

For: Monday, **October 26, 2015**, City Council Meeting

Advance Packet Information

Dated: 10/19/15

Included in this packet is documentation to support the following Agenda items:

Ordinances

1. Ordinance 15-O-748 adding Amateur Radio Facilities as conditional uses in Brookings Municipal Code. [Planning, pg. 2]
 - a. Ordinance [pg. 3]
2. Ordinance 15-O-749 amending Exhibit A of Ordinance 15-O-744 to correct the metes and bounds description. [Planning, pg. 7]
 - a. Ordinance [pg. 9]
3. Ordinance 15-O-750, amending System Development Charge exemptions in the Brookings Municipal Code. [PWDS, pg. 11]
 - a. Ordinance [pg. 12]

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 14 days advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 26, 2015

Originating Dept: PWDS - Planning

Donna Colby-Hanks LHS
Signature (submitted by)
[Signature]
City Manager Approval

Subject: Ordinance amending applicable zoning districts to accommodate amateur radio facilities as conditional uses and adding Section 17.124.230 Amateur Radio Facilities to Chapter 17.124, Title 17, Land Development Code, of the Brookings Municipal Code.

Recommended Motion: Motion to adopt Ordinance 15-O-748.

Financial Impact: None.

Background/Discussion: Revisions to add provisions for additional opportunities for amateur radio facilities as an accessory use to a dwelling and with the approval of a conditional use permit were considered by the City Council at several meetings. City Council approved the revisions at their September 14, 2015 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 15-O-748.

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 15-O-748

IN THE MATTER OF ORDINANCE 15-O-748, AN ORDINANCE ADDING SECTION 17.124.030, AMATEUR RADIO FACILITIES, AND AMATEUR RADIO FACILITIES AS CONDITIONAL USES IN APPLICABLE ZONING DISTRICTS, TO TITLE 17, LAND DEVELOPMENT CODE OF THE BROOKINGS MUNICIPAL CODE.

Sections:

Section 1. Ordinance Identified.

Section 2. Adds Section 17.124.230.

Section 3. Adds amateur radio facilities as Conditional Uses in applicable zoning districts.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. Adds Section 17.124.030, Amateur Radio Facilities, and Amateur Radio Facilities as Conditional Uses in applicable Zoning Districts, to Title 17, Land Development Code of the Brookings Municipal Code.

Section 2. Adds Section 17.124.230. Section 17.124.230 is hereby added to Chapter read as follows:

17.124.230 Amateur radio facilities.

Amateur radio facilities are private, non-commercial wireless communication facilities consisting of antennas, towers, and/or support structures. The City recognizes the importance of amateur radio operators and their service to the community especially in the event of emergencies.

Amateur radio facilities are considered an accessory use to a residential dwelling. Chapter 17.128.020(B) provides for exceptions to height limitations for masts, aerials and antenna.

The following siting criteria shall apply to amateur radio facilities that do not meet the provisions of Chapter 17.128.020(B) and/or the applicable zoning district. The criteria are intended to maximize public safety and minimize visual impacts to promote and protect the residential characteristics of the residential zoning districts consistent with federal and state law. Public notice shall be provided to all property owners within 1000 feet of a proposed amateur radio facility requesting approval with a conditional use permit (CUP).

A. Height. The maximum tower/antenna height shall not exceed 70 feet from the finished grade at the base of the tower. A needs analysis must be submitted with the application providing justification of the need for the requested height.

B. Front, Side and Rear Yard Setbacks. The minimum setback from all property lines to the finished grade at the base of the tower shall be one (1) foot for every one foot of height. No

towers shall be sited within the front yard setback of the underlying zone. With the exception of guy wires, antennas, and footings that do not project above grade level, no component of the facility may encroach into the required setback. Guy wires and antennas must meet the minimum setback of the underlying zone.

C. Construction. A building permit shall be obtained for the construction or erection of the amateur radio facility. Plans and calculations shall be provided and shall comply with the provisions of Section 3108 of the Oregon Structural Specialty Code.

D. Finish (paint/surface). The facility shall have a finish, tone or color that reduces its visibility. In most circumstances this condition may be satisfied by painting the facility with a flat light haze gray paint. The owner shall maintain the finish, painted or unpainted. Red and white or orange and white finish is not allowed. If these colors are required by the FAA (Federal Aviation Administration) or ODA (Oregon Department of Aviation), the height shall be reduced to a level that it is not required.

