



# 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

01/18/2012

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 001-12

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, February 01, 2012

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.

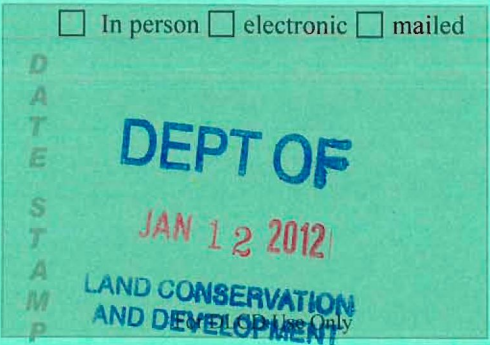
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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: Donna Colby Hanks, City of Brookings  
Angela Lazarean, DLCD Urban Planner  
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

Jurisdiction: **City of Brookings**

Local file number: **LDC-2-11**

Date of Adoption: **1/9/2012**

Date Mailed: **1/11/2012**

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

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 Chapter 17.92, Off-street Parking and Loading regulations, corner vision

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

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved:

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

New:

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. 001-12 (191135) [16892]



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

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Local Contact: **Donna Colby-Hanks**

Phone: (541) 469-1137 Extension:

Address: **898 Elk Dr.**

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

City: **Brookings**

Zip: **97415-**

E-mail Address: **dcolbyhanks@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 12-O-689**

IN THE MATTER OF ORDINANCE 12-O-689, AN ORDINANCE AMENDING SUBSECTION E, VISION CLEARANCE OF SECTION 17.92.100, DEVELOPMENT AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING AREAS, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

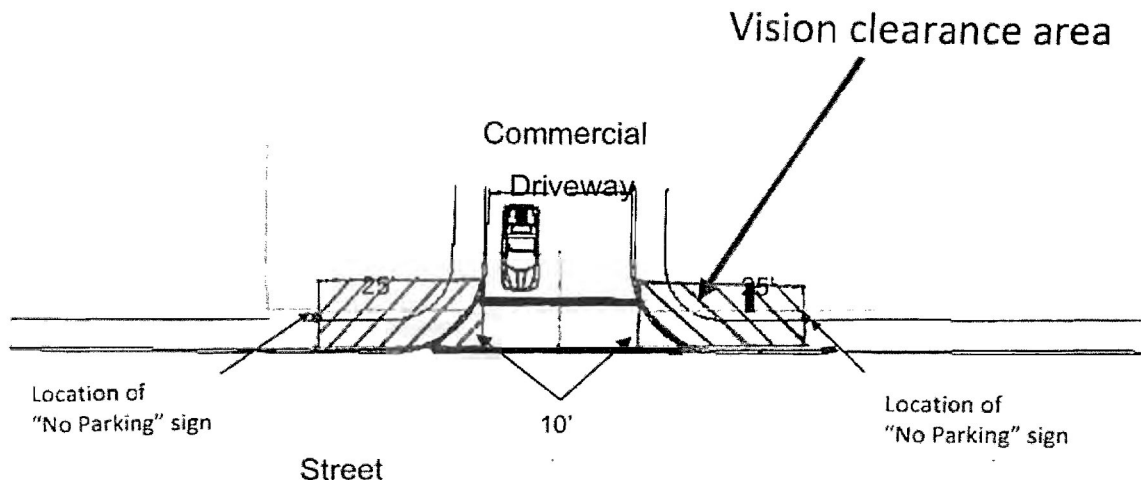
- Section 1. Ordinance identified.
- Section 2. Amends Subsection E, of Section 17.92.100.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Subsection E, Vision Clearance of Section 17.92.100, Development and Maintenance Standards for Off-Street Parking Areas, Title 17, Lane Development Code, of the Brookings Municipal Code (BMC).

