



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

06/30/2014

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 006-14

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: Monday, July 14, 2014

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Donna Colby-Hanks, City of Brookings
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	006-14 (20425)
File No.:	[17915]
Received: 6/23/2014	

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Brookings

Local file no.: **LDC-2-14**

Date of adoption: 06/09/2014 Date sent:

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): N/A

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Donna Colby-Hanks

Phone: (541) 469-1137

E-mail: dcolbyhanks@brookings.or.us

Street address: 898 Elk Drive

City: Brookings

Zip: 97415-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|------------------------|----|--------|--|
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Chapter 17.40.040 Public Open Space, Conditional Uses. Provisions have been added to allow a RV to be used as living quarters for a caretaker with approval of a conditional use permit.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: DLCD

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Copies of all staff reports and draft provisions are attached.

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 14-O-731

IN THE MATTER OF ORDINANCE 14-O-731, AN ORDINANCE AMENDING SECTION 17.40.040, CONDITIONAL USES OF CHAPTER 17.40, PUBLIC OPEN SPACE DISTRICT, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

Section 1. Ordinance Identified.

Section 2. Amends Section 17.40.040.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.40.040, Conditional Uses of Chapter 17.40, Public Open Space District, of the Brookings Municipal Code.

Section 2. Amends Section 17.40.040. Section 17.40.040 is amended to read as follows:

17.40.040 Conditional uses.

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

- A. Utilities and services, including storage or repair yards, warehouses or similar uses totally enclosed within a building or contained within a minimum eight-foot-high, sight-obscuring fence;
- B. Caretaker, night watchman or park host residence.
- C. The use of a recreational vehicle (RV) for a caretaker, night watchman or park host residence in compliance with criteria below:
 - 1. RV must be parked on a dust-free, asphaltic or concrete surface or other materials approved by the site plan committee.
 - 2. Adequacy of sewer, water, and storm drainage must be reviewed and approved by the City.
 - 3. RV must be sited in compliance with property line setbacks pursuant to BMC Chapter 17.40.050.
 - 4. All storage must be entirely within an enclosed accessory structure except for items such as outdoor furniture.

5. Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.
6. Caretaker residences shall be limited to one per discrete parcel, unless otherwise approved by the planning commission.

First Reading:

June 9, 2014

Passage:

June 9, 2014

Second Reading:

June 9, 2014

Effective Date:

July 9, 2014

Signed by me in authentication of its passage this

11th

, day of

June

, 2014

ATTEST:

Ron Hedenskog
Mayor Ron Hedenskog

Joyce Heffington
City Recorder Joyce Heffington



MEMO

TO: Planning Commission

FROM: Donna Colby-Hanks, Planning Manager 

DATE: March 14, 2014

SUBJECT: March 25, 2014 Planning Commission Workshop to review code revisions to add the use of a recreational vehicle (RV) as living quarters for a caretaker as a Conditional Use in the Public Open Space (PO/S).

Property zoned PO/S (see map **Attachment A**) is owned by public entities such as the Brookings Harbor School District, the City of Brookings, Harris Beach State Park, and the Brookings Airport owned by Curry County. The PO/S zone contains provisions for a caretaker, night watchman or park host residence with the approval of a Conditional Use Permit. There is the potential benefit to allow a RV to be utilized for this use. Curry County is experiencing some safety issues related to wildlife at the Brookings Airport. One option to resolve this issue is to have a caretaker utilizing a RV as living quarters to be located on the airport property. The City has several parks in the PO/S that are experiencing ongoing vandalism which an on-site caretaker could deter. There are other instances in the PO/S where the use of a RV for a caretaker could be beneficial.

The attached proposed draft provisions (**Attachment B**) would provide for a RV to be used as living quarters for a caretaker in these circumstances with approval of a Conditional Use Permit. A set of criteria to limit impacts to the neighborhood would need to be met for approval.

The use of RV's is very limited within the City of Brookings. They can be located within a RV park and can be used as temporary sleeping purposes for no more than two weeks in every calendar year on developed property in residential zones. This provision is also available to applicants with an active building permit. RV's can also be stored on developed residential properties but must meet setback and surface requirements for parking.