E. Fencing and Security. For security purposes, towers and accessory facilities shall be enclosed by a minimum six-foot fence or be equipped with anti-climb devices. If this conflicts with TIA-222 or other agencies, the most restrictive requirements shall prevail.

F. Lighting. No lighting shall be permitted on the facility. If required by the FAA or ODA, the facility shall be reduced to a level that does not require lighting.

G. Airport Overlay Zone. The facility shall comply with the requirements in BMC Chapter 17.76, Airport Overlay Zone.

H. Advertising/Signs. No advertising or signs of any type are to be placed on the tower at any time except those required or necessary for safety and warnings. Safety and warning signs shall be less than two square feet and be placed on the facility at a height of less than six feet.

I. License. The owner of the facility shall possess and provide a copy of a current FCC license to the City. After six (6) months with no valid license, the facility shall be considered abandoned and shall be removed by the property owner within 60 days thereafter. The owner shall provide a copy of a valid FCC license every three (3) years.

J. Abandonment. The property owner shall provide annual written documentation that the facilities are functioning. Amateur radio facilities that do not have functioning antennas for a period of six months shall be considered abandoned and shall be removed by the owner of the facility within 60 days thereafter. Upon written application, prior to the expiration of the six-month period, the planning commission if approved with a CUP or staff if permitted outright may, in writing, grant a six-month time extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the planning commission subject to any conditions required to bring the project or facility into compliance with current regulation(s).

K. Maintenance. Amateur radio facilities shall be maintained in good order and repair at all time so to not constitute any danger or hazard to adjacent properties. The facility must be inspected by

an Oregon structural engineer every three (3) years and a report provided to the City for towers more than 25 years of age, or at anytime that the Building Official observes signs of deterioration or instability and requests such an inspection. If repairs are needed, they must be completed within six (6) months, reinspected, and a report provided to the City.

L. Unrelated equipment. Equipment and antenna for other than amateur radio facilities shall comply with height and setback requirements of Chapter 17.128.020(B) and the underlying zone.

M. Hazardous Building Sites. Construction or erection of amateur radio facilities shall comply with Chapter 17.100 Hazardous Building Site Protection.

N. Permanent structures must not be located in any easement.

O. The City must be notified if the property is sold. The City will provide the new property owner a copy of the final order with conditions of approval of the Conditional Use Permit granting approval.

P. The tower must be a monopole with an aerial or directional beam type antenna. If a directional beam antenna is proposed, it must cover an area less than 100 sq. ft. or a needs analysis must be submitted providing justification of the need for a larger antenna.

Q. The amateur radio facilities must be located, designed and installed so as to minimize conflicts with scenic views to the extent possible.

Section 3. Adds amateur radio facilities as Conditional Uses in applicable zoning districts: The following subsections are hereby added as follows:

17.16.040(V). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.20.040(U). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.24.040(V). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.28.040(T). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.32.040(V). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.36.040(L). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.40.040(D). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.44.040(D). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.48.040(J). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.52.040(O). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.56.040(J). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.64.040(I). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

17.68.040(G). Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC 17.124.230.

First Reading: _____ Passage: _____
Second Reading: _____ Effective Date: _____
Signed by me in authentication of its passage this _____, day of _____, 2015

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 26, 2015

Originating Dept: PWDS -Planning

Donna Colby-Hanks *DC*
Signature (submitted by)
[Signature]
City Manager Approval

Subject: Correction to Exhibit A, metes and bounds description, of Ordinance 15-O-744 adopting File ANX-1-15, Tan Annexation at 16947 Parkview Drive.

Recommended Motion: A motion to approve amending Exhibit A of Ordinance 15-O-744 to correct the metes and bounds description for File ANX-1-15, Tan Annexation and proceed to adopting ordinance.

Financial Impact: None.