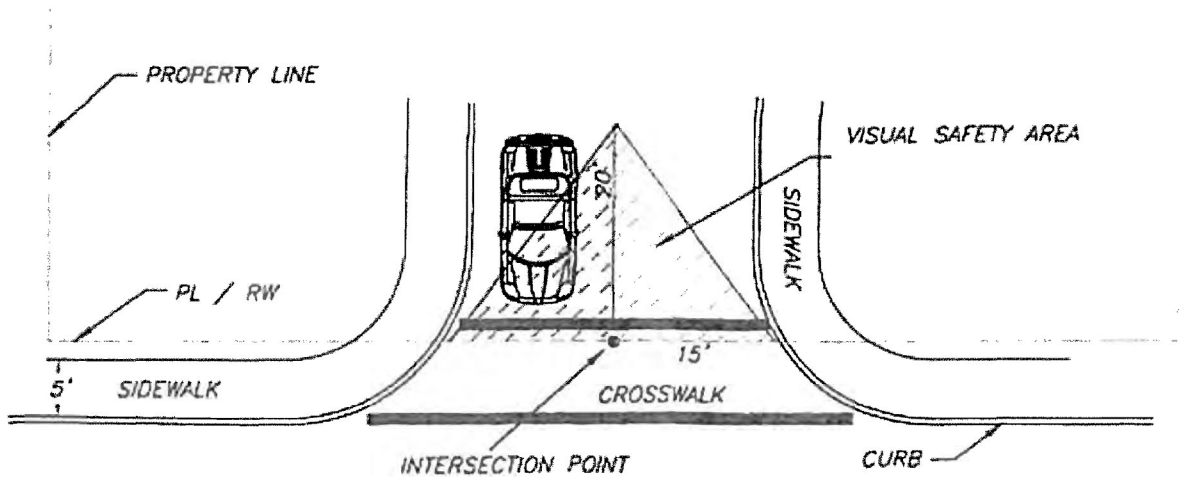
Section 2. Amends Subsection E of Section 17.92.100: Subsection E of Section 17.92.100 is amended to read as follows:

E. Vision Clearance. Commercial service drives shall have a rectangular vision clearance area measured from the intersection of the face of the curb or pavement edge of the driveway and the face of the curb or pavement edge of the street. This rectangular area shall be calculated by measuring 25 feet along the street frontage and 10 feet along the drive. Two (2) "No Parking" signs, one on each side of the driveway, shall be installed at the point where the corner vision area ends adjacent to the back of the sidewalk or the edge of paving. Corner vision clearance requirements are found in BMC 17.128.040.



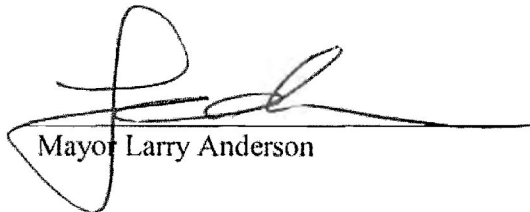


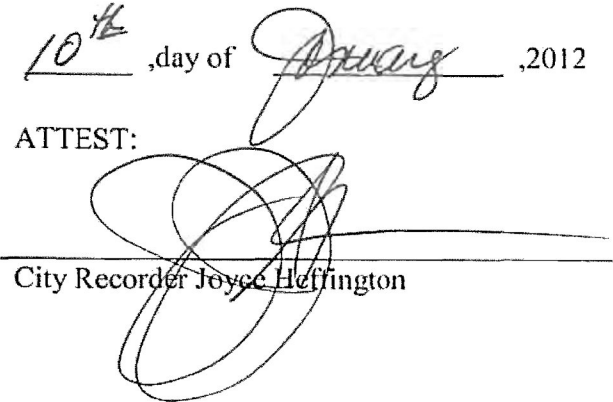
Commercial service drives in the Downtown Core Area as depicted and described on Map 17.92.030-1 shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and straight lines connection a point on the driveway 20 feet from their intersection and 15 feet in both directions along the property line. Corner vision clearance requirements are found in BMC 17.128.040.



