



# 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

11/10/2010

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 010-10

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, November 26, 2010

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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: Dianne Morris, City of Brookings  
Gloria Gardiner, DLCD Urban Planning Specialist  
Dave Perry, DLCD Regional Representative

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# Notice of Adoption

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

In person  electronic  mailed

DATE STAMP

**DEPT OF**  
**NOV 05 2010**  
**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Brookings**

Local file number: **LDC-18-09**

Date of Adoption: **1/25/2010**

Date Mailed: **1/27/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date: 9/6/2009

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 Chapters 17.16 (SR), 17.20 (R-1), 17.24 (R-2), 17.28 (R-3) of the Brookings Municipal Code

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **N/A**

Location: **n/a**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

DLCD file No. 010-10 (18603) [16391]



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

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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**

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## **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 10-O-655**

**AN ORDINANCE AMENDING SECTIONS 17.16.110 (B), 17.20.100 (B), 17.24.100 (B), AND 17.28.100 (B), MANUFACTURED HOUSING SITING REQUIREMENTS, OF TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.**

**Sections:**

Section 1. Ordinance identified.

Section 2. Amends Sections 17.16.110(B), 17.20.100 (B), 17.24.100 (B), and 17.28.100 (B).

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Sections 17.16.110(B), 17.20.100 (B), 17.24.100 (B), and 17.28.100 (B), Manufactured housing siting requirements, of Title 17, Land Development Code, Brookings Municipal Code.

Section 2. Amends Sections 17.16.110 (B), 17.20.100 (B), 17.24.100 (B), and 17.28.100 (B): Amendments to Sections 17.16.110(B), 17.20.100 (B), 17.24.100 (B), and 17.28.100 (B) are as follows:

**Chapter 17.16  
SUBURBAN RESIDENTIAL (SR) DISTRICT**

**17.16.110 Manufactured housing siting requirements.**

B. The manufactured home shall be placed on a foundation that complies with the State of Oregon Manufactured Dwelling and Parks Specialty Code, Section 3-8.3 and skirted with masonry block or poured concrete.

**Chapter 17.20  
SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT**

**17.20.100 Manufactured housing siting requirements.**

B. The manufactured home shall be placed on a foundation that complies with the State of Oregon Manufactured Dwelling and Parks Specialty Code, Section 3-8.3 and skirted with masonry block or poured concrete.

**Chapter 17.24  
TWO-FAMILY RESIDENTIAL (R-2) DISTRICT**

**17.24.100 Manufactured housing siting requirements.**

B. The manufactured home shall be placed on a foundation that complies with the State of Oregon Manufactured Dwelling and Parks Specialty Code, Section 3-8.3 and skirted with masonry block or poured concrete.

**Chapter 17.28  
MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT**

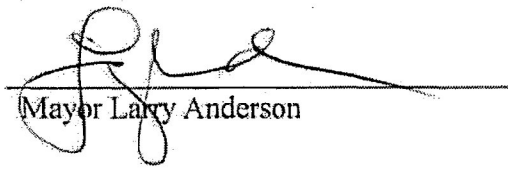
**17.28.100 Manufactured housing siting requirements.**

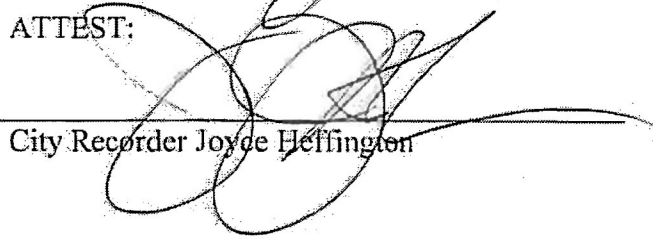
B. The manufactured home shall be placed on a foundation that complies with the State of Oregon Manufactured Dwelling and Parks Specialty Code, Section 3-8.3 and skirted with masonry block or poured concrete.

