



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

10/08/2009

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 019-09

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, October 21, 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>

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

In person electronic mailed

DATE STAMP

DEPT OF
OCT 01 2009
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Brookings**

Local file number: **LDC-11-09**

Date of Adoption: **10/28/2009**

Date Mailed: **9/30/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date: 00/00/0000

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".
Clarification and small evisions to Land Development Code Chapter 17.156, Appeals to Planning Commission.

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

There a few minor word changes.

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. 019-09(17858) [15740]

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 09-O-646

IN THE MATTER OF ORDINANCE 09-O-646, AN ORDINANCE AMENDING CHAPTER 17.156, APPEAL TO PLANNING COMMISSION, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN IT'S ENTIRETY.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Chapter 17.156, in it's entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.156 Appeal to Planning Commission, Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amend Chapter 17.156. Chapter 17.156, Appeal to Planning Commission is amended to read as follows:

Chapter 17.156
Appeal to Planning Commission

Sections:

- 17.156.010 Generally.
- 17.156.020 Appeal procedure.
- 17.156.030 Public hearing.

17.156.010 Generally.

In the event of an ambiguity in Title 17, Land Development Code, Brookings Municipal Code, affecting enforcement, the Planning Commission shall have the power to hear and decide appeals from administrative interpretations and to declare the meaning and intent, and interpret the provisions of this Code. In thus resolving ambiguities, being considered in this appeal, the Planning Commission shall so interpret this Code as to carry out BMC 17.01.020 and the expressed purpose of the zoning district involved. [Ord. 89-O-446 § 1.]

17.156.020 Appeal procedure.


Any interested person may, within 15 days from the postmark date on the mailing of the decision of the Site Plan Committee or administrative staff, file an appeal with the Planning Department on forms provided by that Department (available at office or on City webpage) together with the appropriate fee. The written request appealing the decision shall state specific reasons for the appeal based upon pertinent, applicable sections of this Code. Staff shall prepare the required legal notice and Staff Report for the next available Planning Commission meeting. [Ord. 89-O-446 § 1.]

17.156.030 Public hearing.

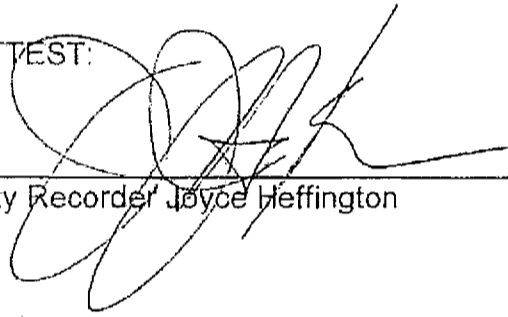
The Planning Commission shall, at the time of the public hearing, hear the Appellant or their representative, City Staff, any agency representative, and the public. The decision of the Planning Commission shall be documented in a written final order. Any participant in the hearing may, within 15 days after the postmark date on the mailing of the final order, appeal the decision to the City Council as set forth in Chapter 17.152, BMC.

First reading: September 28, 2009
Second reading: September 28, 2009
Passage: September 28, 2009
Effective date October 28, 2009

Signed by me in authentication of its passage this 29th day of September, 2009.




Mayor Larry Anderson

ATTEST:


City Recorder Joyce Heffington

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: September 28, 2009

Donna Colby-Hanks
Signature (submitted by)


City Manager Approval

Originating Dept: Planning

Subject: A hearing on File LDC-12-09 for consideration and possible adoption of revisions to Chapter 17.156, Appeal to Planning Commission of the Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.156, Appeal to Planning Commission, BMC.

Financial Impact: None

Background/Discussion: The Land Development Code (LDC) Committee reviewed Chapter 17.156, Appeal to Planning Commission. Changes were made to clarify the process and explain further appeal options.