First Reading: January 9, 2012  
 Second Reading: January 9, 2012  
 Passage: January 9, 2012  
 Effective Date: January 8, 2012

Signed by me in authentication of its passage this 10<sup>th</sup> day of January, 2012

  
 Mayor Larry Anderson

ATTEST:  
  
 City Recorder Joyce Heffington

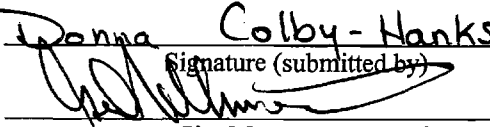
Findings

## CITY OF BROOKINGS

# COUNCIL AGENDA REPORT

Meeting Date: December 12, 2011

Originating Dept: Planning

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

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Subject: A hearing on File LDC-2-11 for consideration of revisions to the corner vision requirements for commercial driveways in Chapter 17.92 Off-Street Parking and Loading Regulations, Brookings Municipal Code (BMC).

Recommended Motion: A motion approving revisions to the corner vision requirements for commercial driveways in Chapter 17.92 Off-Street Parking and Loading Regulations, BMC. Direct Staff to prepare a draft adopting ordinance for your review at the January 9, 2012 meeting.

Financial Impact: None.

Background/Discussion: The Council conducted a hearing on August 22, 2011 to consider revisions to Subsection E, Vision Clearance, of Section 17.92.100, Development and maintenance standards for off-street parking areas, of the Brookings Municipal Code. Staff presented the report, Council had some discussion, and made the decision that the current requirements were sufficient. Several Councilors then approached Staff with questions and concerns on this matter which prompted a revisit at the November 7, 2011 workshop. Staff was directed to determine accidents that have occurred as a result of corner visions restrictions. Staff contacted the Police Department and was advised that statistics are not compiled by cause of accident. As directed by Council, language has been inserted to require that "No Parking Signs" be installed on each side of the commercial driveway. This could only be a requirement when a new driveway is constructed or when a use is expanded to the extent that additional parking or street improvements are required.

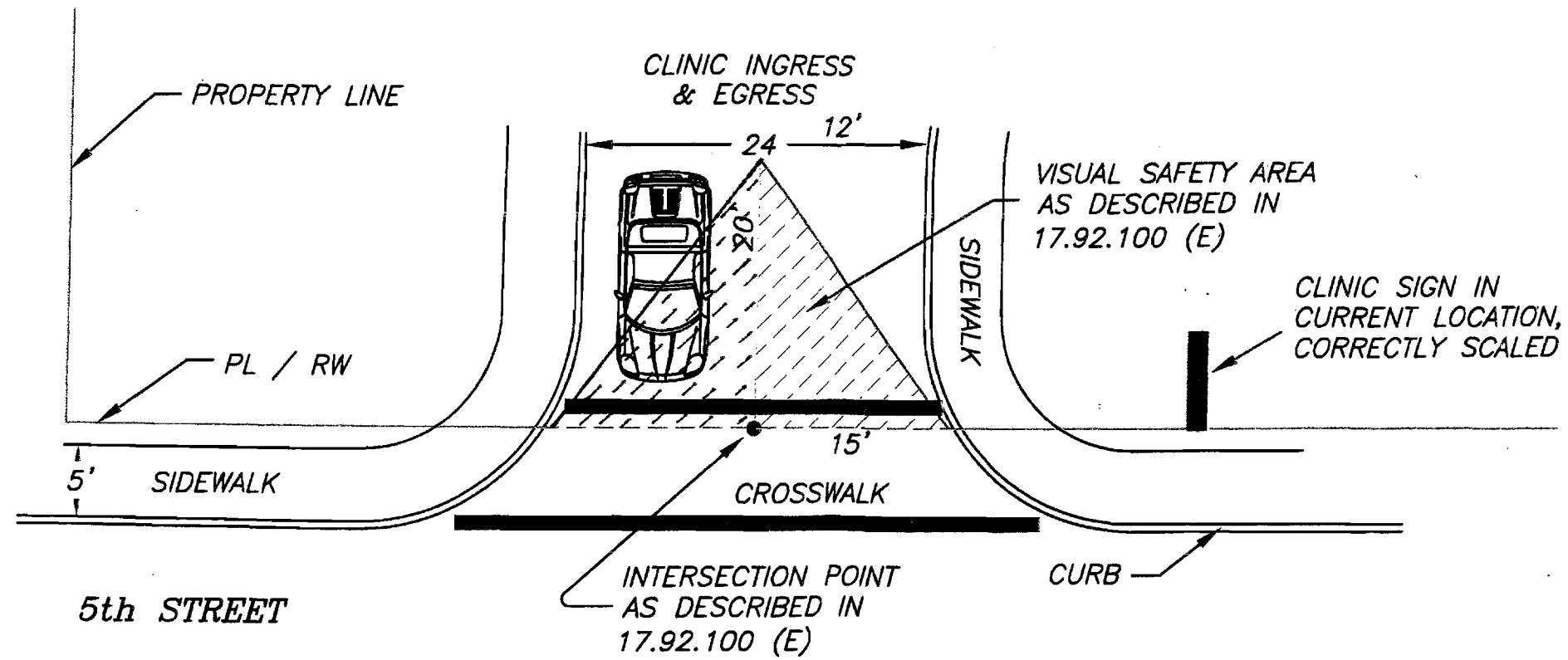
The first diagram (Attachment A) shows the current corner vision area as required in 17.92.100(E). The second diagram (Attachment B) shows the vision area as proposed at the August Council meeting. The third diagram (Attachment C) shows the vision area using the nationally accepted standards by American Association of State Highway and Transportation Officials (AASHTO) for sight distance. These national standards are used by Oregon Department of Transportation.