A hearing on these draft revisions will be scheduled for the April 8, 2014 Planning Commission meeting.

The Planning Commission will be acting in their role of *Committee for Citizen Involvement (CCI)* in conducting this workshop.

Proposed new text is **bold**.

**Chapter 17.40
PUBLIC OPEN SPACE (P O/S) DISTRICT**

17.40.040 Conditional uses.

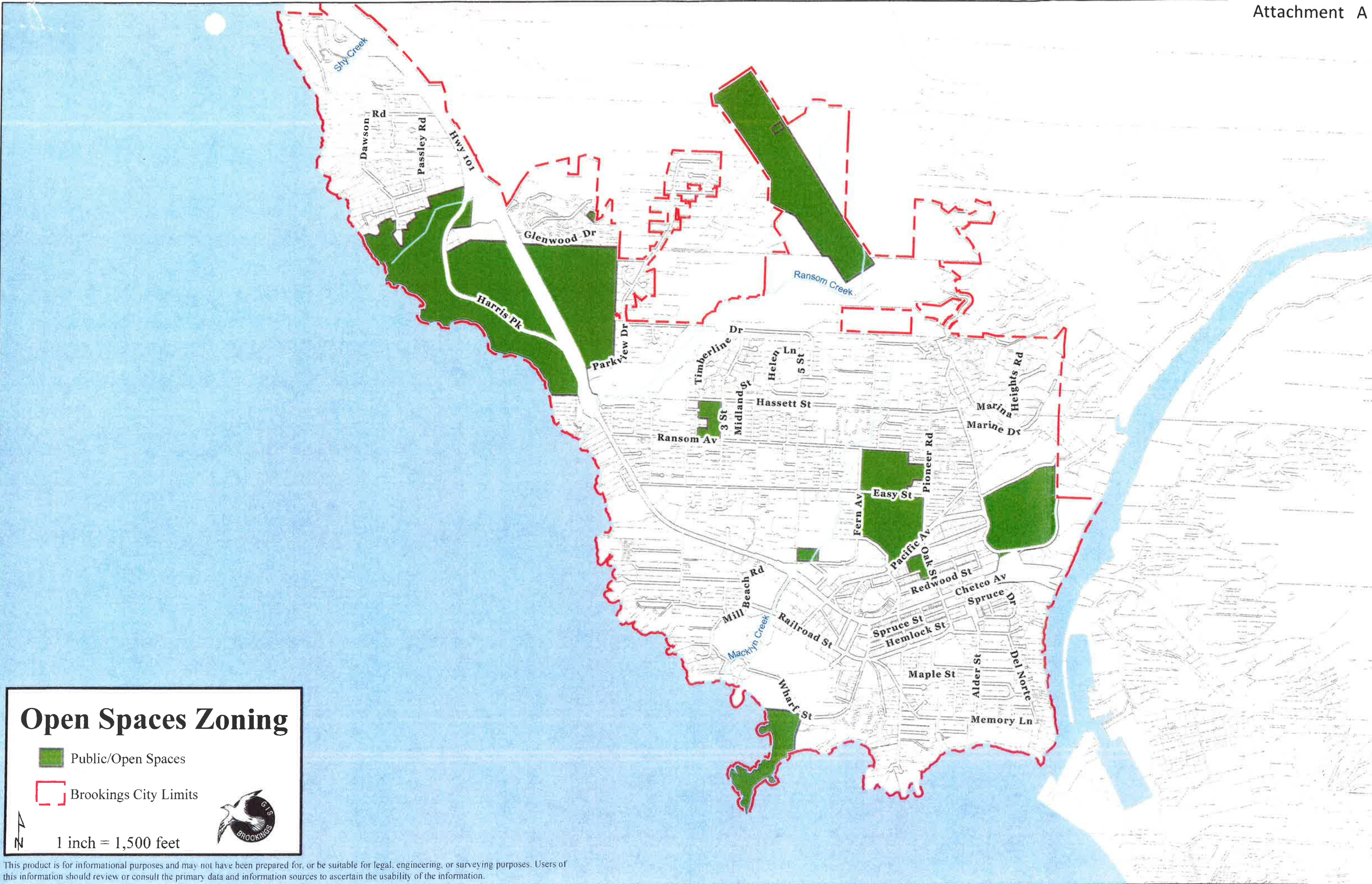
The following conditional uses may be permitted subject to a conditional use permit:

