



Oregon

Theodore R. Kubongski, 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

01/21/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Brookings Plan Amendment
DLCD File Number 002-09

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 04, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Planning Director, City of Brookings
Gloria Gardiner, DLCD Urban Planning Specialist

<paa>

Notice of Adoption

In person electronic mailed

DEPT OF
JAN 15 2009
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

**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-14-08**

Date of Adoption: **1/12/2009**

Date Mailed: **1/13/2009**

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".
Clarifications, small revisions, and re-organization to the General Industrial (M-2) zone.

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:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 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 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"/> |

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. **002-09 (NOA) Proposed 001-09(17424)[15356]**

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

**In the Matter of an Ordinance Amending)
Chapter 17.68, General Industrial (M-2)) Ordinance 09-O-628
District, of the Brookings Municipal Code,)
in its entirety.)**

Sections:

Section 1. Ordinance Identified.
Section 2. Amends Chapter 17.68.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.68, General Industrial (M-2) District, of the Brookings Municipal Code in its entirety.

Section 2. Amends Chapter 17.68. Chapter 17.68, General Industrial (M-2) District, is amended to read as follows:

**Chapter 17.68
General Industrial (M-2) District**

Sections:

17.68.010 Purpose.
17.68.020 Permitted uses.
17.68.030 Accessory uses.
17.68.040 Conditional uses.
17.68.050 Maximum building height.
17.68.060 Signs.
17.68.070 Parking.
17.68.080 Other required conditions.

17.68.010 Purpose.

This district is intended to provide for the establishment of heavier commercial and industrial uses essential to the development of a balanced economic base, while minimizing conflicts with residential and light commercial uses. [Ord. 890-446 § 1.]

17.68.020 Permitted uses.

The following uses are permitted:

- A. Any use permitted outright in the I-P district;
- B. Any manufacturing, processing, repairing, research, assembling, wholesale or storage uses, excepting the manufacturing of explosives and the slaughtering of animals;
- C. All types of automobile, motorcycle, truck and equipment sales, service, repair and rental;
- D. Boat building, sales, service, repair and rental;
- E. Dwelling for a caretaker or watchman employed on the premises. [Ord. 96-0-446.BB § 4; Ord. 89-0-446 § 1.]

17.68.030 Accessory uses.

A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities and the like. [Ord. 89-0-446 § 1.]

B. Accessory uses for dwelling units

1. Home occupations, subject to the provisions of Chapter 17.104 BMC.
2. Other accessory uses and accessory buildings and structures, such as non-commercial greenhouses.

17.68.040 Conditional uses.

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

- A. Junk yards or wrecking yards;
- B. Buildings over 40 feet in height;
- C. Service commercial uses such as banks, offices, restaurants, cafes, refreshment stands, bars, taverns or other convenience establishments designed to serve developed permitted uses;
- D. Commercial excavation and removal of sand, gravel, stone, loam, dirt or other earth products, subject to BMC 17.124.020;
- E. Abattoir (slaughter house);
- F. Wireless communication facilities, pursuant to Chapter 17.164 BMC and 17.124.030. [Ord. 99-0-446.GG § 4; Ord: 89-0-446 § 1.]

17.68.050 Maximum building height.

No structure shall be over 40 feet in height, except as allowed as a conditional use, and as provided in BMC 17.128.030. [Ord. 89-0-446 § 1.]

17.68.060 Signs.

Signs shall be permitted in accordance with Chapter 17.88 BMC. [Ord. 89-0-446 § 1.]

17.68.070 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC. [Ord. 89-0-446 § 1.]

17.68.080 Other required conditions.

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

B. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in a Residential district shall be conducted wholly within an enclosed building unless screened from the Residential district by means of a six foot-high sight-obscuring fence, wall or landscaping, which shall be maintained.

C. Opening to structures on sides adjacent to or across the street from a Residential district shall be prohibited if such access or openings will cause glare, excessive noise or other conditions such as to have adverse effects on property in the Residential district.

