



# 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

03/09/2012

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 002-12

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: Friday, March 23, 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: Dianne Morris, 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

In person  electronic  mailed

**DATE**  
**DEPT OF**  
**MAR 05 2012**  
**LAND CONSERVATION**  
**AND DEVELOPMENT**  
For DLCD Use Only

Jurisdiction: **City of Brookings**

Local file number: **LDC-4-11**

Date of Adoption: **2/27/2012**

Date Mailed: **3/2/2012**

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".  
Chapter 17.136.080, CUP Time Limitations, needed a couple of housekeeping revisions to clarify process.

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. 002-12 (19223) [16953]

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

n/a

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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 12-O-693

IN THE MATTER OF ORDINANCE 11-O-693, AN ORDINANCE AMENDING SECTION 17.136.080 OF CHAPTER 17.136, CONDITIONAL USE PERMIT, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Section 17.136.080.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.136.080 of Chapter 17.136, Conditional Use Permits, of the Brookings Municipal Code.

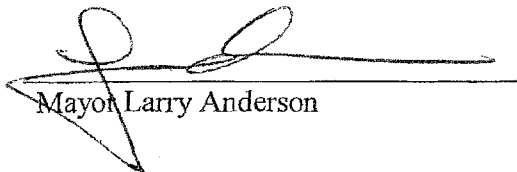
Section 2. Amends Section 17.136.080: Section 17.136.080, is amended to read as follows:

**17.136.080 Time limitation.**

A conditional use permit shall become void after two years following approval, or after such greater time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The City may extend the period of time allowed to establish the conditional use for an additional period of one year, for good cause if such extension request is submitted prior to expiration and subject to the requirements of this code. [Ord. 09-O-641 § 2; Ord. 89-O-446 § 1.]

First Reading: February 27, 2012  
Second Reading: February 27, 2012  
Passage: February 27, 2012  
Effective Date: March 28, 2012

Signed by me in authentication of its passage this 28<sup>th</sup> day of February, 2012

  
Mayor Larry Anderson

ATTEST:

  
City Recorder Joyce Heffington

Findings

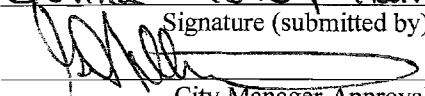
CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 27, 2012

Donna Colby-Hanks  
Signature (submitted by)

Originating Dept: Planning

  
City Manager Approval

Subject: A hearing on File LDC-4-11 for consideration and possible adoption of revisions to Chapter 17.136, Conditional Use Permits, Brookings Municipal Code (BMC).

Recommended Motion: A motion to approve proposed revisions to Chapter 17.136, Conditional Use Permits, BMC.

Financial Impact: This will result in a savings of staff time and application fees charged to the applicant.

Background/Discussion: One of the City Council goals included in the 2011 Strategic Plan was to reduce barriers to development. Staff proposes to revise Chapter 17.136.080, Conditional Use Permits, Time Limitation, to allow for extension requests for conditional use permits to be approved by City Staff. Extensions can be granted if there is "good cause". Circumstances that have warranted extensions in the past include weather constraints, delays in obtaining other agency permits, financial difficulties, etc. The request for the extension must be submitted prior to expiration of the approval. These requirements could be reviewed and verified by Staff.

By allowing Staff to review and approve these extensions there would be a savings of Planning Commission, applicant, and Staff time. Site Plan Committee is supportive of these revisions.

The Planning Commission reviewed the draft revisions at their January 3, 2012 meeting and recommended approval to the City Council.

Policy Considerations: N/A

Attachment(s): Draft revisions to Chapter 17.136.080 Conditional Use Permit, Time limitation, BMC.

**Chapter 17.136  
CONDITIONAL USE PERMITS**

Text to be omitted has ~~strike throughs~~ and text to be added is ***bold and italicized***.

Sections:

17.136.080 Time limitation.

**17.136.080 Time limitation.**

A conditional use permit shall become void after two years following approval, or after such greater time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. ~~The City may~~ ~~The planning commission may~~ extend the period of time allowed to establish the conditional use for an additional period of one year, ***for good cause if such extension request is submitted prior to expiration and*** subject to the requirements of this code. [Ord. 09-O-641 § 2; Ord. 89-O-446 § 1.]

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

SUBJECT: Land Development Code Amendment  
FILE NO: LDC-4-11  
HEARING DATE: January 3, 2012

REPORT DATE: December 22, 2011  
ITEM NO: 7.1

**GENERAL INFORMATION**

APPLICANT: City Initiated.  
REPRESENTATIVE: City Staff.  
REQUEST: Revisions to Chapter 17.136, Conditional Use Permits, Brookings  
Municipal Code (BMC).  
PUBLIC NOTICE: Published in local newspaper.

**BACKGROUND INFORMATION**

One of the City Council goals included in the 2011 Strategic Plan was to reduce barriers to development. Staff proposes to revise Chapter 17.136.080, Conditional Use Permits, Time Limitation, to allow for extension requests for conditional use permits to be approved by City Staff. Extensions can be granted if there is "good cause". Circumstances that have warranted extensions in the past include weather constraints, delays in obtaining other agency permits, financial difficulties, etc. The request for the extension must be submitted prior to expiration of the approval. These requirements could be reviewed and verified by Staff.

By allowing Staff to review and approve these extensions there would be a savings of Planning Commission, applicant, and Staff time. Due to this saving of time, staff will propose a reduction of the Extension fee to the City Council.

Site Plan Committee is supportive of these revisions.

Following this report is the draft version of Section 17.136.080, Time limitation for Conditional Use Permits, 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-4-11, Chapter 17.136, Conditional Use Permits, BMC, to the City Council.

**Chapter 17.136  
CONDITIONAL USE PERMITS**

Text to be omitted has ~~striketroughs~~ and text to be added is ***bold and italicized***.

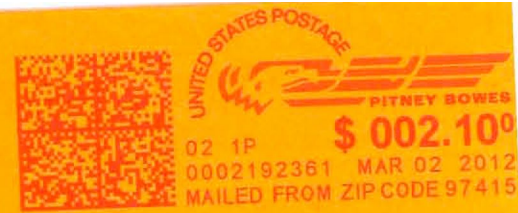
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*ACF*

**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  
MAR 05 2012  
LAND CONSERVATION  
AND DEVELOPMENT