First Reading: January 25, 2010  
Second Reading: January 25, 2010  
Passage: January 25, 2010  
Effective Date: February 24, 2010

Signed by me in authentication of its passage this

27<sup>th</sup> day of January, 2010

  
\_\_\_\_\_  
Mayor Larry Anderson

ATTEST:  
  
\_\_\_\_\_  
City Recorder Joyce Heffington

FINDINGS

GAVE TO  
GARY  
1-12-10

# CITY OF BROOKINGS COUNCIL AGENDA REPORT

Meeting Date: January 25, 2010

Dianne Monds  
Signature (submitted by)

Originating Dept: Planning

\_\_\_\_\_  
City Manager Approval

**Subject:** A hearing on File LDC-18-09 for consideration and possible adoption of revisions to Chapter 17.16, Suburban Residential (SR) District; Chapter 17.20, Single-Family Residential (R-1) District; Chapter 17.24, Two-Family Residential (R-2) District; Chapter 17.28, Multiple-Family Residential (R-3) District, Brookings Municipal Code (BMC).

**Recommended Motion:** Motion approving revisions to manufactured dwellings siting standards as found in Chapter 17.16, Suburban Residential (SR) District; Chapter 17.20, Single-Family Residential (R-1) District; Chapter 17.24, Two-Family Residential (R-2) District; Chapter 17.28, Multiple-Family Residential (R-3) District, BMC, as recommended by the Planning Commission.

**Financial Impact:** None

**Background/Discussion:** The Land Development Code (LDC) Committee reviewed the manufactured dwellings siting standards that are found in Chapter 17.16, Suburban Residential (SR) District; Chapter 17.20, Single-Family Residential (R-1) District; Chapter 17.24, Two-Family Residential (R-2) District; Chapter 17.28, Multiple-Family Residential. The City's Building Official requested the proposed revision explaining that the manufactured dwelling requirements add unnecessary expense to property owners. Compliance with the requirements can also result in bringing backfill material closer to the ventilation openings than is advisable. Backfilling as required presently for manufactured dwellings is not required for stick-built dwellings. As proposed, the Planning Commission expressed concerns with the term "permanent foundation" and requested Staff revise the language to more clearly explain what would be required. With the assistance of the Building Official, additional revisions were made to address the Planning Commissioner's concerns. The standard would result in creating manufactured dwelling siting requirements visually similar to stick-built dwelling while eliminating the needless expense.

**Policy Considerations:** N/A

**Attachment(s):** Draft version of manufactured dwelling siting standards as found in Chapter 17.16, Suburban Residential (SR) District; Chapter 17.20, Single-Family Residential (R-1) District; Chapter 17.24, Two-Family Residential (R-2) District; Chapter 17.28, Multiple-Family Residential (R-3) District, Brookings Municipal Code (BMC).

Chapter 17.16  
SUBURBAN RESIDENTIAL (SR) DISTRICT

**17.16.110 Manufactured housing siting requirements.**

B. The manufactured home shall be placed on an ~~excavated and backfilled~~ foundation and shall be enclosed at the perimeter such that the manufactured home is located so that no more than 12 inches of the enclosing material is exposed above grade. Where the manufactured home is placed upon a building site having a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 12-inch limitation will not apply. ***a permanent foundation that complies with the State of Oregon Manufactured Dwelling and Parks Specialty Code, Section 3-8.3 and skirted with masonry block or poured concrete.***

Chapter 17.20  
SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

**17.20.100 Manufactured housing siting requirements.**

B. The manufactured home shall be placed on an ~~excavated and backfilled~~ foundation and shall be enclosed at the perimeter such that the manufactured home is located so that no more than 12 inches of the enclosing material is exposed above grade. Where the manufactured home is placed upon a building site having a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 12-inch limitation will not apply. ***a permanent foundation that complies with the State of Oregon Manufactured Dwelling and Parks Specialty Code, Section 3-8.3 and skirted with masonry block or poured concrete.***

Chapter 17.24  
TWO-FAMILY RESIDENTIAL (R-2) DISTRICT

**17.24.100 Manufactured housing siting requirements.**

B. The manufactured home shall be placed on an ~~excavated and backfilled~~ foundation and shall be enclosed at the perimeter such that the manufactured home is located so that no more than 12 inches of the enclosing material is exposed above grade. Where the manufactured home is placed upon a building site having a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 12-inch limitation will not apply. ***a permanent foundation that complies with the State of Oregon Manufactured Dwelling and Parks Specialty Code, Section 3-8.3 and skirted with masonry block or poured concrete.***

