



Oregon
Theodore R. Kubiegoski, 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

07/02/2009

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 009-09

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, July 15, 2009

This amendment was submitted to DLCD for review prior to adoption. 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 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: Dianne Morris, City of Brookings
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N

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-7-09**

Date of Adoption: **6/22/2009**

Date Mailed: **6/24/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/7/2009

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 Land Development Code Chapter 17.116, Planned Unit Developments

Does the Adoption differ from proposal? Yes, Please explain below:

There a few minor word changes.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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. 009-09(17484) [15591]

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

None.

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 NO. 09-O-636

IN THE MATTER OF ORDINANCE 09-O-636, AN ORDINANCE AMENDING CHAPTER 17.116, PLANNED COMMUNITY, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN IT'S ENTIRETY.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Chapter 17.116, in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.116, Planned Community, Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amend Chapter 17.116. Chapter 17.116, Planned Community, is amended to read as follows:

Chapter 17.116
PLANNED COMMUNITY

Sections:

- 17.116.010 Purpose.
- 17.116.020 General requirements.
- 17.116.030 Application.
- 17.116.040 Standards for approval.
- 17.116.050 Variations to be authorized.
- 17.116.060 Subdivision regulations.
- 17.116.070 Planning commission action.
- 17.116.080 Violation of conditions.
- 17.116.090 Minor change.
- 17.116.100 Mapping.

17.116.010 Purpose.

The purpose of Planned Community approval is to allow greater variety in the relationships between buildings and open spaces, while still ensuring compliance with the purpose and objectives of various zoning district regulations, as well as the intent of these land development sections. Allowing developers more freedom to design and construct projects rather than strictly applying the provisions of this code, results in better harmony with site conditions, enhanced esthetics, and greater economy. By encouraging innovative planning, this Code also provides compatible mixed-use development, improved open space protection, greater transportation options, and more efficient use of land. Use of these provisions, however, is dependent upon submission of a complete and acceptable conceptual plan. Use also requires conformance to and compliance with the goals and objectives of the Comprehensive Plan.

17.116.020 General requirements.

A. If a zone change is proposed, materials addressing criteria in Chapter 17.140, BMC must be submitted with the Planned Community application. Such Planned Community application shall not be used to justify or create unauthorized uses within the underlying zoning classification.

B. Requirements pertaining to area, density, yards or similar dimensions, standards and criteria of the underlying zoning classification within which the proposed Planned Community is to be situated, shall be used as a guide in determining the proposal's compliance with the purposes and intent of the land development code.

C. No Planned Community shall be approved in any Residential district if the housing density of the proposed development will result in an intensity of land use greater than that permitted in the Residential district. For this purpose, maximum density is calculated by dividing the total gross area of the subject property by the minimum lot area per dwelling unit prescribed for the zone. If a public or private street is platted as part of the Planned Community, the square footage used for the street must be subtracted from the gross area prior to calculating the density. [Ord. 89-O-446 § 1.]

17.116.030 Application.

The owner or his authorized agent may make application for a Planned Community approval by filing forms provided by the Planning Department. The application shall be accompanied by the following:

A. A filing fee in an amount established by general resolution of the City Council. No part of the filing fee is refundable.

B. An applicant shall submit an application form, appropriate fees, and seven copies of a preliminary site plan for review by the Site Plan Committee pursuant to BMC 17.80.020. When cleared by the Committee, the application will be scheduled for the next available Planning Commission hearing. The preliminary site plan shall be drawn to scale and include, but not limited to, the following information:

1. Proposed use, location, dimensions, height, of all buildings; proposed number of dwelling units, if any, to be located in each building;

2. Proposed circulation pattern including the location, width, of streets, private drives, and sidewalks and/or pedestrian ways; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;

3. Proposed use and location of all open spaces, including a plan for landscaping and any other shared amenities to be provided;

4. Slope: contour map with contour intervals of five feet or less shall be provided. Sufficient lines should be drawn approximately perpendicular to the contours to indicate slopes throughout the project area;

5. Preliminary proposed grading and drainage pattern;

6. Proposed method and plan for provision of water, sewer, storm drainage facilities, fire hydrants, electrical facilities, cable television, mail box facilities, solid waste disposal and street lights;

7. On parent parcels containing slopes of 15 percent or greater, or other hazardous conditions, materials must be submitted pursuant to the provisions of BMC 17.100, Hazardous Building Sites, BMC;

8. A determination of seasonal high water table impact on development of the property, and, if necessary, a ground water drainage mitigation design;

9. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this code; [Ord. 93-O-446.N § 3; Ord. 89-O-446 § 1.]

