



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



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

Date: October 2, 2015
Jurisdiction: City of Brookings
Local file no.: LDC-4-15
DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/30/2015. 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 less than 35 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.: 003-15
{ 24068 }
Received: 9/30/2015

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-4-15**

Date of adoption: 09/28/2015

Date sent: 9/30/2015

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:

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:

Brookings Municipal Code Chapter 17.88.040(R) Signs

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: DLCD, 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.

The revision adds an opportunity for business owners to have an option to display a flag with text or a sandwich board sign.



CERTIFICATION OF DOCUMENT MAILING

I, Donna Colby-Hanks, do hereby certify that the following document(s) were correctly addressed to the persons entitled to receive them and were placed in the United States Postal Service outgoing mail on this date: September 30, 2015

DOCUMENT DESCRIPTION: LDC-4-15 final decision..Notice of Adoption–additional opportunities for flags

Signed: Donna Colby-Hanks
Title: Planning Manager

Mailed to: Laurie Brand
P.O. Box 1554
Gold Beach, OR 97444

Gordan Clay
P.O. Box 12
Brookings, OR 97415

Emailed: Dave Perry, DLCD
dave.perry@state.or.us

Chris Hunter, ODOT
chris.hunter@odot.state.or.us

Plan Amendment Specialist
plan.amendments@state.or.us

CITY OF BROOKINGS



September 30, 2015

RE: In the matter of File No. **LDC-4-15**, an amendment to Chapter 17.88-Sign Regulations, of the Brookings Municipal Code; City Initiated. The criteria used to decide this case is found in Chapter 17.140-Amendments, of the B.M.C.

Dear Interested Party,

At the City Council meeting of September 28, 2015, the Council approved File No. **LDC-4-15**; Ordinance 15-O-747 was adopted and goes into effect October 28, 2015.

Please be advised that the decision of the City Council may be appealed to the State Land Use Board of Appeals (LUBA) within 21 days after the signing, pursuant to Oregon Administrative Rules, Chapter 661. For procedural questions you may reach LUBA at (503) 373-1265. If there are other questions, please contact the City of Brookings Planning office at 469-1137.

Sincerely,

Donna Colby-Hanks

Donna Colby-Hanks
Planning Manager

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 15-O-747**

IN THE MATTER OF ORDINANCE 15-O-747, AN ORDINANCE AMENDING SECTION 17.88.040(R) OF CHAPTER 17.88, SIGNS, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Section 17.88.040(R).

The City of Brookings ordains as follows:

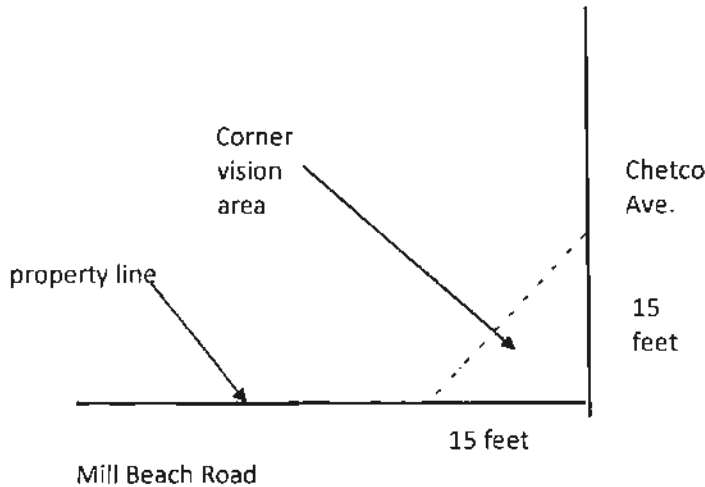
Section 1. Ordinance Identified. This ordinance amends Section 17.88.040(R) of Chapter 17.88 Signs, Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Amends Section 17.88.040(R). Section 17.88.040(R) is amended to read as follows:

17.88.040(R). Sandwich Board Signs and flags with or without text. Sandwich board signs and flags with or without text may be displayed in commercial zones on private property, or within city rights-of-way, or in rights-of-way under the city's jurisdiction. Only one sandwich board sign or flag shall be permitted for each business provided the following conditions are met:

1. Sandwich Board Sign.
 - a. The sign shall not exceed two feet in width and four feet in height. Any sign placed within the 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 15 feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.
 - b. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
 - c. 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.
 - d. Signs shall be displayed only at such times as the business they are intended to identify is open for business.
2. Flag with or without text. This is in addition to decorative flags provided for in BMC 17.92.040(M).
 - a. The flag shall not exceed 30 inches in width and eight (8) feet in height.
 - b. The flag shall be securely installed to prevent toppling by wind.

- c. Placement of the flag, when it is unfurled, must leave at least 36 inches of continuous, unobstructed sidewalk area to provide accessibility of pedestrians, not be placed in parking spaces or parking areas, be located outside of vehicular travel lanes and not encroach into bicycle lanes.
- d. Flags shall be displayed only at such times as the business they are intended to identify is open for business.
- e. Flags shall not utilize the holes located in the rights-of-way when the American Flags are being displayed for holidays and events.
- f. Any flag with or without text placed within a corner vision area of a commercial driveway described and shown in BMC 17.92.100(E) or located at the intersection of streets (diagram below) 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 15 feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.