Chapter 17.28  
MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT

**17.28.100 Manufactured housing siting requirements.**

B. The manufactured home shall be placed on an excavated and backfilled foundation and shall be enclosed at the perimeter such that the manufactured home is located so that no more than 12 inches of the enclosing material is exposed above grade. Where the manufactured home is placed upon a building site having a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 12-inch limitation will not apply. ***a permanent foundation that complies with the State of Oregon Manufactured Dwelling and Parks Specialty Code, Section 3-8.3 and skirted with masonry block or poured concrete.***



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

SUBJECT: Land Development Code Amendment  
FILE NO: LDC-19-09  
HEARING DATE: January 5, 2010

REPORT DATE: Dec. 23, 2009  
ITEM NO: 7.3

**GENERAL INFORMATION**

APPLICANT: City Initiated.  
REPRESENTATIVE: City Staff.  
REQUEST: Revisions to Chapter 17.36, Professional Office (PO-1) District,  
Brookings Municipal Code (BMC).  
PUBLIC NOTICE: Published in local newspaper.

**BACKGROUND INFORMATION**

The Land Development Code (LDC) Committee reviewed Chapter 17.36. Several items needed clarification. Some new uses were considered appropriate and added. Revisions in keeping with those made in other similar commercial zones were added.

Some of the more significant revisions are as follows:

- 17.36.010, Purpose. This revision was to provide better clarity as to the purpose of the zone.
- 17.36.020, Permitted Uses. Dwelling units, not on the ground floor, are also allowed in the General Commercial (C-3) zone, a more intense commercial zone. Due to the PO-1 zone having a more residential character, given the required setbacks and limited retail uses, it seems appropriate in this zone as well.
- 17.36.060, Lot Width, Lot Coverage and Yard Requirements. The limitation on maximum lot coverage was removed. Unlike more intense commercial zones, the PO-1 zone has setback requirements. Given the setbacks and area needed for off-street parking area, it was felt the lot coverage maximum was not needed.

Following this report is the draft version of Chapter 17.36 (Attachment A).

**RECOMMENDATION**

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-19-08, Chapter 17.36, Professional Office (PO-1) District, BMC, to the City Council.

**Chapter 17.36  
PROFESSIONAL OFFICE (PO-1) DISTRICT**

**Draft Dec. 2, 2009**

Text to be added is ***bold and italicized***.

Text to be omitted has strikethrough.

Sections:

<u>17.36.010</u>	Purpose.
<u>17.36.020</u>	Permitted uses.
<u>17.36.030</u>	Accessory uses.
<u>17.36.040</u>	Conditional uses.
<u>17.36.050</u>	Minimum lot area.
<u>17.36.060</u>	Lot width, lot coverage and yard requirements.
<u>17.36.070</u>	Maximum building height.
<u>17.36.080</u>	Signs.
<u>17.36.090</u>	Parking.
<u>17.36.100</u>	Other required conditions.

**17.36.010 Purpose.**

~~This district is intended to provide an environment suitable for professional and office business uses in locations to provide a transitional use area between residential areas and less restrictive districts. The uses included in this district are intended to enhance the function of this district in transitional areas and to encourage this transition in a more residential character.~~ ***This district is for the purpose of providing professional and business office uses in areas between residential and more intense commercial districts. This is considered a transition area and development in this district will be residential in character. Only ancillary retail sales are allowed in this district.***  
[Ord. 89-O-446 § 1.]

**17.36.020 Permitted uses.**

- 1. Dwelling units, not on a ground floor.**
- 2. Professional and business office uses, such as *but not limited to*:**
  - A. Architect or designer;
  - B. Accountant;
  - C. Attorney;
  - D. Computer **services** operator;
  - E. Day care, nursery schools and kindergartens, subject to the provisions of BMC

17.124.010;

- F. Dentist;
- G. Engineer;
- H. Insurance agent or adjustor;
- I. Investment or management counselor;

- J. Medical and dental offices, clinics and laboratories;
- K. Nursing and convalescent homes;
- L. Photographic studio, excluding retail sales of cameras, equipment, film or supplies;
- ~~M. Physician or other practitioner of the healing arts;~~
- ~~N~~ **M.** Real estate office;
- ~~O~~ **N.** Surveyor;
- ~~P~~ **O.** Title and escrow offices;
- ~~Q~~ **P.** Travel agencies;
- ~~R~~ **Q.** Wholesale lumber broker **office.** ;[Ord. 89-O-446 § 1.]
- R. Bank or financial institute.**

#### 17.36.030 Accessory uses.

The following accessory uses are permitted:

- A. Offices incidental and necessary to the conduct of a permitted use;
- ~~B. Off-street parking lots when appurtenant to a permitted use, subject to the provisions of Chapter 17.92 BMC;~~
- ~~C~~ **B.** Home occupations, subject to the provisions of Chapter 17.104 BMC;
- ~~D~~ **C.** Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use. [Ord. 89-O-446 § 1.]