The Planning Commission reviewed the draft revisions as shown in Attachment B at their August 2, 2011 meeting and recommended approval.

Policy Considerations: N/A

Attachment(s):

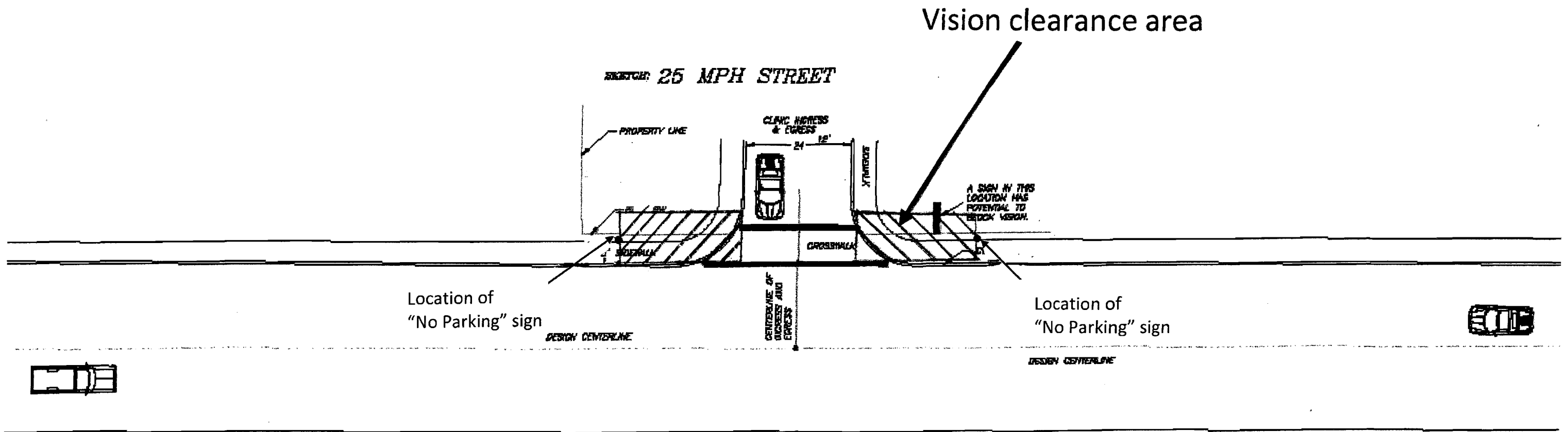
- A – Diagram of current corner vision 17.92.100(E)
- B – Diagram of vision area as proposed at City Council meeting
- C – Diagram of vision area using sight distance standards
- D – Current code sections relevant to this revision
- E – Suggested options for revised text