First Reading: September 28, 2015

Passage: September 28, 2015

Second Reading: September 28, 2015

Effective Date: October 28, 2015

Signed by me in authentication of its passage this

30th, day of September, 2015

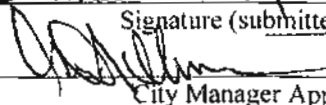
Ron Hedenskog
Mayor Ron Hedenskog

ATTEST:
Joyce Heffington
City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: August 24, 2015

Donna Colby-Hanks *DC*
Signature (submitted by) →

City Manager Approval

Originating Dept: PWDS-Planning

Subject: A hearing on File LDC-4-15 for consideration of revisions to Chapter 17.88 Signs, Brookings Municipal Code (BMC) to add an opportunity for business owners to display a flag with or without text as an option to displaying a sandwich board sign.

Recommended Motion: A motion to approve revisions proposed by LDC-4-15 to add provisions for business owners to display a flag with or without text and direct staff to prepare the adopting ordinance.

Financial Impact: None.

Background/Discussion: City Council reviewed Chapter 17.88 Signs at their February 23, 2015 City Council meeting and received public comment at their April 6, 2015 Workshop. The Council considered the matter further at their May 11, 2015 City Council meeting and directed staff to draft revisions to provide an opportunity for business owners to display flags with text. Currently flags with text are not allowed.

The purpose of Chapter 17.88 is to meet the advertising needs of businesses while minimizing safety impacts and sign clutter. Signs need to convey to potential customers in a few seconds what services or products are available. Studies have found that businesses or business districts that provide too much information actually repel prospective customers.

Currently Chapter 17.88.040(R) allows each business owner to display a sandwich board sign. A permit is not required but the signs must comply with several size and location criteria for safety reasons. The proposed revisions provide each business owner to have the option between a sandwich board sign or a flag with or without text. This flag would be in addition to the decorative flags allowed in Chapter 17.88.040(M). The option is intended to provide business owners more flexibility in determining the advertising that best suits their needs while limiting sign clutter.

Chris Hunter, Oregon Department of Transportation (ODOT), submitted an email for the Planning Commission's consideration. Hunter expressed concern that the proposed revisions do not make it clear to business owners that these provisions would not apply to Chetco Avenue which is ODOT right-of-way. ODOT advised that flags with or without text are considered signs, are not allowed in ODOT right-of-way and are subject to ODOT enforcement action.

Policy Considerations: Current policy allows sandwich board signs to be sited in Chetco Avenue right-of-way without City enforcement action. This same policy would need to extend to the proposed flags for them to be sited along Chetco Avenue. ODOT has stated their policy is to enforce their regulations in this matter "if it becomes a problem".

Attachment(s):

- A. Draft text of Chapter 17.88.040 Exempt signs
- B. Chris Hunter, ODOT, email

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-4-15
HEARING DATE: July 7, 2015

REPORT DATE: June 24, 2015
ITEM NO: 6.4

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.88.040 Exempt signs to add provisions for business owners to have the option to display a sandwich board sign or a flag with or without text, Brookings Municipal Code (BMC).

PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

City Council reviewed Chapter 17.88 Signs at their February 23, 2015 City Council meeting and received public comment at their April 6, 2015 Workshop. The Council considered the matter further at their May 11, 2015 City Council meeting and directed staff to draft revisions to provide an opportunity for business owners to display flags with text. Currently flags with text are not allowed.

The purpose of Chapter 17.88 is to meet the advertising needs of businesses while minimizing safety impacts and sign clutter. Signs need to convey to potential customers in a few seconds what services or products are available. Studies have found that businesses or business districts that provide too much information actually repel prospective customers.

Currently Chapter 17.88.040(R) allows each business owner to display a sandwich board sign. A permit is not required but the signs must comply with several size and location criteria for safety reasons. The proposed revisions provide each business owner to have the option between a sandwich board sign or a flag with or without text. This flag is in addition to the decorative flags allowed in Chapter 17.88.040(M). The option is intended to provide business owners more flexibility in determining the advertising that best suits their needs while limiting sign clutter.

Site Plan Committee reviewed the proposed revisions to add provisions for business owners to display flags with text 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-4-15, revisions to BMC Chapter 17.88.040 (R) Exempt signs to add provisions for business owners to have options to display a flag with text.

Proposed new text is **bold**.
Text to be deleted ~~-stricken~~.

Chapter 17.88 SIGN REGULATIONS

Sections:

17.88.010 Purpose.

17.88.040 Exempt signs.

R. Sandwich Board Signs **and flags with or without text**. Sandwich board signs **and flags with or without text** 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. **Only one sandwich board sign or flag shall be permitted for each business** provided the following conditions are met:

Sandwich Board Sign.

1. ~~Only one such sign shall be permitted for each business and~~ **The sign** shall not exceed two feet in width and four feet in height. Any sign placed within the 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 15 feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.
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.
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 15 feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.~~
(relocated to #1.)

Flag with or without text. This is in addition to decorative flags provided for in BMC 17.92.040(M).

1. The flag shall not exceed 30 inches in width and eight (8) feet in height.
2. The flag shall be securely installed to prevent toppling by wind.
3. Placement of the flag, when it is unfurled, must leave at least 36 inches of continuous, unobstructed sidewalk area to provide accessibility of pedestrians, not be placed in parking spaces or parking areas, be located outside of vehicular travel lanes and not encroach into bicycle lanes.
4. Flags shall be displayed only at such times as the business they are intended to identify is open for business.
5. Flags shall not utilize the holes located in the rights-of-way when the American Flags are being displayed for holidays and events.
6. Any flag with or without text placed within a corner vision area of a commercial driveway described and shown in BMC 17.92.100(E) or located at the intersection of streets (diagram below) 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 15 feet. The third side of the triangle is a line across the corner joining the nonintersecting ends of the other two sides.