#### 17.36.040 Conditional uses.

The following conditional uses may be permitted subject to a conditional use permit:

- A. Recreation uses and facilities, including country clubs, golf courses, swimming clubs, but not including such intensive commercial recreation uses as a golf driving range, race track or amusement park;
- B. Churches, subject to BMC 17.124.100;
- ~~C. Off-street parking lots when contiguous to a less restrictive zoning district, subject to the provisions of Chapter 17.92 BMC;~~
- D. Hospitals, subject to BMC 17.124.100;
- E. Public, **and** private and parochial schools, but not including a business, dance **ing**, trade, technical or similar school, subject to BMC 17.124.0110;
- F. Governmental structures or uses including parks and recreation facilities, fire stations, libraries, museums, but not including storage or repair yards, warehouses or similar uses;
- ~~G. Cemeteries, mausoleums, crematories, columbariums and mortuaries within cemeteries; provided, that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot in a residential district, **Mortuaries and crematories in conjunction with a mortuary and** subject to BMC 17.124.090;~~
- H. Public and quasi-public halls, lodges and clubs, subject to BMC 17.124.120;
- I. Planned unit developments **Community**, subject to provisions of Chapter 17.116 BMC;
- J. Utility substations or pumping stations with no equipment storage, **subject to BMC 17.124.030;**
- K. Signs appurtenant to any conditional use and which do not comply with BMC 17.36.080. [Ord. 89-O-446 § 1.]



**17.36.050 Minimum lot area.**

The minimum lot area shall be 6,000 square feet. [Ord. 89-O-446 § 1.]

**17.36.060 Lot width, lot coverage and yard requirements.**

A. The minimum lot width shall be at least 60 feet.

B. The minimum front yard shall be 10 feet.

C. The minimum side and rear yard shall be at least five feet except that the street side yard shall be a minimum of 10 feet. The side or rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

~~D. The maximum lot coverage by buildings and structures shall not exceed 45 percent of the total lot area.~~

**17.36.070 Maximum building height.**

Maximum building height shall be 40 feet, except as provided in BMC 17.128.030. [Ord. 98-O-446.DD § 8; Ord. 89-O-446 § 1.]

**17.36.080 Signs.**

Signs shall be permitted in accordance with Chapter 17.88 BMC. [Ord. 89-O-446 § 1.]

**17.36.090 Parking.**

Off-street parking shall be provided in accordance with Chapter 17.92 BMC. [Ord. 89-O-446 § 1.]

**17.36.100 Other required conditions.**

A. Site plan approval required as provided in Chapter 17.80 BMC.

B. All business shall be conducted from a structure placed on a permanent foundation unless specifically exempted by the provisions of this or other city ordinances. [Ord. 00-O-446.JJ § 2; Ord. 89-O-446 § 1.]

***C. Prior to any development activity on the property, the applicant must comply with BMC 17.100.030, General mitigation.***

***D. Provide for the improvement of an existing dedicated alleyway which is intended to be used for egress and ingress, or backup space of off-street parking for the development.***

***E. Screen from view all roof-, wall-, or ground-mounted mechanical equipment and devices, in addition to propane tanks.***

***F. Refuse receptacles or dumpsters shall be appropriately positioned, colored or screened to minimize visibility to vehicular traffic or pedestrians.***

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**CITY OF BROOKINGS**

898 Elk Drive

Brookings, OR 97415

Ph: (541) 469-2163 Fax: (541) 469-3650

**TO:**

Plan Amendment Specialist

DLCD

635 Capitol St. NE, Suite 150

Salem, OR 97301-2540

DEPT OF

NOV 05 2010

LAND CONSERVATION  
AND DEVELOPMENT