Area proposed for vision clearance at 08-22-11 hearing

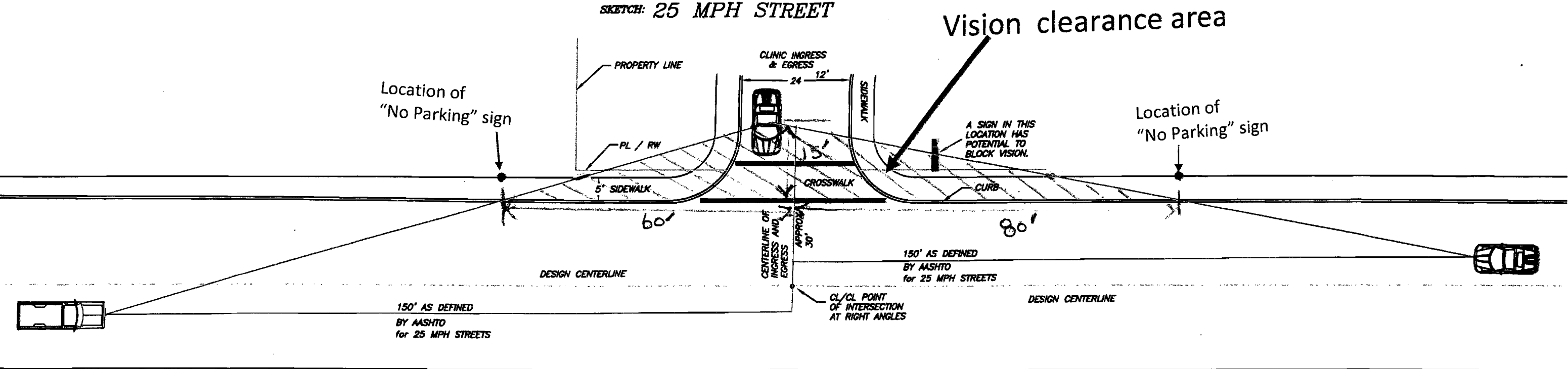
Attachment B



Area proposed for vision clearance using the nationally accepted standards for sight distance

Attachment C

SKETCH: 25 MPH STREET



## Chapter 17.08

## Definitions

BMC 17.08.030 C terms

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

## Chapter 17.92

## Off Street Parking and Loading Regulations

BMC 17.92.100 Development and maintenance standards for off-street parking areas.

E. Vision Clearance. Commercial service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and straight lines connecting a point on the driveway 20 feet from their intersection and 15 feet in both directions along the property line. Corner vision clearance requirements are found in BMC 17.128.040.

## Chapter 17.128

## Interpretations and Exceptions

BMC 17.128.040 Vision obstruction and vision clearance area.

A. Nothing in this code shall be deemed to permit a sight obstruction within any required yard area along any street or at a street or alley intersection interfering with the view of operators of motor vehicles or pedestrians on streets or alleys to such an extent as to constitute a traffic hazard. Violations of these requirements will be subject to Chapter 17.160 BMC, Enforcement and Penalties.