D. In any M-2 district directly across a street from, or abutting any lot in a Residential district, the parking and loading area, and outdoor display or storage areas shall be set back at least 10 feet from the street right-of-way or property line and said area shall be landscaped in compliance with 17.92.100 (H), BMC.

E. Access points from a public road to properties in an M-2 district shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets.

F. Any use, or portion thereof causing noise, vibration, or producing intense heat or glare shall

be performed in such a manner as not to create a nuisance or hazard on adjacent property.

G. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard. [Ord. 89-0-446 § 1.]

H. Prior to any development activity on the property, the applicant must comply with 17.100.030, General Mitigation, BMC.

I. An accessway to a new proposed off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet for two-way traffic. If the accessway is a one-way in or one-way out, it shall be a minimum width of 10 feet and have appropriate signage.

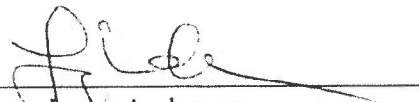
J. Provide for the improvement of an existing dedicated alleyway which is intended to be used for egress and ingress, or backup space of off-street parking for the development.

K. Screen from view all roof-, wall-, or ground-mounted mechanical equipment and devices, in addition to propane tanks when adjacent to or across the street from a Residential District. .

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

First reading: January 12, 2009
Second reading: January 12, 2009
Passage: January 12, 2009
Effective date: February 11, 2009

Signed by me in authentication of its passage this 13th day of January, 2009.



Mayor Larry Anderson

ATTEST:

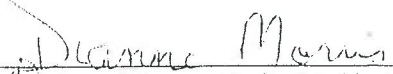


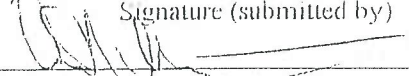
City Recorder Joyce Hefington

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: January 12, 2009

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: A hearing on File LDC-14-08 for consideration and possible adoption of revisions to Chapter 17.68, General Industrial (M-2), Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.68, General Industrial, BMC.

Financial Impact: None.

Background/Discussion: The City's Land Development Code (LDC) Committee drafted revisions to Chapter 17.68, M-2 zone to insert additional permitted and conditional uses, put items in more appropriate Sections, and clarify language. The Planning Commission conducted a hearing on this matter at their December meeting, and with the removal of one word, recommended approval of the draft to the City Council.

Following are some of the more important changes:

- Under 17.68.030, Accessory uses. Accessory uses for dwellings were added to be consistent with residential uses in other commercial zones.
- Under 17.68.080, Other required conditions. (H) through (K) were moved from other sections of the code to be more easily found here. (L) was added to address concerns raised by citizens regarding the appearance of commercial dumpsters. Most of the changes to this zone are the same as in the Industrial Park and General Commercial. The Planning Commission proposed removal of the word "excessive" in G.

Policy Considerations: N/A

Attachment(s): Draft version of Chapter 17.68, General Industrial

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-14-08
HEARING DATE: December 2, 2008

REPORT DATE: November 21, 2008
ITEM NO: 7.3

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.68 General Industrial (M-2) District,
Brookings Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

The City's Land Development Code (LDC) Committee reviewed and made revisions to Chapter 17.68, General Industrial (M-2) District, BMC. Most of the revisions were to insert additional permitted and conditional uses, put items in more appropriate Sections, and clarify language. Following are some of the more important changes:

- Under 17.68.030, Accessory uses. Accessory uses for dwellings were added to be consistent with residential uses in other commercial zones.
- Under 17.68.080, Other required conditions. (H) through (K) were moved from other sections of the code to be more easily found here. (L) was added to address concerns raised by citizens regarding the appearance of commercial dumpsters. Most of the changes to this zone are the same as in the Industrial Park and General Commercial.

Following this report is the draft version of Chapter 17.68, 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-14-08, Chapter 17.68, General Industrial District, BMC, to the City Council.