A. Utilities and services, including storage or repair yards, warehouses or similar uses totally enclosed within a building or contained within a minimum eight-foot-high, sight-obscuring fence;

B. Caretaker, night watchman or park host residence.

C. The use of a recreational vehicle (RV) for a caretaker, night watchman or park host residence in compliance with criteria below:

1. **RV must be parked on a dust-free, asphaltic or concrete surface or other materials approved by the site plan committee.**
2. **Adequacy of sewer, water, and storm drainage connections must be reviewed and approved by the City.**
3. **RV must be sited in compliance with property line setbacks pursuant to BMC Chapter 17.40.050.**
4. **All storage must be entirely within an enclosed accessory structure except for items such as outdoor furniture.**
5. **Caretaker residences shall be limited to one per discrete parcel, unless otherwise approved by the planning commission.**



Open Spaces Zoning

-  Public/Open Spaces
-  Brookings City Limits

1 inch = 1,500 feet



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Proposed new text is **bold**.

Revisions from Planning Commission Workshop (03-25-14)

Additional new text is **underlined bold**.

Text deleted is ~~strikethrough~~

Chapter 17.40 PUBLIC OPEN SPACE (P O/S) DISTRICT

17.40.040 Conditional uses.

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

A. Utilities and services, including storage or repair yards, warehouses or similar uses totally enclosed within a building or contained within a minimum eight-foot-high, sight-obscuring fence;

B. Caretaker, night watchman or park host residence.

C. The use of a recreational vehicle (RV) for a caretaker, night watchman or park host residence in compliance with criteria below:

1. **RV must be parked on a dust-free, asphaltic or concrete surface or other materials approved by the site plan committee.**
2. **Adequacy of sewer, water, and storm drainage connections must be reviewed and approved by the City.**
3. **RV must be sited in compliance with property line setbacks pursuant to BMC Chapter 17.40.050.**
4. **All storage must be entirely within an enclosed accessory structure except for items such as outdoor furniture.**
5. **Applicant shall subscribe to a scheduled waste collection service and provide garbage receptacles on the property.**
5. ~~**Caretaker residences shall be limited to one per discrete parcel, unless otherwise approved by the planning commission.**~~

CITY OF BROOKINGS PLANNING COMMISSION
STAFF REPORT

SUBJECT: Land Development Code Amendment
FILE NO: LDC-2-14
HEARING DATE: April 8, 2014

REPORT DATE: March 28, 2014
ITEM NO: 5.1

GENERAL INFORMATION

APPLICANT: City Initiated.
REPRESENTATIVE: City Staff.
REQUEST: Revisions to Chapter 17.40 Public Open Space (PO/S) to add provisions for a recreational vehicle to be used as living quarters for a caretaker as a Conditional Use, Brookings Municipal Code (BMC).

PUBLIC NOTICE: Published in local newspaper.

BACKGROUND INFORMATION

Property zoned PO/S (see map **Attachment A**) is owned by public entities such as the Brookings Harbor School District, the City of Brookings, Harris Beach Park owned by Oregon State Parks, and the Brookings Airport owned by Curry County. The PO/S zone contains provisions for a caretaker, night watchman or park host residence with the approval of a Conditional Use Permit. Curry County is experiencing some safety issues related to wildlife at the Brookings Airport. One option to resolve this issue is to have a caretaker utilizing a RV as living quarters located on the airport property. The City has several parks zoned PO/S that are experiencing ongoing vandalism which an on-site caretaker could deter. There are other instances in the PO/S where the use of a RV for a caretaker could be beneficial.

Currently, the use of RV's is very limited within the City of Brookings. They may be located within a RV park, used as temporary sleeping purposes for no more than two weeks, and be stored on developed residential properties.