B. Vision clearance areas shall be located on the corners of properties abutting the intersections of two or more streets and intersections of streets with alleys. A vision clearance area shall consist of a triangular area measured from the corner of the intersecting property lines for a distance specified in this regulation. The third side of the triangle is a line across the corner of the lot joining the nonintersecting ends of the other two sides. The following are minimum distances establishing the two sides of the triangle:

1. In a residential district the distance shall be 20 feet along each property line from the point of intersection of two or more streets. For the intersection of a street and an alley, measure 10 feet along the property line adjacent to both the street and alley.

2. In all commercial and industrial zones where yards are required, the distance shall be 15 feet along each property line from the point of intersection of two or more streets. At the intersection of a street and an alley, measure 10 feet along the property line adjacent to both the street and alley.

C. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or street centerline grade, whichever shall be lower. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above grade.

[Ord. 08-O-617 § 2; Ord. 89-O-446 § 1. Formerly 17.128.050.]



Proposed text from 08-22-11 hearing with "No Parking" signs:

E. Vision Clearance. Commercial ~~service drives accesses~~ shall have a **rectangular** vision clearance area measured from the intersection of the **face of the curb or pavement edge of the driveway and the face of the curb or pavement edge of centerline, the street. **This rectangular area shall be calculated by measuring 25 feet along the street frontage and 10 feet along the drive.** ~~right-of-way line, and straight lines connecting a point on the driveway 20 feet from their intersection and 15 feet in both directions along the property line.~~ **Two (2) "No Parking" signs, one on each side of the driveway, shall be installed at the point where the corner vision area ends adjacent to the back of the sidewalk or the edge of paving.** Corner vision clearance requirements are found in BMC 17.128.040.**

Proposed text using nationally accepted standards for sight distance with "No Parking" signs:

E. Vision Clearance. Commercial ~~service drives accesses~~ shall have a **triangular vision** clearance area measured from the intersection of the **centerline of the driveway and the face of the curb or pavement edge of centerline,** the street. **This triangular area to the driver's left of a vehicle exiting the driveway shall be calculated by measuring 80 feet along the street frontage and 15 feet along the centerline of the driveway. The triangular area to the driver's right shall be calculated by measuring 60 feet along the street frontage and 15 feet along the centerline of the driveway.** ~~right-of-way line, and straight lines connecting a point on the driveway 20 feet from their intersection and 15 feet in both directions along the property line.~~ **Two (2) "No Parking" signs, one on each side of the driveway, shall be installed at the point where the corner vision area ends adjacent to the back of the sidewalk or the edge of paving.** Corner vision clearance requirements are found in BMC 17.128.040.

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

SUBJECT: Land Development Code Amendment  
FILE NO: LDC-2-11  
HEARING DATE: August 2, 2011

REPORT DATE: July 21, 2011  
ITEM NO: 7.2

**GENERAL INFORMATION**

APPLICANT: City Initiated.  
REPRESENTATIVE: City Staff.  
REQUEST: Revisions to Chapter 17.92 Off-Street Parking and Loading Regulations, Brookings Municipal Code (BMC).  
PUBLIC NOTICE: Published in local newspaper.

**BACKGROUND INFORMATION**

Staff received several phone calls with safety concerns with limited visibility of vehicles exiting the new medical center due to the facility's new sign. A site visit confirmed that the sign meets code requirements but limits visibility. To avoid additional instances of reduced visibility on commercial drives but still provide businesses appropriate locations for signage, Section 17.92.100(E) was revised to slightly expand the vision clearance area. Site Plan Committee is supportive of these revisions.

Following this report is the draft version of Section 17.92.100(E), Development and maintenance standards for off-street parking areas, Vision clearance, BMC (Attachment A).