10. If a land division is proposed, the applicant must comply with any relevant provisions of Chapter 17.172, Land Divisions, BMC.

17.116.040 Standards for approval.

In granting approval for a Planned Community, the Planning Commission shall seek to determine, based upon evidence, provided by the applicant, that:

A. The proposal conforms with the Comprehensive Plan and implementing Ordinances of the City in terms of goals, policies, location and general development standards.

B. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations can be warranted.

C. The project will satisfactorily take care of the traffic it generates, both on- and off-site, by means of adequate off-street parking, access points, and, if required, additional street right-of-way improvements.

D. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site. [Ord. 89-O-446 § 1.]

E. Any Conditions of Approval relating to the construction of the project after completion of the required infrastructure and recording of a plat, if proposed, must be made a part of a recorded Covenants, Conditions, and Restrictions document. Enforcement of these matters will be the responsibility of the Home Owners Association of the subject property.

17.116.050 Variations to be authorized.

The Planning Commission may authorize variations to the standards for the zone in which the Planned Community is located relating to:

- Individual site areas and dimensions;
- Site coverage;
- Yard requirements (setbacks);
- Height of structures;
- Distances between structures;
- Off street parking and loading facilities;
- Street Standards and access requirements;
- and landscaped areas.

To authorize any variations to the standards the applicant must demonstrate by the design proposal that the objectives of the land development regulations of this Chapter will be achieved.

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 will grant final approval when the applicant submits the final subdivision plat in the manner prescribed by the land division regulations. Building permits will not be issued for the Planned Community until the subdivision plat has been recorded.[Ord. 89-O-446 § 1.]

17.116.070 Planning Commission action.

A. The Planning Commission may approve, approve with conditions, or deny an application as submitted. Any Planned Community as authorized shall be subject to all conditions imposed, and shall be exempted from the other provisions of this Code only to the extent specified in said authorization.

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 may grant a two-year extension of time. If phases (staging) is proposed, see 3. below.

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 may grant a two-year extension of time. If phases (staging) is proposed, see 3. below.

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.

D. In approving the conceptual master plan for the Planned Community, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this Chapter. These conditions may include, but are not limited to the following:

1. Required setbacks;
2. Height of buildings;
3. Location and number of vehicular access points;
4. Establishing new streets, increasing the right-of-way or roadway width of existing streets, and in general, improving the traffic circulation system;
5. Number of parking spaces;
6. Number, size, location, and lighting of signs;
7. Designating sites for open space and recreational development;
8. Additional fencing, screening, and landscaping;

17.116.080 Violation of conditions.

Components of the development, subsequent to the completion of the infrastructure and the recording of the plat, if proposed, shall be included in the Covenants, Conditions, and Restriction's (C,C, & R) to be enforced by the Homeowner's Association. Ongoing maintenance for the components stated above shall be enforced by the Homeowner's Association. Violations of any uses authorized by the final order will be resolved pursuant to Chapter 17.160 BMC.

17.116.090 Minor change.

The applicant may apply to the Planning Commission for a minor change to the site plan and/or conditions of approval of an approved Planned Community. The Planning Commission will hold a public hearing to consider the nature of the requested change, impacts the change may have on surrounding properties and/or on the remaining portion of the project, and the impact on the City's services and facilities. The Commission may approve or deny the minor change. If the change is approved it may be incorporated into the project. If it is denied the project remains as originally approved and the change cannot be incorporated. Applications for a minor change must be submitted with the following:

A. A filing fee in an amount established by general resolution of the City Council. No part of the fee is refundable.

B. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted.

C. A statement explaining how the proposed change relates to the approved project and any impacts it may have on the project and/or adjoining property holders and City services and facilities. [Ord. 92-O-446.J § 3; Ord. 89-O-446 § 1.]

17.116.100 Mapping.

Within 30 days after the granting of a Planned Community permit, the symbol "PC" shall be indicated on the zoning map, in addition to the existing zoning designation, on the lot or lots affected by such permit. [Ord. 92-O-446.J § 3; Ord. 89-O-446 § 1.]