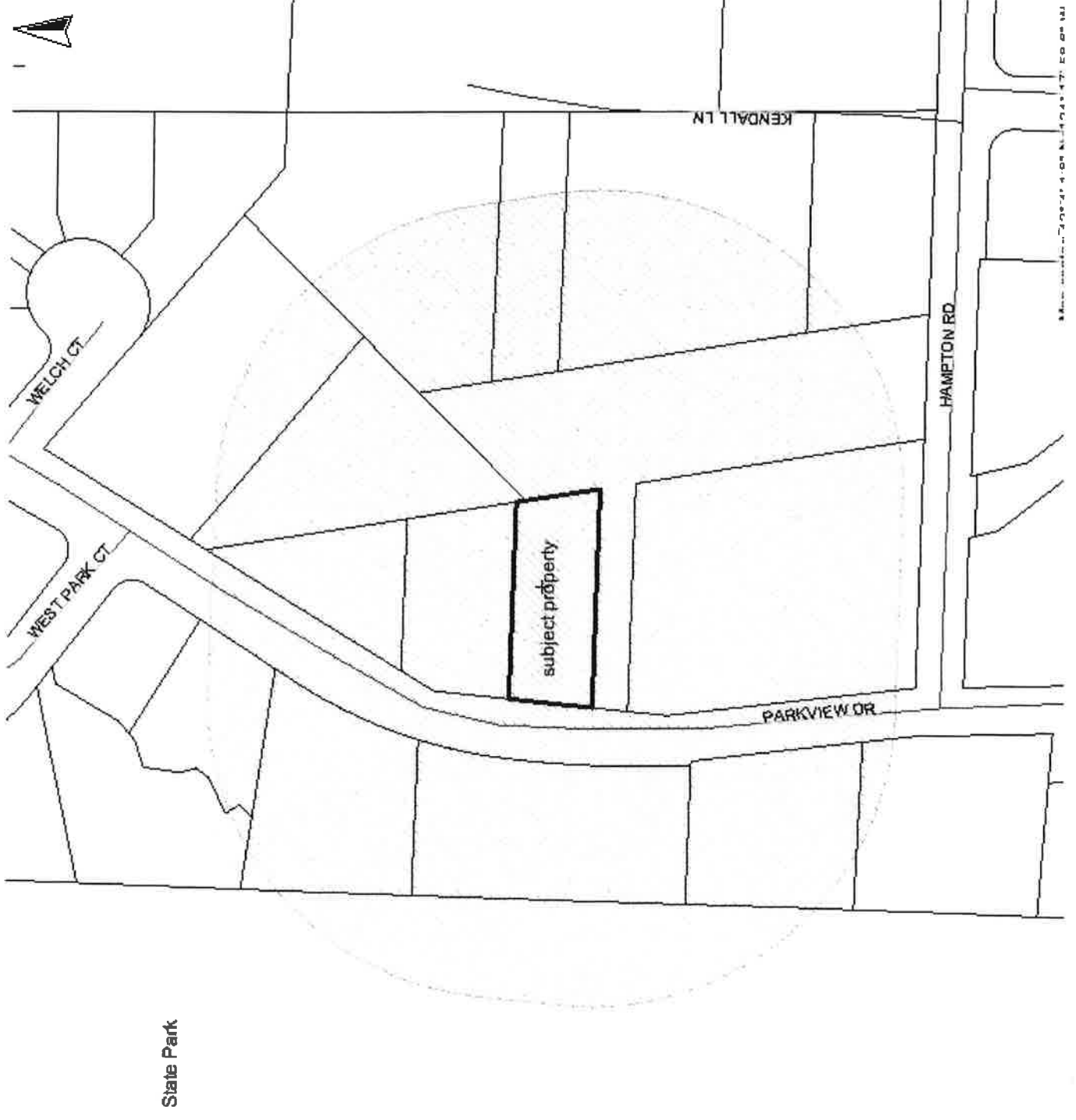
Background/Discussion: The City Council approved File ANX-1-15, Tan Annexation in August, 2015 with adopting Ordinance 15-O-744. It has recently come to staff's attention that Exhibit A, the metes and bounds description, of Ordinance 15-O-744, used in filing the Tan Annexation contained several typographical errors. The parcel is located at 16947 Parkview Drive and identified as tax lot 1403 on Assessor's Map 40-13-31CB. The consent to annex form, notices provided to adjacent properties, public notices, Planning Commission and City Council reports, and the text of adopting ordinance correctly identified this parcel by assessor map and taxlot and by physical address.

To resolve the issue, a revised metes and bounds description that corrects the typographical errors for the property requested for annexation into the City of Brookings needs to be adopted. This will be accomplished with Ordinance 15-O-749.

Policy Considerations: None.

