



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

05/01/2012

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 005-12

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, May 16, 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
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> N

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-2-12**

Date of Adoption: **4/24/2012**

Date Mailed: **4/26/2012**

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 17.170.100(E), Street Standards, Access Management, reverse frontage 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. 005-12 (19313) [17016]

DLCD file No. _____

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

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-696**

IN THE MATTER OF ORDINANCE 12-O-696, AN ORDINANCE AMENDING BROOKINGS MUNICIPAL CODE SECTION 17.170.100(E), REVERSE FRONTAGE, OF THE LAND DEVELOPMENT CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amending Section 17.170.100(E)

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Brookings Municipal Code Section 17.170.100(E), Reverse Frontage, of the Land Development Code.

Section 2. Amends Section 17.170.100(E). Section 17.170.100 (E) is amended to read as follows:

The City of Brookings Ordains as follows:

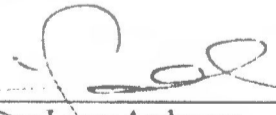
17.170.100 (E) Reverse Frontage.

1. Residentially zoned lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification, or lower average daily traffic, if both facilities have the same functional classification. Where safety or other concerns exist, the city will have final authority to permit appropriate access.

2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road, unless otherwise constrained by topography. Access rights of these lots to the arterial shall be dedicated to the city and shown on the recorded plat. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

First Reading: April 23, 2012 Passage: April 23, 2012
Second Reading: April 23, 2012 Effective Date: May 23, 2012

Signed by me in authentication of its passage this 24th day of April, 2012



Mayor Larry Anderson

ATTEST:



City Recorder Joyce Heffington

Final

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 12-O-696**

IN THE MATTER OF ORDINANCE 12-O-696, AN ORDINANCE AMENDING 17.170.100(E), ACCESS MANAGEMENT, REVERSE FRONTAGE, LAND DEVELOPMENT CODE, THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amending Section 17.170.100(E)

APPROVED
VERSUN

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance, Ordinance 12-O-696, amending 17.170.100(E), Access Management, Reverse Frontage, Land Development Code, the Brookings Municipal Code.

Section 2. Amends Section 17.170.100(E) is amended to read as follows:

The City of Brookings Ordains as follows:

17.170.100 Access Management.

E. Reverse Frontage.

1. Residentially zoned lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification, or lower average daily traffic, if both facilities have the same functional classification. Where safety or other concerns exist, the city will have final authority to permit appropriate access.

2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road, unless otherwise constrained by topography. Access rights of these lots to the arterial shall be dedicated to the city and shown on the recorded plat. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

The City of Brookings Ordains as follows:

Section 1.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2012

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington

Danne

City of Brookings MEETING AGENDA

CITY COUNCIL

Monday, April 23, 2012, 7:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Introduction of new employees:
 - a. Kim Kennedy, Accounts Receivable Clerk
 - b. Bonnie Anderson, Accounts Payable/Payroll Specialist
 - c. Lindsey Belleque, Communications Officer
 - d. Jaired Freeman, Police Officer

E. Public Hearings/Ordinances/Resolutions/Final Orders

1. Public Hearing in the matter of File LDC-1-12, revisions to Brookings Municipal Code Chapter 17.170.100, Street Standards, Access Management; City initiated. [Planning, Advance Packet]
2. Ordinance amending Section 17.170.100.E, Access Management, Reverse Frontage, of the Brookings Municipal Code. [Planning, Advance Packet]
 - a. Ordinance 12-O-696
3. Resolution establishing a Health Reimbursement Arrangement/Voluntary Employee's Beneficiary Association ("HRA VEBA") Plan. [pg. 5]
 - a. Resolution 12-R-977 [pg. 6]

F. Oral Requests and Communications from the audience

1. Public Comments – 5 minute limit per person.*

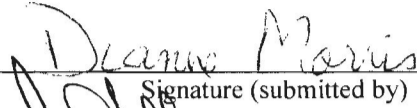
G. Staff Reports

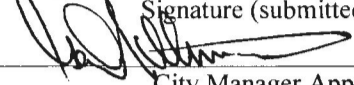
1. Authorization for Public Art Committee to proceed with recommendations for City owned art. [Planning, pg. 8]
 - a. Matrix of recommendations [pg. 10]
2. Award of contract for construction of the Cove Road Realignment Project to Tidewater Contractors. [Public Works, pg. 11]
 - a. Letter from City Engineer [pg. 13]
 - b. Site Plan of Cove Road [pg. 14]
 - c. Cross walk diagram and site map [pg. 15]
3. Authorization to execute agreement with Oregon Department of Transportation (ODOT) to upgrade existing pedestrian warning signal to a pedestrian activated flashing beacon. [Public Works, pg. 16]
 - a. ODOT schematic of improvements [pg. 17]
4. Authorization to execute Amendment #1 to 2011 Fund Exchange Agreement #27580 with ODOT. [Public Works, pg. 18]
 - a. Amendment #1 [pg. 19]

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: April 23, 2011

Originating Dept: Planning Dept.