First Reading: June 22, 2009
Second Reading: June 22, 2009
Passage: June 22, 2009
Effective Date: July 22, 2009

Signed by me in authentication of its passage this 23rd day of June, 2009



Mayor Larry Anderson

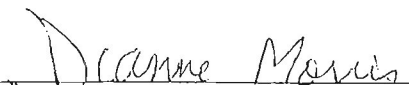
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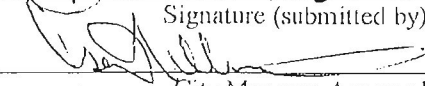

City Recorder Joyce Haffington

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: June 22, 2009

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: A hearing on File LDC-7-09 for consideration and possible adoption of revisions to Chapter 17.116, Planned Unit Development, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.116, Planned Unit Development, BMC.

Financial Impact: None

Background/Discussion: The Land Development Code (LDC) Committee reviewed Chapter 17.116, Planned Communities. ORS 94.550 contains State law pertaining to this type of development. The former term, "Planned Unit Development" has been changed to "Planned Communities" in the law and will be reflected in the new title for this Chapter. Standards described in this Chapter allow for flexibility to accommodate innovative design providing better harmony with site conditions, more efficient use of land, and other goals to provide for diversity in residential and commercial uses.

Changes were made in most sections of this Chapter to provide better explanations and make the process easier to understand. 17.116.010, Purpose, expresses the same basic objectives with better sentence structure. 17.116.070 C, Approval Periods, recognizes the various types of Planned Communities and timelines appropriate for each. 17.116.080, Violation of Conditions, references the enforcement chapter of the BMC and also makes the Homeowners Association responsible for the on-going conditions of approval for the Planned Community, such as maintenance requirements.

The Planning Commission reviewed this Chapter and recommended approval to the City Council without making any additional suggested revisions.

Following this report is the draft version of Chapter 17.116 (Attachment A).

Policy Considerations: N/A

Attachment(s): Draft version of Chapter 17.116, Planned Unit Development, BMC

FINDINGS

CITY OF BROOKINGS PLANNING COMMISSION STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-7-09
HEARING DATE: June 2, 2009

REPORT DATE: May 22, 2009
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

The Land Development Code (LDC) Committee reviewed Chapter 17.116, Planned Communities. ORS 94.550 contains State law pertaining to this type of development. The former term, "Planned Unit Development" has been changed to "Planned Communities" in the law and will be reflected in the new title for this Chapter. Standards described in this Chapter allow for flexibility to accommodate innovative design providing better harmony with site conditions, more efficient use of land, and other goals to provide for diversity in residential and commercial uses.

Changes were made in most sections of this Chapter to provide better explanations and make the process easier to understand. 17.116.010, Purpose, expresses the same basic objectives with better sentence structure. 17.116.070 C, Approval Periods, recognizes the various types of Planned Communities and timelines appropriate for each. 17.116.080, Violation of Conditions, references the enforcement chapter of the BMC and also makes the Homeowners Association responsible for the on-going conditions of approval for the Planned Community, such as maintenance requirements.

Following this report is the draft version of Chapter 17.116 (Attachment A).

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-7-09, Chapter 17.116, Planned Communities, BMC, to the City Council.

Chapter 17.116

PLANNED COMMUNITY UNIT (ORS 94.550)
~~DEVELOPMENT APPROVAL~~

Draft February 11, 2009

Text to be added is *bold and italicized*.

Text to be omitted has ~~strikethrough~~.

Sections:

- 17.116.010 Purpose.
- ~~17.116.020 Planning commission approval required.~~
- 17.116.020 General requirements.
- 17.116.030 Application.
- ~~17.116.050 Public hearing optional with planning commission.~~
- 17.116.040 Standards for approval.
- 17.116.050 Variations to be authorized.
- 17.116.060 ~~Exception to~~ Subdivision regulations.
- 17.116.070 Planning commission action.
- 17.116.080 Violation of conditions.
- 17.116.090 Minor change.
- 17.116.100 Mapping.

