



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

05/12/2009

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 012-09

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, May 20, 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.

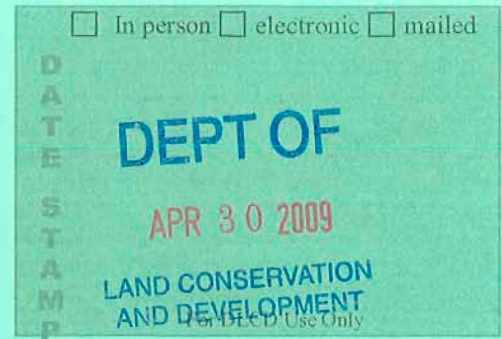
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<paa>

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-5-09**

Date of Adoption: **4/27/2009**

Date Mailed: **4/29/2009**

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".

Revisions to Land Development code Chapter 17.28, Multi-Family Residential (R-3), added "existing single family dwellings" to uses permitted outright.

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 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. See first page

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

Curry County

Local Contact: **Dianne Morris**

Address: **898 Elk Dr.**

City: **Brookings**

Phone: **(541) 469-1138** Extension:

Fax Number: **541-469-3650**

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-633

IN THE MATTER OF ORDINANCE NO. 09-O-633, AN ORDINANCE ADDING SECTION 17.28.020 (D), PERMITTED USES, TO CHAPTER 17.28, MULTI-FAMILY RESIDENTIAL (R-3), OF TITLE 17, LAND DEVELOPMENT CODE, OF THE CITY OF BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Adds Section 17.28.020 (D).

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Section 17.28.020 (D), Permitted Uses to Chapter 17.28, Multi-Family Residential (R-3), of Title 17, Land Development Code, of the Brookings Municipal Code.

Section 2. Adds Section 17.28.020 (D). Section 17.28.020 (D), Permitted Uses, is added to read as follows:

**Chapter 17.28
MULTI-FAMILY RESIDENTIAL (R-3)**

Sections:


17.28.020 Permitted Uses.

The following uses are permitted:

- D. Existing single family dwellings.

First Reading: April 27th 2009
Second Reading: April 27th 2009
Passage: April 27th 2009
Effective Date: May 27th, 2009

Signed by me in authentication of its passage this 28th, day of April, 2009



Mayor Larry Anderson

ATTEST:



City Recorder Joyce Heffington

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

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Mayor Larry Anderson

ATTEST:



City Recorder Joyce Hellington

FINDINGS For
Revisions

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: April 27, 2009

Diarmo Morris
Signature (submitted by)

Originating Dept: Planning

[Signature]
City Manager Approval

Subject: A hearing on File LDC-5-09 for consideration and possible adoption of revisions to Chapter 17.28, Multi-Family Residential (R-3), Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.28, Multi-Family Residential (R-3), BMC.

Financial Impact: None

Background/Discussion: The City's Land Development Code (LDC) Committee, the Planning Commission and finally City Council has reviewed and adopted revisions to the commercial zones to allow existing single family dwellings as an outright permitted use. With this change property owners with these dwellings are able to construct additions, site garages, and site other accessory structures. This revision was inadvertently left out of the revisions to the Multiple-Family 17.28, (R-3) District, BMC. With this revision, regulations for existing single family dwellings will be consistent in the commercial and the R-3 zone.

The Planning Commission reviewed and recommended approval of the revision. Following this report is the one page affected by this revision to Chapter 17.28, BMC (Attachment A).

Policy Considerations: N/A

Attachment(s): **One page affected by this revision to Chapter 17.28, Multi-Family Residential (R-3), BMC.**

APPROVED BY CITY COUNCIL ON

4-27-09

Chapter 17.28
MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT

Draft February 26, 2009

New text is *bolded and italicized*.

Sections:

<u>17.28.010</u>	Purpose.
<u>17.28.020</u>	Permitted uses.
<u>17.28.030</u>	Accessory uses.
<u>17.28.040</u>	Conditional uses.
<u>17.28.050</u>	Minimum lot area and dwelling density.
<u>17.28.060</u>	Lot width, lot coverage and yard requirements.
<u>17.28.070</u>	Maximum building height.
<u>17.28.080</u>	Signs.
<u>17.28.090</u>	Parking.
<u>17.28.100</u>	Manufactured housing siting requirements.
<u>17.28.110</u>	Other required conditions.