Signature (submitted by)


City Manager Approval

Subject: A hearing on file LDC-1-12 for consideration and possible adoption of revisions in Sections 17.170.100(E), Access Management, Reverse Frontage, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions as proposed for Section 17.170.100(E), Access Management, Reverse Frontage, Brookings Municipal Code (BMC).

Financial Impact: N/A.

Background/Discussion: Lots that front on more than one street (reverse frontage) are required by current Code language to take access from the street with the lower functional classification, or lower average daily traffic. Numerous lots in the downtown core area have reverse frontage. The downtown core is zoned Commercial and this limitation does not work well with development there. This restriction is appropriate in residential neighborhoods. A Code revision which states that “**Residentially zoned lots**” have this restriction, will clarify this. The Site Plan Committee reviewed this and supports this revision.

The draft language proposed is as follows:

17.170.100 Access Management.

E. Reverse Frontage.

1. **Residentially zoned** lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification, or lower average daily traffic, if both facilities have the same functional classification. Where safety **or other** concerns exist, the city will have final authority to permit appropriate access.

2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road, unless otherwise constrained by topography. Access rights of these lots to the arterial shall be dedicated to the city and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

The Planning Commission reviewed this Code revision and recommended approval.


Policy Considerations: None.

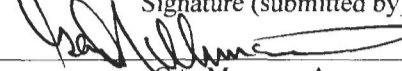
Attachment(s): None.

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: April 23, 2012

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: Ordinance revising Sections 17.170.100(E); Access Management, Reverse Frontage, Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 12-O-696

Financial Impact: None

Background/Discussion: Revisions to this Section was approved by the City Council at their April 23, 2012 meeting.

Policy Considerations: N/A

Attachment(s): A. Adopting Ordinance 12-O-696.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 12-O-696**

IN THE MATTER OF ORDINANCE 12-O-696, AN ORDINANCE AMENDING 17.170.100(E), ACCESS MANAGEMENT, REVERSE FRONTAGE, LAND DEVELOPMENT CODE, THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amending Section 17.170.100(E)

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance, Ordinance 12-O-696, amending 17.170.100(E), Access Management, Reverse Frontage, Land Development Code, the Brookings Municipal Code.

- Section 2. Amends Section 17.170.100(E) is amended to read as follows:

The City of Brookings Ordains as follows:

17.170.100 Access Management.

E. Reverse Frontage.

1. Residentially zoned lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification, or lower average daily traffic, if both facilities have the same functional classification. Where safety or other concerns exist, the city will have final authority to permit appropriate access.
2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road, unless otherwise constrained by topography. Access rights of these lots to the arterial shall be dedicated to the city and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

The City of Brookings Ordains as follows:

Section 1.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2012

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington

LEGISLATIVE PUBLIC HEARING – LDC-1-12

This public hearing is open at _____ pm. on April 23, 2012.

The purpose of this hearing is to consider amendments to the Land Development Code in the matter of File **LDC-1-12**, revisions to Section 17.170.100.E, Reverse frontage, Chapter 17.170, Street Standards, of the Brookings Municipal Code; City initiated. The criteria used to decide this matter is found in Chapter 17.140, Amendments, of the Brookings Municipal Code. This is a legislative hearing and the City Council will make a decision.

Mayor: Does any Council member have an ex parte contact to declare?

If yes:

Would you please state the source of the contact and its substance for the record?

Does anyone wish to question this Council member about the substance of the contact?

Mayor: Does any Council member have a personal bias or personal interest that would preclude participation in this hearing?

Mayor: Does any Council member have a potential or actual conflict of interest?

If yes:

Would you please state for the record the nature of the conflict and the associated facts?

If the conflict is actual: Would you please withdraw from the proceedings?

Mayor: Does anyone object to Council's jurisdiction to hear this matter?

Mayor/City Attorney reads as follows:

The guidelines for those presenting testimony and participating in this hearing are as follows: First we will hear from staff, then proponents, opponents and interested persons, in that order, may address Council. All speakers must state their name and mailing address. Council may ask questions of the speakers after which staff will be given the opportunity to make further comments. The Council will then discuss the proposal and make a decision.

All testimony and evidence must be directed toward the proposal at hand.

Mayor: We will now proceed with the presentation of evidence, beginning with staff's report.
(Council questions)

April 20, 2012 (4:28PM)

First and Second reading by title only with adoption.