17.116.010 Purpose.

~~The purpose of Planned unit development approval is to allow and to make possible greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while ensuring compliance with the purposes and objectives of the various zoning district regulations and the intent and purpose of these land development sections. These provisions are intended to allow developers the freedom to design and construct projects whose objectives could be inhibited by strictly applying the provisions of this code, thereby providing more harmony with site conditions, aesthetics, economy and similar considerations than might otherwise be possible. The use of these provisions is dependent upon the submission of a complete and acceptable conceptual master plan accompanied by satisfactory assurances it will be carried out. Such conceptual, preliminary master plan shall conform to and be in compliance with the goals and objectives of the comprehensive plan. [Ord. 89-O-446 § 1.]~~

The purpose of Planned Community approval is to allow greater variety in the relationships between buildings and open spaces, while still ensuring compliance with the purpose and objectives of various zoning district regulations, as well as the intent of these land development sections. Allowing developers more freedom to design and construct projects rather than strictly applying the provisions of this code, results in better harmony with site conditions, enhanced esthetics, and greater economy. By encouraging innovative planning, this Code also provides compatible mixed-use development, improved open space protection, greater transportation options, and more efficient use of land. Use of these provisions, however, is dependent upon submission of a complete and acceptable conceptual plan. Use also requires conformance to and compliance with the goals and objectives of the Comprehensive Plan.

~~17.116.020 — Planning Commission approval required.~~

~~Where use is made of the Planned unit development process as provided in this section, no building or other permit shall be issued for such development or part thereof until the planning commission has approved said development. [Ord. 89-O-446 § 1.]~~

17.116.020 General requirements.

~~A. A Planned *Community* unit development application shall be for an area of not less than four ~~two~~ contiguous acres of residentially zoned property.~~

~~A. No application shall be accepted for a use which will require a redesignation of the comprehensive plan map or a change of zoning district, unless said application is accompanied by an application for an amendment as set forth in Chapter 17.140 BMC. *If a zone change is proposed, materials addressing criteria in Chapter 17.140, BMC must be submitted with the Planned Community application.* Such Planned *Community* development application shall not be used to justify or create unauthorized uses within the underlying zoning classification, or by excluding uses otherwise permitted therein.~~

B. Requirements pertaining to area, density, yards or similar dimensions, standards and criteria of the underlying zoning classification within which the proposed Planned *Community* unit development is to be situated, shall be used as a guide in determining the proposal's compliance with the purposes and intent of the land development code.

C. No Planned *Community* unit development shall be approved in any "R" *Residential* district if the housing density of the proposed development will result in an intensity of land use greater than that permitted in the "R" *Residential* district. For this purpose, maximum density is calculated by dividing the total gross area of the development *subject property* by the minimum lot area per dwelling unit prescribed for the zone. *If a public or private street is platted as part of the Planned Community, the square footage used for the street must be subtracted from the gross area prior to calculating the density.* [Ord. 89-O-446 § 1.]

17.116.030 Application.

The owner or his authorized agent may make application for a Planned *Community* unit development approval by filing an application with and on forms provided by the Planning Department. The application shall be accompanied by the following:

A. A filing fee in an amount established by general resolution of the City Council. No part of the filing fee is refundable.

B. An applicant shall submit an application form, appropriate fees, and seven copies of a preliminary site plan for review by the Site Plan Committee pursuant to BMC 17.80.020 030(B). When cleared by the Committee, the application will be scheduled for the next available Planning Commission hearing. The preliminary site plan shall be drawn to scale and include, but not limited to, the following information:

1. Proposed use, location, dimensions, height, and ~~type of construction~~ of all buildings; proposed number of dwelling units, if any, to be located in each building;

2. Proposed circulation pattern including the location, width, and ~~surfacing~~ of streets, private drives, and sidewalks and/or pedestrian ways; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;

3. Proposed use *and location* of all open spaces, including a plan for landscaping *and any other shared amenities to be provided*;

4. *Slope: contour map with contour intervals of five feet or less shall be provided. Sufficient lines should be drawn approximately perpendicular to the contours to indicate slopes throughout the project area;*

5. Preliminary proposed grading and drainage pattern;

6. Proposed method and plan for provision of water supply , sewer, storm drainage facilities, and fire hydrants, sewerage disposal, electrical facilities, cable television, mail box facilities, solid waste disposal and street lights;

7. Drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses to the surrounding area;

7. On parent parcels containing slopes of 15 percent or greater, or other hazardous conditions, materials must be submitted pursuant to the provisions of BMC 17.100, Hazardous Building Sites, BMC.