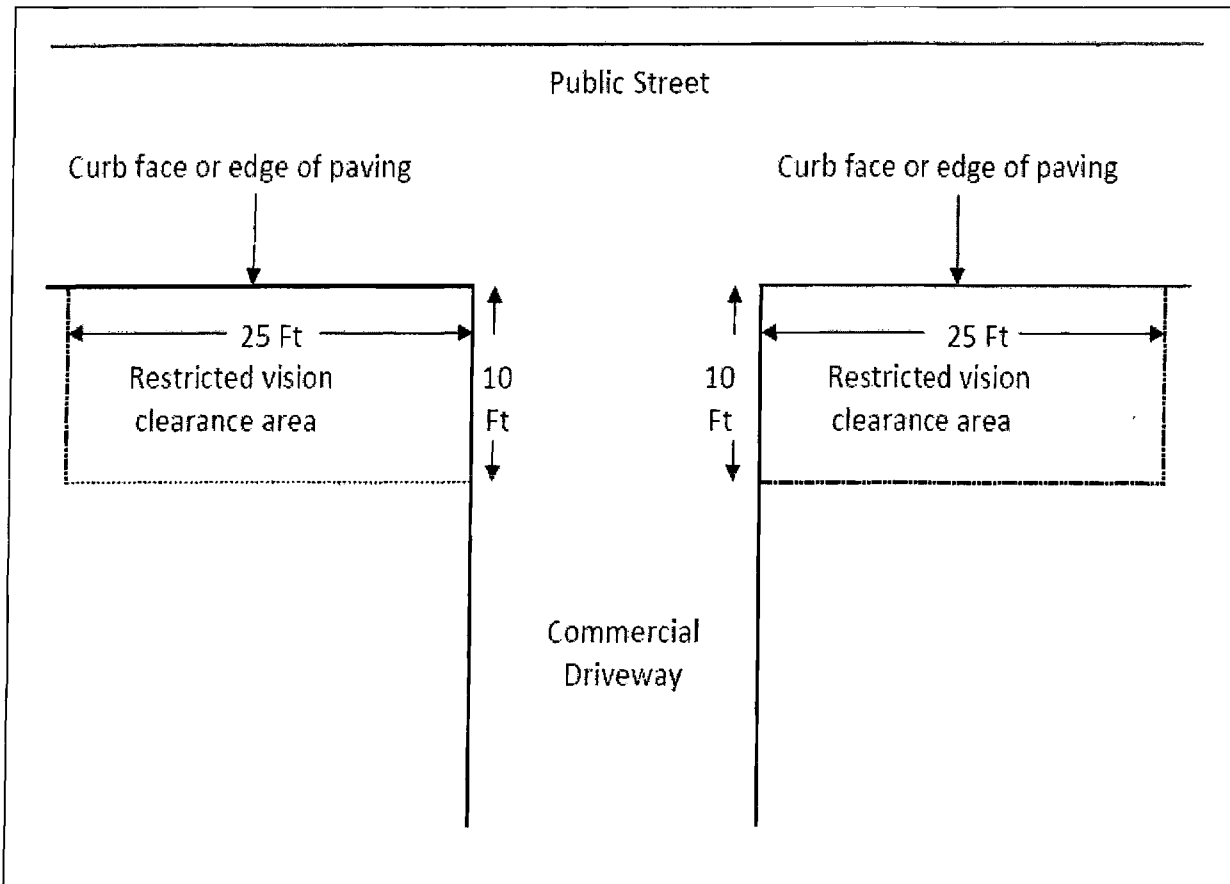
**RECOMMENDATION**

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-2-11, Chapter 17.92 Off-Street Parking and Loading Regulations, BMC, to the City Council.

Text to be added is in **bold**.  
 Text to be omitted has ~~strikethrough~~.

17.92.100 Development and maintenance standards for off-street parking areas.

E. Vision Clearance. Commercial service drives shall have a **rectangular** vision clearance area measured from the intersection of the **face of the curb or pavement edge of the driveway and the face of the curb or pavement edge of centerline**, the street. **This rectangular area shall be calculated by measuring 25 feet along the street frontage and 10 feet along the drive.** ~~right-of-way line, and straight lines connecting a point on the driveway 20 feet from their intersection and 15 feet in both directions along the property line.~~ Corner vision clearance requirements are found in BMC 17.128.040.