17.28.010 Purpose.

This district is designed to provide an environment suitable for higher density urban residential uses. The R-3 district is intended for residential uses, community services and appropriate professional business and service offices. [Ord. 08-O-614 § 2; Ord. 08-O-613 § 2; Ord. 89-O-446 § 1.]

17.28.020 Permitted uses.

The following uses are permitted:

- A. Two-family dwellings or duplexes. Dwelling must have a garage or carport for each dwelling unit constructed of like materials;
- B. Multiple-family dwellings and apartment houses;
- C. Single-family dwellings, provided the building permit applicant or the applicant's spouse, parent, child or sibling purchased the property prior to August 13, 1998. Dwelling must have a garage or carport constructed of like materials. A single-family dwelling may include

a manufactured home as defined by ORS 446.003, and subject to BMC 17.28.100. [Ord. 08-O-614 § 2; Ord. 98-O-446.CC § 2; Ord. 94-O-446.T § 5; Ord. 89-O-446 § 1.]

D. Existing single family dwellings.

17.28.030 Accessory uses.

The following accessory uses are permitted:

- A. Home occupations, subject to the provisions of Chapter 17.104 BMC;
- B. Other accessory uses and accessory buildings and structures, such as noncommercial greenhouses, customarily appurtenant to a permitted use;
- C. Boats, trailers, pick-up campers, motor homes and similar equipment may be stored, but not occupied, except as provided for temporary sleeping purposes in BMC 8.15.087, on a lot in an "R" district; provided, that:

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-5-09
HEARING DATE: April 7, 2009

REPORT DATE: March 27, 2009
ITEM NO: 7.3

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.28 Multiple-Family Residential (R-3) District, Brookings Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

The City's Land Development Code (LDC) Committee, the Planning Commission and finally City Council has reviewed and adopted revisions to the commercial zones to allow existing single family dwellings as an outright permitted use. With this change property owners with these dwellings are able to construct additions, site garages, and site other accessory structures. This revision was inadvertently left out of the revisions to the Multiple-Family 17.28, (R-3) District, BMC. With this revision, regulations for single family dwellings will be consistent in the commercial and the R-3 zone.

Following this report is the draft version of Chapter 17.28, 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-5-09, Chapter 17.28, Multiple-Family Residential District, BMC, to the City Council.

**Chapter 17.28
MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT**

Draft February 26, 2009

New text is *bolded and italicized*.

Sections:

<u>17.28.010</u>	Purpose.
<u>17.28.020</u>	Permitted uses.
<u>17.28.030</u>	Accessory uses.
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<u>17.28.050</u>	Minimum lot area and dwelling density.
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<u>17.28.070</u>	Maximum building height.
<u>17.28.080</u>	Signs.
<u>17.28.090</u>	Parking.
<u>17.28.100</u>	Manufactured housing siting requirements.
<u>17.28.110</u>	Other required conditions.

17.28.010 Purpose.

This district is designed to provide an environment suitable for higher density urban residential uses. The R-3 district is intended for residential uses, community services and appropriate professional business and service offices. [Ord. 08-O-614 § 2; Ord. 08-O-613 § 2; Ord. 89-O-446 § 1.]

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a manufactured home as defined by ORS 446.003, and subject to BMC 17.28.100. [Ord. 08-O-614 § 2; Ord. 98-O-446.CC § 2; Ord. 94-O-446.T § 5; Ord. 89-O-446 § 1.]

D. Existing single family dwellings.

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- C. Boats, trailers, pick-up campers, motor homes and similar equipment may be stored, but not occupied, except as provided for temporary sleeping purposes in BMC 8.15.087, on a lot in an "R" district; provided, that:

Chapter 17.28
MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT

Draft February 26, 2009

New text is *bolded and italicized*.

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