8. A determination of seasonal high water table impact on development of the property, and, if necessary, a ground water drainage mitigation design.

9. Such other pertinent information shall be included as may be considered necessary by the Planning Commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under this code. [Ord. 93-O-446.N § 3; Ord. 89-O-446 § 1.]

10. If a land division is proposed, the applicant must comply with any relevant provisions of Chapter 17.172, Land Divisions, BMC.

17.116.050

Public hearing optional with planning commission.

~~No public hearing need be held if no comprehensive plan map redesignation, zoning amendment or conditional use is required; provided, however, that a hearing may be held by the planning commission when it deems such hearings to be necessary in the public interest. Such hearing, if required or determined by the planning commission to be necessary, shall be held as set forth in Chapter 17.84 BMC. [Ord. 89-O-446 § 1.]~~

17.116.040 Standards for approval.

In granting approval for a Planned *Community* unit development, the Planning Commission shall seek to determine, based upon evidence, ~~both factual and supportive~~ provided by the applicant, that:

~~A. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the construction shall begin within 12 months of the conclusion of any necessary actions by the City, or within such longer period of time as may be established by the Planning Commission.~~

A. The proposal conforms with the Comprehensive Plan and implementing measures *Ordinances* of the City in terms of goals, policies, location and general development standards.

~~B. The project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district.~~

B. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations can be warranted.

~~C. That the project will be compatible with adjacent developments and will not adversely affect the character of the area.~~

C. The project will satisfactorily take care of the traffic it generates, both on- and off-site, by means of adequate off-street parking, access points, and, if required, additional street right-of-way improvements.

D. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site. [Ord. 89-O-446 § 1.]

E. Any Conditions of Approval relating to the construction of the project after completion of the required infrastructure and recording of a plat, if proposed, must be made a part of a recorded Covenants, Conditions, and Restrictions document. Enforcement of these matters will be the responsibility of the Home Owners Association of the subject property.

17.116.050 Variations to be authorized.

~~The Planning Commission may authorize standards of site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, off street parking and off street loading facilities and landscaped areas not equivalent to the standards prescribed within the regulations for the district within which the planned unit development is located, if the applicant has demonstrated, by his design proposal, that the objectives of the land development regulations and of this section will be achieved. [Ord. 89-O-446 § 1.]~~ *The Planning Commission may authorize variations to the standards for the zone in which the Planned Community is located relating to:*

- Individual site areas and dimensions;*
- Site coverage;*
- Yard requirements (setbacks);*
- Height of structures;*
- Distances between structures;*
- Off street parking and loading facilities;*
- Street Standards and access requirements;*
- and landscaped areas.*

To authorize any variations to the standards the applicant must demonstrate by the design proposal that the objectives of the land development regulations of this Chapter will be achieved.

17.116.060 Exception to Subdivision regulations.

~~When a Planned unit development Community involves design proposals which would also necessitate the granting of exceptions to the land division regulations, approval of a subdivision plat, the Planning Commission may initially grant tentative preliminary approval of the application. proposal subject to the condition that The Planning Commission will grant final approval may not be granted until when the applicant submits and receives approval of a tentative the final subdivision plat in the manner prescribed by the land division regulations. Building permits will not be issued for the Planned Community until the subdivision plat has been recorded. [Ord. 89-O-446 § 1.]~~

17.116.070 Planning Commission action.

~~A. The Planning Commission may continue a public hearing in order to obtain more information or to serve further notice.~~

~~A. The Planning Commission shall act upon the application within 90 days, excluding such time as may be required to complete any necessary zoning or comprehensive plan map amendment. In taking action, The Planning Commission may approve, approve with conditions, or deny an application as submitted. Any Planned Community unit development as authorized shall be subject to all conditions imposed, and shall be excepted exempted from the other provisions of this Code only to the extent specified in said authorization.~~

~~B. Any approval of a Planned Community unit development granted hereunder shall lapse and become void if, within 12 months after the final granting of approval, or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval,~~

~~construction of the buildings or structures involved in the development has not been commenced and diligently pursued. The planning commission may further impose other conditions limiting the time within which the development or portions thereof must be completed.~~

C. 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 may grant a two-year extension of time. If phases (staging) is proposed, see 3. below.

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 may grant a two-year extension of time. If phases (staging) is proposed, see 3. below.