On March 25, 2014, the Planning Commission conducted a workshop to review and discuss the addition of a RV to be used as living quarters for a caretaker. Revisions were made to the draft to address Commissioners concerns. One of the concerns involved limiting the number of RVs used as caretaker living quarters to one per discrete parcel unless otherwise approved by the planning commission. The Site Plan Committee suggested this criteria to alert applicants that evidence of special circumstances would need to be provided to the planning commission for the use of more than one RV. It would also provide assurance for adjacent properties that impacts could be limited.

BMC Chapter 17.08.160 defines a discrete parcel as a unit of land created by partitioning of the subject property as defined in ORS 92.010 and in compliance with all regulations in this code; or by

deed or sales contract, if there were no applicable planning, zoning, or partitioning ordinances or regulations in effect at the time the parcel was created.

The revised provisions reflecting the Planning Commission comments are provided as **Attachment B**.

RECOMMENDATION

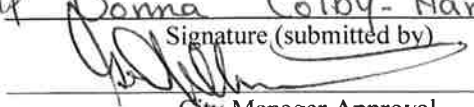
After careful consideration, and any input the public may provide, Staff supports a Planning Commission recommendation of approval of file LDC-2-14, revisions to include the use of a recreational vehicle as living quarters for a caretaker in Section 17.40.040(C) Public Open Space, Conditional Uses, BMC, to the City Council.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 12, 2014

Originating Dept: PWDS-Planning

49 Donna Colby-Hanks
Signature (submitted by)

City Manager Approval

Subject: A hearing on File LDC-2-14 for consideration of revisions to Chapter 17.40 Public Open Space (PO/S), Brookings Municipal Code (BMC) to add provisions for a recreational vehicle (RV) to be used as living quarters for a caretaker as a Conditional Use.

Recommended Motion:

1. A motion to approve the addition of a RV to be used as living quarters as a conditional use in Chapter 17.40 Public Open Space with the criteria in Attachment B, or;
2. A motion to approve the addition of a RV to be used as living quarters as a conditional use in Chapter 17.40 Public Open Space with the criteria in Attachment B and to include a limit of one RV per discrete parcel, unless otherwise approved by the planning commission.

Financial Impact: Collection of minuscule Conditional Use Permit fees.

Background/Discussion: Property zoned PO/S (see map **Attachment A**) is owned by public entities such as the Brookings Harbor School District, the City of Brookings, Harris Beach Park owned by Oregon State Parks, and the Brookings Airport owned by Curry County. The PO/S zone contains provisions for a caretaker, night watchman or park host residence with the approval of a Conditional Use Permit. Curry County is experiencing some safety issues related to wildlife at the Brookings Airport. One option to resolve this issue is to have a caretaker utilizing a RV as living quarters located on the airport property. The City has several parks zoned PO/S that are experiencing ongoing vandalism which an on-site caretaker could deter. There are other instances in the PO/S where the use of a RV for a caretaker could be beneficial.

Currently, the use of RV's is very limited within the City of Brookings. They may be located within a RV park, used as temporary sleeping purposes for no more than two weeks, and be stored on developed residential properties.

The Planning Commission conducted a workshop as well as a public hearing to review and discuss the revisions to add the use of a RV as living quarters for a caretaker. The Commissioners expressed concern with the limitation of one RV used as living quarters for each discrete parcel unless otherwise approved by the planning commission. The Site Plan Committee suggested this criteria to alert applicants that evidence of special circumstances would need to be provided to the planning commission for the use of more than one RV. It would also provide assurance for adjacent properties that impacts could be limited.

The revised provisions reflecting the Planning Commission recommendations are provided as **Attachment B**.

Policy Considerations: N/A

Attachment(s):

- A. Zoning map
- B. PO/S revisions recommended by Planning Commission

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: June 9, 2014

Originating Dept: PWDS - Planning

4
Donna Colby-Hanks
Signature (submitted by)
City Manager Approval

Subject: Ordinance amending Section 17.40.040 of Chapter 17.40, Public Open Space District, Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 14-O-731.

Financial Impact: None.

Background/Discussion: Revisions to add provisions for a recreational vehicle (RV) to be used as living quarters for a caretaker as a conditional use in the Public Open/Space District were considered by the City Council at their May 12, 2014 meeting. City Council approved the revisions to also include a limit of one RV per discrete parcel unless otherwise approved by the planning commission.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 14-O-731.