Attachment(s): A. Ordinance No. 15-O-749

Figure 1



IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 15-O-749

IN THE MATTER OF ORDINANCE 15-O-749, AN ORDINANCE AMENDING, IN ITS ENTIRETY, EXHIBIT A OF ORDINANCE 15-O-744, AN ORDINANCE AMENDING THE CITY LIMITS AND ZONING MAP OF THE CITY OF BROOKINGS.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Exhibit A of Ordinance 15-O-744

WHEREAS, Exhibit A, adopted by Ordinance 15-O-744, provides an inaccurate metes and bounds description for the territory annexed into the City of Brookings thereunder; and

WHEREAS, the consent to annex forms, the notices provided to adjacent properties, the public notices, the Planning Commission and City Council staff reports, and the text of Ordinance 15-O-744 identified accurately the parcel to be annexed; and

WHEREAS, amending Exhibit A to provide the correct metes and bounds description is necessary to perfect the annexation by providing an accurate description of the territory annexed into the City of Brookings under Ordinance 15-O-744;

NOW THEREFORE, the City of Brookings hereby ordains as follows:

Section 1. Ordinance identified. This ordinance amends, in its entirety, Exhibit A of Ordinance 15-O-744, an ordinance amending the city limits and zoning map of the City of Brookings.

Section 2. Amends Exhibit A of Ordinance 15-O-744. Exhibit A is hereby amended in its entirety, as attached.

First Reading: _____	Passage: _____
Second Reading: _____	Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2015

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Curry, State of Oregon , described as follows:

A tract of land in Government Lot 3, in the Northwest Quarter of the Southwest Quarter of Section 31, Township 40 South, Range 13 West of the Willamette Meridian in Curry County, Oregon, described as follows:

Beginning at a point which is North 1589.4 feet and East 154.7 feet from the Southwest Corner of said Section 31, said point being on the Easterly line of a County Road; thence following said road line North 3° 57' East 67.0 feet; thence East to a point which bears North 11° 10' West of a point 181.7 feet East of the beginning point; thence South 11° 10' East 67.0 feet (approximately) to a point; thence West 181.7 feet to the Point of Beginning.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 28, 2015

Originating Dept: PWD


Public Works & Development Director

City Manager Approval

Subject: Systems Development Charges (SDC) exemptions and credits for existing buildings

Recommended Motion: Move to adopt Ordinance No 15-O- 750 implementing changes to Brookings Municipal Code Section 13.25.120.

Financial Impact: None

Background/Discussion: A Municipal Code change implemented in 2014 exempting existing buildings from SDC charges did not take into consideration that recognition of specific previous uses of a building could be more advantageous than a simple exemption of those buildings from SDC.

This matter was discussed at the September 28, 2015 Council meeting; Staff was directed to make the following changes to the Municipal Code

13.25.120 Exemptions.

B. Additions or alterations which do not increase the floor space of a structure ~~or the land area occupied by the structure or do not constitute the imposition of an increased use on the city's water or sewer services~~ are exempt from all portions of the Systems Development Charge. [Ord. 14-O-730 § 2; Ord. 08-O-605 § 2; Ord. 91-O-477 § 12]

C. Additions or alterations which increase the floor space of a structure, or the land area occupied by the structure, shall receive a credit for highest previously established use calculated by the square footage of the existing building, to be used as an offset to the calculated System Development Charge in cases where the new use is of a lesser impact than the previous use.

Policy Considerations: The intent of the exemption was to stimulate economic growth in the downtown core. This revision to allow either an exemption, or a credit, or a combination of both would be a greater benefit to the applicant.

Attachment(s): Ordinance 15-O-750

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 15-O-750

IN THE MATTER OF ORDINANCE 15-O-750, AN ORDINANCE AMENDING IN ITS ENTIRETY SECTION 13.25.120, EXEMPTIONS, OF BROOKINGS MUNICIPAL CODE CHAPTER 13.25, SYSTEM DEVELOPMENT CHARGES.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Section 13.25.120

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends in its entirety Section 13.25.020, Exemptions of Brookings Municipal Code Chapter 13.25, System Development Charges.

Section 2. Amends Section 13.25.120: Section 13.25.120 is hereby amended in its entirety to read as follows:

13.25.120 Exemptions

- A. Structures existing and occupied on or before the effective date of the ordinance codified in this chapter are exempt from a systems development charge imposed by this chapter. Conversions of residential use under the cottage industry standards are not included in this exemption.
- B. Additions or alterations which do not increase the floor space of a structure, the land area occupied by the structure, are exempt from all portions of the Systems Development Charge.
- C. Additions or alterations which increase the floor space of a structure, or the land area occupied by the structure, shall receive a credit for the highest use calculated by the square footage of the existing building, to be applied as an offset to the System Development Charge calculation in cases where the new use has a lesser impact than the previous use.

First Reading: _____	Passage: _____
Second Reading: _____	Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2015

ATTEST:

Mayor Ron Hedenskog

City Recorder Joyce Heffington