



Oregon

Theodore R. Kulongoski, 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

07/02/2009

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 014-09

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: Wednesday, July 15, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Dianne Morris, City of Brookings
Gloria Gardiner, DLCD Urban Planning Specialist

<paa>

Notice of Adoption

In person electronic mailed

DEPT OF

JUN 25 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: City of Brookings

Local file number: LDC-8-09

Date of Adoption: 6/22/2009

Date Mailed: 6/24/2009

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? No Date: 6/24/2009

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 Land Development Code Chapter 17.08, Definitions

Does the Adoption differ from proposal? Yes, Please explain below:

N/A

Plan Map Changed from:

to:

Zone Map Changed from:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-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

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

None.

Local Contact: **Dianne Morris**

Phone: (541) 469-1138 Extension:

Address: **898 Elk Dr.**

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

City: **Brookings**

Zip: **97415-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

ORDINANCE NO. 09-O-638

IN THE MATTER OF ORDINANCE 09-O-638, AN ORDINANCE AMENDING SECTION 17.08.120, L TERMS, AND SECTION 17.08.160, P TERMS, OF CHAPTER 17.08, DEFINITIONS, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Sections 17.08.120 and 17.08.160.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.08.120, L Terms, and Section 17.08.160, P Terms, of Chapter 17.08, Definitions, Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amends Sections 17.08. Sections 17.08.120 and 17.08.160 are amended to read as follows:

Chapter 17.08

DEFINITIONS

17.08.120 L Terms.

"Livestock" means any domestic farm animal kept for sale, or use. Keeping of livestock within the City requires a conditional use permit

17.08.160 P Terms.

"Pets" means dogs, cats, rabbits, domesticated miniature species, or ten (10) or less poultry. Pets are allowed as an accessory permitted use in any zone.

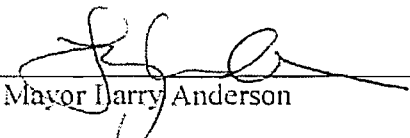
First Reading: June 22, 2009

Second Reading: June 22, 2009

Passage: June 22, 2009

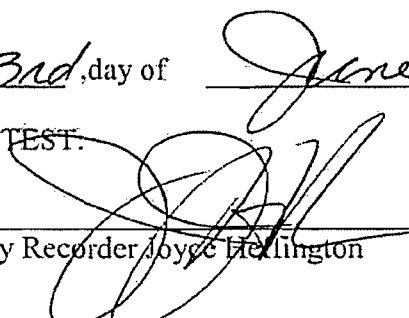
Effective Date: July 22, 2009

Signed by me in authentication of its passage this 23rd day of June, 2009



Mayor Harry Anderson

ATTEST:



City Recorder Joyce Hellington

Chapter 17.08

DEFINITIONS

Draft 5-6-09

Text to be added is *bold and italicized*.

Text to be omitted has ~~strikethrough~~.

17.08.120 L Terms.

"Livestock" means any domestic farm animal kept for sale, *or use. Keeping of livestock within the City requires a conditional use permit,* ~~or as a pet but not including dogs, cats, or poultry, rabbits, or domesticated miniature species.~~

17.08.160 P Terms.

"Pets" means *dogs, cats, rabbits, domesticated miniature species, or ten (10) or less poultry. Pets are allowed as an accessory permitted use in any zone.*

FINDINGS

CITY OF BROOKINGS PLANNING COMMISSION STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-8-09
HEARING DATE: May 5, 2009

REPORT DATE: April 24, 2009
ITEM NO: 7.4

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.08 Definitions, Brookings Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

A citizen appeared before the Planning Commission and requested the BMC be revised to allow some additional animals be included as domestic pets. After much discussion, the City's Land Development Code (LDC) Committee and Staff felt that altering the existing definition of "livestock" would be the best way to proceed. This revision would allow some additional typical domestic pets. Any problems that may arise due to noise, odor, etc. could be dealt with by Chapter 8.15 Nuisances, BMC.

Following this report is the draft version of Chapter 17.08, "Livestock", BMC (Attachment A).

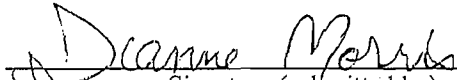
RECOMMENDATION

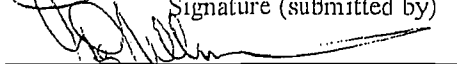
After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-8-09, Chapter 17.08, Definitions, BMC, to the City Council.

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: June 22, 2009

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: A hearing on File LDC-8-09 for consideration and possible adoption of revisions to Chapter 17.08.120 and 17.08.160, Definitions, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17. 08.120 and 17.08.160, Definitions, BMC.

Financial Impact: None

Background/Discussion: A citizen appeared before the Planning Commission and requested the BMC be revised to allow some additional animals be included as domestic pets. After much discussion, the City's Land Development Code (LDC) Committee and Staff felt that altering the existing definition of "livestock" would be the best way to proceed. This revision would allow some additional typical domestic pets. Any problems that may arise due to noise, odor, etc. could be dealt with by Chapter 8.15 Nuisances, BMC.

The Planning Commission reviewed the proposed revisions and recommended approval to the City Council.

Following this report is the draft version of Chapter 17.08.120 and 17.08.160, Definitions (Attachment A).

Policy Considerations: N/A

Attachment(s): Draft version of Chapter 17. 08.120 and 17.08.160, Definitions, BMC