1. Cornices, canopies, eaves, sills, or other similar architectural features, including bay windows if no floor area is involved, but these may not in any case extend more than 24 inches into any required yard area.

2. Fire escapes, open uncovered porches, balconies, decks, landing places, or outside stairways may not in any case extend more than 24 inches into any required side or rear yards, and not exceed six feet into any required front yard. *(uncovered)*

3. In the case of dwellings existing on the effective date of adoption of this code and which have a front yard setback at or less than that required by the applicable zoning district regulation, an enclosed covered entry porch may project into the required front yard not exceeding six feet and the enclosed porch may not exceed 36 square feet in area.

4. Any open porches, patios, stoops or decks not exceeding 30 inches in height may extend to within 18 inches of any lot line.

5. Fences, walls and hedges may be located within required yards up to the property line, except that such sight-obscuring fences, walls or hedges within a vision clearance area pursuant to BMC 17.128.040 shall not exceed three feet in height measured from the top of curb, or street centerline grade, whichever shall be lower.

B. Exceptions to Front Yard Requirements. If there are dwellings on both abutting lots with front yards less than the required depth for the district, the front yard for the subject lot need not exceed the average front yard of the abutting dwellings. [Ord. 08-O-617 § 2; Ord. 89-O-454 § 1; Ord. 89-O-446 § 1. Formerly 17.128.040.]

#### **17.128.040 Vision obstruction and vision clearance area.**

A. Nothing in this code shall be deemed to permit a sight obstruction within any required yard area along any street or at a street or alley intersection interfering with the view of operators of motor vehicles or pedestrians on streets or alleys to such an extent as to constitute a traffic hazard. Violations of these requirements will be subject to Chapter 17.160 BMC, Enforcement and Penalties.

B. Vision clearance areas shall be located on the corners of properties abutting the intersections of two or more streets and intersections of streets with alleys. A vision clearance area shall consist of a triangular area measured from the corner of the intersecting property lines for a distance specified in this regulation. The third side of the triangle is a line across the corner of the lot joining the nonintersect-

ing ends of the other two sides. The following are minimum distances establishing the two sides of the triangle:

1. In a residential district the distance shall be 20 feet along each property line from the point of intersection of two or more streets. For the intersection of a street and an alley, measure 10 feet along the property line adjacent to both the street and alley.

2. In all commercial and industrial zones where yards are required, the distance shall be 15 feet along each property line from the point of intersection of two or more streets. At the intersection of a street and an alley, measure 10 feet along the property line adjacent to both the street and alley.

C. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or street centerline grade, whichever shall be lower. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above grade. [Ord. 08-O-617 § 2; Ord. 89-O-446 § 1. Formerly 17.128.050.]

#### **17.128.050 Access.**

Except as permitted by other provisions of this code, no lot shall contain any building used in whole or in part for residential purposes unless said lot abuts a street, dedicated and improved as a public right-of-way, other than an alley, or an accepted private street, for a distance of at least 20 feet. Residential development is permitted on dedicated but unimproved streets; provided, that the applicant has signed and recorded a deferred improvement agreement. On all lots created after the date of this amendment, the frontage street is the street providing access to the lot or parcel. The lot or parcel must be addressed to that street. The site plan committee may require that driveway construction be completed and approved by the city prior to the recording of a subdivision or partition plat. Secondary access may be allowed but cannot replace the primary access from the frontage street. [Ord. 08-O-617 § 2; Ord. 91-O-446.F § 2; Ord. 89-O-446 § 1. Formerly 17.128.060]

#### **17.128.060 Authorization of similar uses.**

The site plan committee may make a determination that a use not specifically named in the allowed uses of a district shall be authorized if the use is of the same general type. [Ord. 08-O-617 § 2; Ord. 89-O-446 § 1. Formerly 17.128.070.]



DEPT OF

JAN 12 2012

LAND CONSERVATION  
AND DEVELOPMENT

**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