdiction: City of Brookings

Local file no.: LDC-3-14

DLCD file no.: 007-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/13/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 42 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

FOR DLCD USE
File No.: 007-14 {22439}
Received: 11/13/2014

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-3-14**

Date of adoption: 11/10/2014 Date sent: 11/13/2014

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): 08/26/2014

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:

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

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:

Brookings Municipal Code Chapter 17.168.050, Public Facilities Improvement Standards and Criteria for Utilities

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):

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

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.

The revision clarifies under what circumstances service laterals (water & sewer) must be installed when new lots or parcels are being created. Findings in the form of staff reports are attached.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 14-O-741**

IN THE MATTER OF ORDINANCE 14-O-741, AN ORDINANCE AMENDING SECTION 17.168.050 OF CHAPTER 17.168, PUBLIC FACILITIES IMPROVEMENT STANDARDS AND CRITERIA FOR UTILITIES, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Section 17.168.050.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.168.050 of Chapter 17.168 Public Facilities Improvement Standards and Criteria for Utilities of the Brookings Municipal Code.

Section 2. Amends Section 17.168.050. Section 17.168.050 is amended to read as follows:

17.168.050 Service extension.

A. Main 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 provisions of the city's current edition of the Infrastructure Development Guidelines.

B. Lateral extension. Laterals must be stubbed out to the property lines of any proposed new lots or parcels when mains are extended or street improvements are required and installed. The applicant may request an exemption from this requirement by providing Site Plan Committee with documentation of extraordinary circumstances.

First Reading: November 10, 2014 Passage: November 10, 2014
Second Reading: November 10, 2014 Effective Date: December 10, 2014
Signed by me in authentication of its passage this 12th, day of November, 2014

Ron Hedenskog
Mayor Ron Hedenskog

ATTEST:
Joyce Heffington
City Recorder Joyce Heffington

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: November 10, 2014

UP Donna Colby-Hanks
Signature (submitted by)
[Signature]
City Manager Approval

Originating Dept: PWDS-Planning

Subject: A hearing on File LDC-3-14 for consideration of revisions to Chapter 17.168 Public Facilities Improvement Standards and Criteria for Utilities, Brookings Municipal Code (BMC) to clarify under what circumstances service laterals must be installed.

Recommended Motion: A motion to approve revisions to Chapter 17.168 to clarify under what circumstances service laterals must be installed.

Financial Impact: None.

Background/Discussion: For many years water and sewer laterals were required to be stubbed out to property lines by developers as a condition of approval for new lots created in partitions or subdivisions. Recently it came to the attention of Staff that the provisions for lateral requirements were no longer in the BMC having been inadvertently removed during other code revisions.

Site Plan Committee discussed the matter and concluded that laterals should be installed when water or sewer mains are extended or street improvements are required and installed. Extension of mains and street improvements require construction work in the street. In these instances, laterals could be installed at the same time without further impact to the street or disruption of the neighborhood. However, if no other street construction were needed, street cuts would still be needed to install the laterals. These laterals would remain unused until the lots developed. There is the potential for the stub out to be utilized for camping on vacant properties which is prohibited by the BMC.

The Planning Commission considered these revisions at their October 5, 2014 meeting and unanimously recommended approval.

Following this report is the draft version of the revisions to Section 17.168.050 as **Attachment A**.

Policy Considerations: N/A

Attachment(s): A. Draft text of Section 17.168.050

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment REPORT DATE: September 26, 2014
FILE NO: LDC-3-14 ITEM NO: 5.2
HEARING DATE: October 7, 2014

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.168 Public Facilities Improvement Standards and Criteria for Utilities to clarify under what circumstances service laterals must be installed, Brookings Municipal Code (BMC).

PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

For many years water and sewer laterals were required to be stubbed out to property lines as a condition of approval for new lots created in partitions or subdivisions. Recently it came to the attention of Staff that the provisions for lateral requirements were no longer in the BMC having been inadvertently removed during other code revisions.

Site Plan Committee discussed the matter and concluded that laterals should be installed when water or sewer mains are extended or street improvements are required and installed. Extension of mains and street improvements require construction work in the street. In these instances, laterals could be installed at the same time without further impact to the street or disruption of the neighborhood. However, if no other street construction were needed, street cuts would still be needed to install the laterals. These laterals would remain unused until the lots developed. Sewer laterals stubbed out to the property can also encourage camping on vacant property which is prohibited by the code.

Following this report is the draft version of the addition of Section 17.168.050(B) as **Attachment A**.

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-3-14, revisions to clarify under what circumstances service lateral must be installed in Section 17.168.050(B) Public Facilities Improvement Standards and Criteria, BMC, to the City Council.

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

Proposed new text is **bold**.

Chapter 17.168
PUBLIC FACILITIES IMPROVEMENT STANDARDS
AND CRITERIA FOR UTILITIES

17.168.050 Service extension.

A. Main 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 provisions of the city's current edition of the Infrastructure Development Guidelines.

B. Lateral extension. Laterals must be stubbed out to the property lines of any proposed new lots or parcels when mains are extended or street improvements are required and installed. The applicant may request an exemption from this requirement by providing Site Plan Committee with documentation of extraordinary circumstances.