Specific revisions are:


- 17.156.020, Appeal Procedure. The time for the appeal period was clarified. The current Code references the City Council appeal procedure which is not appropriate. Staff drafted language to clarify the procedure.
- 17.156.030, Public Hearing. This section has been added to explain process and options for further appeal.

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

Policy Considerations: N/A

Attachment(s): Draft version of Chapter 17.156, Appeal to Planning Commission, BMC.

APPROVED BY CITY COUNCIL ON

9-28-09


Chapter 17.156
APPEAL TO PLANNING COMMISSION

Draft 6-4-09

Text to be added is ***bold and italicized***.

Text to be omitted has ~~strikethrough~~.

Sections:

- 17.156.010 Generally.
- 17.156.020 Appeal procedure.
- 17.156.030 Public hearing.***

17.156.010 Generally.

In the event of an ambiguity in this Code affecting enforcement thereof, the Planning Commission shall have the power to hear and decide appeals from administrative interpretations and to declare the meaning and intent, and interpret the provisions of this Code. In thus resolving ambiguities on appeal, ***being considered in this appeal***, the Planning Commission shall so interpret this Code as to carry out BMC 17.01.020 and the expressed purpose of the zoning district involved. [Ord. 89-O-446 § 1.]

17.156.020 Appeal procedure.

Any applicant or any other interested person may, within 15 days ***from the postmark date on the mailing of*** after the decision of the Site Plan Committee or administrative staff, file an appeal with the ~~city manager or his designee~~, pursuant to ~~procedures set forth in BMC 17.152.010, 17.152.020, 17.152.030 and 17.152.050~~. ***Planning Department on forms provided by that Department together with the appropriate fee. The written request appealing the decision shall state specific reasons for the appeal based upon pertinent, applicable sections of this Code. Staff shall prepare the required legal notice and Staff Report for the next available Planning Commission meeting.*** [Ord. 89-O-446 § 1.]

17.156.030 Public hearing.

The Planning Commission shall, at the time of the public hearing, hear the Appellant or their representative, City Staff, any agency representative, and the public. The decision of the Planning Commission shall be documented in a written final order. Any participant in the hearing may,

*within 15 days after the postmark date on the mailing of the final order,
appeal the decision to the City Council as set forth in Chapter 17.152, BMC.*

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-12-09
HEARING DATE: Sept. 1, 2009

REPORT DATE: August 21, 2009
ITEM NO: 7.4

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.156, Appeal to Planning Commission,
Brookings Municipal Code (BMC).
PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

The Land Development Code (LDC) Committee reviewed Chapter 17.156, Appeal to Planning Commission.

Specific revisions are:

- 17.156.020, Appeal Procedure. The time for the appeal period was clarified. The current Code references the City Council appeal procedure which is not appropriate. Staff drafted language to clarify the procedure.
- 17.156.030, Public Hearing. This section has been added to explain process and options for further appeal.

Following this report is the draft version of Chapter 17.156 (Attachment A).

RECOMMENDATION

After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-12-09, Chapter 17.156, Appeal to Planning Commission, BMC, to the City Council.

Chapter 17.156
APPEAL TO PLANNING COMMISSION

Draft 6-4-09

Text to be added is ***bold and italicized***.

Text to be omitted has strikethrough.

Sections:

- 17.156.010 Generally.
- 17.156.020 Appeal procedure.
- 17.156.030 Public hearing.***

17.156.010 Generally.

In the event of an ambiguity in this Code affecting enforcement thereof, the Planning Commission shall have the power to hear and decide appeals from administrative interpretations and to declare the meaning and intent, and interpret the provisions of this Code. In thus resolving ambiguities ~~on appeal,~~ ***being considered in this appeal,*** the Planning Commission shall so interpret this Code as to carry out BMC ~~17.01.020~~ and the expressed purpose of the zoning district involved. [Ord. 89-O-446 § 1.]

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*within 15 days after the postmark date on the mailing of the final order,
appeal the decision to the City Council as set forth in Chapter 17.152, BMC.*

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ACF
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