Mayor: We will now consider Ordinance **12-O-696**, amending Section 17.170.100.E, of the Brookings Municipal Code.

Staff report > Council Discussion

Mayor: Do I have a motion to read Ordinance **12-O-696** the **first time** by title only?

Councilor: I move to read Ordinance **12-O-696** the **first time** by title only.”

Motion is seconded.

Mayor: It has been moved and seconded to do a **first reading** by title only. Is there any discussion?

CALL THE QUESTION (NOTE: *Vote must be unanimously in support of the motion or ordinance must be read in full – any Councilor or member of the public may request a full reading*).

Mayor: The ordinance will be read by title only.

Title: In the matter of Ordinance **12-O-696**, an ordinance amending Brookings Municipal Code Section 17.170.100.E, Reverse frontage, of the Land Development Code.

Mayor: Do I have a motion read Ordinance **12-O-696** a **second time** by title only?

Councilor: I move to read Ordinance **12-O-696** a **second time** by title only.

Motion is seconded.

Mayor: It has been moved and seconded to do a second reading by title only. Is there any discussion?

CALL THE QUESTION (See above note)

Mayor: The ordinance will be read by title only.

Title: In the matter of Ordinance **12-O-696**, an ordinance amending Brookings Municipal Code Section 17.170.100.E, Reverse frontage, of the Land Development Code.

Mayor: Do I have a motion to **adopt Ordinance 12-O-696**?

Motion: I move to adopt Ordinance **12-O-696**.

Motion is seconded.

Mayor : It has been moved and seconded that Ordinance **12-O-696** be adopted. Is there any further discussion?

CALL THE QUESTION

Mayor - “The ordinance is [*is not*] adopted.”

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-1-12
HEARING DATE: April 3, 2012

REPORT DATE: March 22, 2012
ITEM NO: 7.2

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.170.100(E), Access Management, Reverse Frontage, Brookings Municipal Code (BMC)
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

Lots that front on more than one street (reverse frontage) are required by current Code language to take access from the street with the lower functional classification, or lower average daily traffic. Numerous lots in the downtown core area have reverse frontage. The downtown core is zoned Commercial and this limitation does not work well with development there. This restriction is appropriate in residential neighborhoods. A Code revision which states that “**Residentially zoned lots**” have this restriction, will clarify this. The Site Plan Committee reviewed this and supports this revision.

The draft language proposed is as follows:

17.170.100 Access management.

E. Reverse Frontage.

1. **Residentially zoned** lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification, or lower average daily traffic, if both facilities have the same functional classification. Where safety concerns exist, the city will have final authority to permit appropriate access.

2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road, unless otherwise constrained by topography. Access rights of these lots to the arterial shall be dedicated to the city and recorded with the deed. A berm or buffer yard may be required at the rear of through

lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-1-12, Chapter 17.170.100(E), Access Management, Reverse Frontage, BMC, to the City Council.

Dianne Morris

From: Gary Milliman
Sent: Friday, March 09, 2012 11:51 AM
To: Dianne Morris
Subject: RE: Code Revision

ok

Gary Milliman
City Manager
Brookings

From: Dianne Morris
Sent: Friday, March 09, 2012 10:26 AM
To: Gary Milliman
Subject: Code Revision

We've drafted a fix for the access issue we discussed in Site Plan:

17.170.100 Access Management
E. Reverse Frontage

1. Residentially zoned lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification or lower average daily traffic, If both facilities have the same functional classification. Where safety concerns exist, the City will have final authority to permit appropriate access.

To put this on April's agenda the Notice needs to go to the paper today, so if it looks good to you please let us know and we'll move forward. Thanks.

Dianne L. Morris
Planning Director
City of Brookings
541-469-1138
dmorris@brookings.or.us

3/9/2012

17.170.100 Access management.

E. Reverse Frontage.

1. **Residentially zoned** Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification, or lower average daily traffic, if both facilities have the same functional classification. Where safety concerns exist, the city will have final authority to permit appropriate access.

2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road, unless otherwise constrained by topography. Access rights of these lots to the arterial shall be dedicated to the city and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 000.50⁰
0002192361 APR 25 2012
MAILED FROM ZIP CODE 97415

UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 001.05⁰
0002192361 APR 25 2012
MAILED FROM ZIP CODE 97415

CITY OF BROOKINGS

898 Elk Drive
Brookings, OR 97415
Ph: (541) 469-2163 Fax: (541) 469-3650

TO:

DLCD Plan Amend. Specialist
635 Capitol St NE #150
Salem OR 97301-2540

DEPT OF
APR 26 2012
LAND CONSERVATION
AND DEVELOPMENT