



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 004-12

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 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 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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FORM 2

DLCD

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-6-11**

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".
revisions to Chapters 17.116.060, Planned Community, subdivision regulations and 17.116.070(B), Planned Community, Planning Commission action, Approval periods, City initiated, 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:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<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. 004-12 (19225) [16955]

DLCD file No. _____

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

n/a

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 12-O-694**

IN THE MATTER OF ORDINANCE 11-O-694, AN ORDINANCE AMENDING SECTIONS 17.116.060 AND 17.116.070 (B) OF CHAPTER 17.116, PLANNED COMMUNITY, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Sections 17.116.060 and 17.116.070(B).

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Sections 17.116.060 and 17.116.070(B), of Chapter 17.116, Planned Community, of the Brookings Municipal Code.

Section 2. Sections 17.116.060 and 17.116.070(B): Sections 17.116.060 and 17.116.070(B) are amended to read as follows:

17.116.060 Subdivision regulations.

When a planned community involves approval of a subdivision plat, the planning commission may initially grant preliminary approval of the application. The City will grant final approval when the applicant submits the final subdivision plat in the manner prescribed by the land division regulations, Chapter 17.172.080. Building permits will not be issued for the planned community until the subdivision plat has been recorded. [Ord. 09-O-636 § 2; Ord. 89-O-446 § 1. Formerly 17.116.090.]

17.116.070(B) Approval Periods.

1. Planned Community without Subdivision Plat. The applicant has two years from the date of approval to install any needed off-site and on-site infrastructure for the development. The City may grant a two-year extension of time. If phases (staging) are proposed, see subsection (B)(3) of this section.

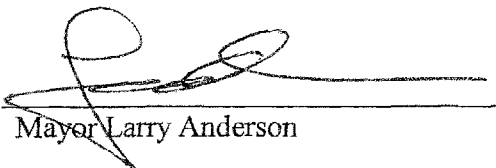
2. Planned Community with Subdivision Plat. The applicant has two years from the date of approval to install the off-site and on-site infrastructure for the development and submit the final plat for approval. The City may grant a two-year extension of time. If phases (staging) are proposed, see subsection (B)(3) of this section.

3. Planned Community Proposed in Phases (Stages). The applicant must submit a timeline to the planning commission for their consideration. The applicant must comply with the approved phasing timeline.

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

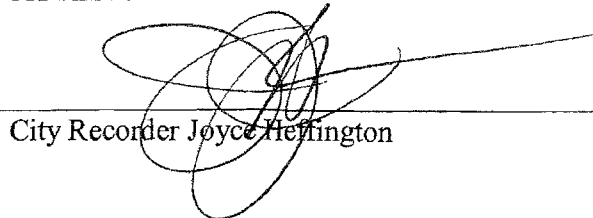
Signed by me in authentication of its passage this

28th, day of February, 2012



Mayor Larry Anderson

ATTEST:



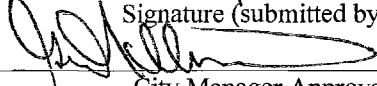
City Recorder Joyce Heffington

Findings

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 27, 2012

Donna Colby-Hanks
Signature (submitted by)

City Manager Approval

Originating Dept: Planning

Subject: A hearing on File LDC-6-11 for consideration and possible adoption of revisions to Chapter 17.116 Planned Community, Brookings Municipal Code (BMC).

Recommended Motion: A motion to approve proposed revisions to Chapter 17.116 Planned Community, BMC.

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

Background/Discussion: Staff has prepared revisions to Chapter 17.116.060, Planned Community, Subdivision regulations, to eliminate text that describes a Planning Commission process for this matter. Due to the recent law change that states this approval is not a "land use decision", this could be an administrative decision handled by Staff. City Staff would determine that all conditions have been met for final approval. Text has been added to direct applicants to Chapter 17.172.080 for the criteria for final subdivision plat approval.

Revisions are proposed to Chapter 17.116.070 Planning Commission action, to allow for extension requests 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 the final Planned Community subdivision plat and requests for extension of time, 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 of Chapter 17.116.070, Planning Commission Action relating to extensions of time to the City Council. The Planning Commission recommended denial of Chapter 17.116.060, Subdivision regulations for final Planned Community subdivision approval. Their concerns on final approvals were that future staff may allow significant changes to the plat that the Planning Commission had not approved. This concern was presented to Council at the February 6, 2012 Workshop.

Staff recommends adding language to Chapter 17.172.080 to require Staff to provide a copy of the approved final plat to the Planning Commission for their review. If the Planning Commission did not believe the plat was in substantial conformance with the preliminary approval, the Commission Chair would notify the City Manager of their determination.

Policy Considerations: N/A

Attachment(s): Draft revisions to Chapter 17.116 Planned Community, BMC.

Chapter 17.116
PLANNED COMMUNITY

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

17.116.060 Subdivision regulations.

When a planned community involves approval of a subdivision plat, the planning commission may initially grant preliminary approval of the application. The ~~planning commission~~ **City** will grant final approval when the applicant submits the final subdivision plat in the manner prescribed by the land division regulations, **Chapter 17.172.080**. Building permits will not be issued for the planned community until the subdivision plat has been recorded. [Ord. 09-O-636 § 2; Ord. 89-O-446 § 1. Formerly 17.116.090.]

17.116.070 Planning commission action.

B. Approval Periods.

1. Planned Community without Subdivision Plat. The applicant has two years from the date of approval to install any needed off-site and on-site infrastructure for the development. The ~~planning commission~~ **City** may grant a two-year extension of time. If phases (staging) are proposed, see subsection (B)(3) of this section.
2. Planned Community with Subdivision Plat. The applicant has two years from the date of approval to install the off-site and on-site infrastructure for the development and submit the final plat for approval. The ~~planning commission~~ **City** may grant a two-year extension of time. If phases (staging) are proposed, see subsection (B)(3) of this section.
3. Planned Community Proposed in Phases (Stages). The applicant must submit a timeline to the planning commission for their consideration. The applicant must comply with the approved phasing timeline.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-6-11
HEARING DATE: January 3, 2012

REPORT DATE: December 22, 2011
ITEM NO: 7.3

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.116, Planned Community, Brookings
Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

Staff has prepared revisions to Chapter 17.116.060, Planned Community, Subdivision regulations, to eliminate text that describes a Planning Commission process for this matter. Due to the recent law change that states this approval is not a "land use decision", this could be an administrative decision handled by Staff as stated in the previous staff report for LDC-5-11. City Staff would determine that all conditions have been met for final approval. Text has been added to direct applicants to Chapter 17.172.080 for the criteria for final approval.

Revisions are proposed to Chapter 17.116.070 Planning Commission action, to allow for extension requests 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 the final subdivision plat and requests for extension of time, there would be a savings of Planning Commission, applicant, and Staff time. Due to this saving of time, staff will propose a reduction of related fees to the City Council.

Site Plan Committee is supportive of these revisions. Following this report is the draft versions of these sections (Attachment A).

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-6-11, Chapter 17.116, Planned Community, BMC, to the City Council.

Chapter 17.116
PLANNED COMMUNITY

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

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17.116.070 Planning commission action.

B. Approval Periods.

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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