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.

D. In approving the conceptual preliminary master plan for the Planned Community unit development, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this section ~~Chapter~~. These conditions may include, but are not limited to the following:

- ~~1. Increasing the Required setbacks;~~
- ~~2. Limiting the Height of buildings;~~
- ~~3. Controlling the Location and number of vehicular access points;~~
4. Establishing new streets, increasing the right-of-way or roadway width of existing streets, and in general, improving the traffic circulation system;
- ~~5. Increasing the Number of parking spaces;~~
- ~~6. Limiting the Number, size, location, and lighting of signs;~~
- ~~7. Designating sites for open space and recreational development;~~
- ~~8. Requiring Additional fencing, screening, and landscaping;~~
- ~~9. Requiring performance bonds to assure that the development is completed as approved within the time limit as established by the Planning Commission;~~
- ~~10. Requiring that a contractual agreement be established with the City to assure development of streets, curbs, gutters, sidewalks, and water and sewer facilities to City standards.~~

E. The decision of the Planning Commission shall be final unless appealed to the City Council according to the procedures set forth in Chapter 17.152-BMC. ~~[Ord. 89-O-446 § 1.]~~

17.116.080 Violation of conditions.

~~The Planning Commission on its own motion may revoke any planned unit development approval for noncompliance with the conditions set forth in the order granting the said approval, after first holding a public hearing and giving notice of such hearing as provided in BMC 17.128.050 through 17.128.070. The foregoing shall not be the exclusive remedy, and it shall be unlawful and an offense punishable hereunder for any person to construct any improvement in violation of any condition imposed by the order granting the planned unit development approval. [Ord. 89-O-446 § 1.]~~

Components of the development, subsequent to the completion of the infrastructure and the recording of the plat, if proposed, shall be included in the Covenants, Conditions, and Restriction's (C,C, & R) to be enforced by the Homeowner's Association. Ongoing maintenance for the components stated above shall be enforced by the Homeowner's

Association. Violations of any uses authorized by the final order will be resolved pursuant to Chapter 17.160 BMC.

17.116.090 Minor change.

The applicant may apply to the Planning Commission for a minor change to the site plan and/or conditions of approval of an approved Planned ~~unit-development~~ *Community*. The Planning Commission will hold a public hearing to consider the nature of the requested change, impacts the change may have on surrounding properties and/or on the remaining portion of the project, and the impact on the City's services and facilities. The Commission may approve or deny the minor change. If the change is approved it may be incorporated into the project. If it is denied the project remains as originally approved and the change cannot be incorporated. Applications for a minor change must be submitted with the following:

A. A filing fee in an amount established by general resolution of the City Council. No part of the fee is refundable.

B. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted.

C. A statement explaining how the proposed change relates to the approved project and any impacts it may have on the project and/or adjoining property holders and City services and facilities. [Ord. 92-O-446.J § 3; Ord. 89-O-446 § 1.]

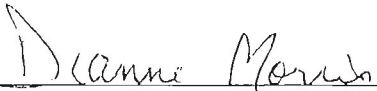
17.116.100 Mapping.

Within 30 days after the granting of a Planned ~~unit-development~~ *Community* permit, the symbol "PD" "PC" shall be indicated on the zoning map, in addition to the existing zoning designation, on the lot or lots affected by such permit. [Ord. 92-O-446.J § 3; Ord. 89-O-446 § 1.]

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 22, 2009



Signature (submitted by)

Originating Dept: Planning

City Manager Approval

Subject: Adopting ordinance for approval to revise Chapter 17.116, Planned Community, Brookings Municipal Code (BMC).

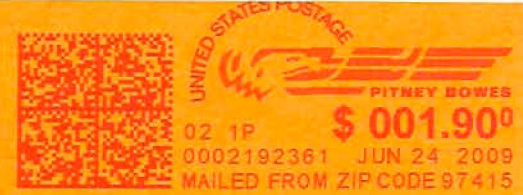
Recommended Motion: Motion to approve Adopting Ordinance 09-O- 636.

Financial Impact: None

Background/Discussion: Revisions to this Chapter were approved by the City Council at their June 22, 2009 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 09-O-636.



ALF

CITY OF BROOKINGS

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TO:

Plan Amendment Specialist
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Salem, OR 97301-2540