Chapter 17.68
GENERAL INDUSTRIAL (M-2) DISTRICT
DRAFT 10-15-08

New text is **bold and italicized**.
Text to be removed has ~~strikethroughs~~.

Sections:

- 17.68.010 Purpose.
- 17.68.020 Permitted uses.
- 17.68.030 Accessory uses.
- 17.68.040 Conditional uses.
- 17.68.050 Maximum building height.
- 17.68.060 Signs.
- 17.68.070 Parking.
- 17.68.080 Other required conditions.

17.68.010 Purpose.

This district is intended to provide for the establishment of heavier commercial and industrial uses essential to the development of a balanced economic base, ~~in an industrial environment with a~~ *while minimizing conflicts with* ~~minimum conflict between heavier commercial industrial uses, and~~ residential and light commercial uses. [Ord. 890-446 § 1.]

17.68.020 Permitted uses.

The following uses are permitted:

- A. Any use permitted *outright* in the I-P district;
- B. Any manufacturing, processing, repairing, research, assembling, wholesale or storage uses, excepting the manufacturing of explosives and the slaughtering of animals;
- C. All types of automobile, motorcycle, truck and equipment sales, service, repair and rental;
- D. Boat building, sales, service, repair and rental;
- E. Dwelling for a caretaker or watchman employed on the premises. [Ord. 96-0-446.BB § 4; Ord. 89-0-446 § 1.]

17.68.030 Accessory uses.

A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities and the like. [Ord. 89-0-446 § 1.]

B. Accessory uses for dwelling units

- 1. *Home occupations, subject to the provisions of Chapter 17.104 BMC.*
- 2. *Other accessory uses and accessory buildings and structures, such as non-commercial greenhouses.*

17.68.040 Conditional uses.

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

- A. Junk yards or wrecking yards;
- B. Buildings over 40 feet in height;
- C. Service commercial uses such as banks, offices, restaurants, cafes, refreshment stands, bars, taverns or other convenience establishments designed to serve developed permitted uses;
- D. Commercial excavation and removal of sand, gravel, stone, loam, dirt or other earth products, subject to BMC 17.124.020;
- E. Abattoir (*slaughter house*);

F. Wireless communication facilities, pursuant to Chapter 17.164 BMC *and 17.124.030*. [Ord. 99-0-446.GG § 4; Ord. 89-0-446 § 1.]

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17.68.080 Other required conditions.

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

B. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in a "R" *Residential* district shall be conducted wholly within an enclosed building unless screened from the "R" *Residential* district by means of an ~~six~~ eight-foot-high sight-obscuring fence, wall or landscaping, which shall be maintained.

C. Opening to structures on sides adjacent to or across the street from a "R" *Residential* district shall be prohibited if such access or openings will cause glare, excessive noise or other conditions such as to have adverse effects on property in the "R" *Residential* district.

D. In any M-2 district directly across a street from, or abutting any lot in a "R" *Residential* district, the parking and loading area, and outdoor display or storage areas shall be set back at least 10 feet from the street right-of-way or property line and said area shall be ~~appropriately landscaped to protect the character of said adjacent residential properties.~~ *in compliance with 17.92.100 (H), BMC.*

E. Access points from a public road to properties in an M-2 district shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets. ~~of a primarily residential character.~~

F. Any use, or portion thereof causing noise, vibration, or producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.

G. There shall be no emission of *excessive* odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard. [Ord. 89-0-446 § 1.]

H. Prior to any development activity on the property, the applicant must comply with 17.100.030, General Mitigation, BMC.

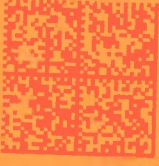
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L. Refuse receptacles or dumpsters shall be appropriately positioned, colored or screened to minimize visibility to vehicular traffic or pedestrians.

UNITED STATES POSTAGE
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0002192361 JAN 13 2009
MAILED FROM ZIP CODE 97415



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