

Advance Packet

Dated: June 15, 2009

Monday, June 22, 2009, Council Meeting

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

PUBLIC HEARINGS AND ORDINANCES

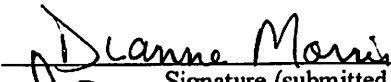
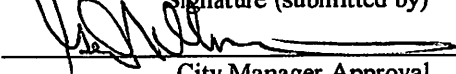
- A. File CP-2-09, legislative hearing to consider adoption of the Economic Opportunity Analysis and proposed amendments to Goal 9, Economy, of the City's Comprehensive Plan. Pg. 3
- B. Ordinance 09-O-639, revising Goal 9, Economy, of the City's Comprehensive Plan, and adopting the April, 2009, Economic Opportunity Analysis. Pg. 27
- C. File LDC-6-09, legislative hearing considering amendments to Chapter 17.120, Nonconforming Uses, of the BMC, City initiated. Page 37
- D. Ordinance 09-O-637, amending Chapter 17.120, Nonconforming Uses, of the BMC, in its entirety. Page 43
- E. File LDC-7-09, legislative hearing considering amendments to Chapter 17.116, Planned Unit Developments, of the BMC, City initiated. Pg. 47
- F. Ordinance 09-O-636, amending Chapter 17.116, Planned Community, of the BMC, in its entirety. Pg. 55
- G. File LDC-8-09, legislative hearing considering amendments to Chapter 17.08, Definitions, BMC, City initiated. Pg. 63
- H. Ordinance 09-O-638, amending Sections 17.08.120, L Terms, and 17.08.160, P Terms, of Chapter 17.08, Definitions, of the BMC. Pg. 67

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 22, 2009

Originating Dept: Planning


Signature (submitted by)

City Manager Approval

Subject: Adoption of the Economic Opportunity Analysis and amending Goal 9 of the Comprehensive Plan.

Recommended Motion: Motion approving adoption of the EOA study and amending the Comprehensive Plan.

Financial Impact: None.

Background/Discussion: The Comprehensive Plan is the overall Planning document which addresses the 19 Statewide Planning Goals. Statewide Planning Goal 9 considers economic development. The City applied for grant funds from the Department of Land Conservation and Development (DLCD) to hire a consultant to perform the Economic Opportunity Analysis (EOA) necessary to update Goal 9 in our Comprehensive Plan. This Study covered property within City limits and the Brookings Urban Growth Boundary (UGB). Work has been underway since June of 2008. An on-line survey was conducted to solicit input from the community. Numerous State agencies were consulted as data was collected. A group of citizen stakeholders was formed and met twice to comment on the work in progress. Presentations were given by the consultants, EcoNW, to the Planning Commission, City Council, and the Brookings Rotary Club. Most recently a combined Planning Commission/ City Council workshop was held to present the final draft report.

This update to Goal 9 was required by DLCD to obtain a current inventory of the industrial and commercially zoned property to determine whether there is sufficient available land for the next 20 years. EcoNW studied economic trends to determine what the acreage and locational needs would be for the businesses most likely to expand or develop in our community. The Executive Summary found at the beginning of the EOA describes the results. The determination was made there is sufficient land in the industrial and commercial designations. There is a deficit in some site sizes though that can be accommodated by redevelopment, site assembly of smaller, vacant parcels, and other methods described in the EOA. EcoNW didn't take into account parcels within the Master Plan areas as presently the acreage that will be given commercial/ industrial zones has not been developed. The Lone Ranch Master Plan approved a 2 ½ acre site for commercial development. The Harbor Hills and Jacks Creek Master Plan areas have yet to submit development proposals. It is likely these areas will have several additional acres to add to the commercial/ industrial inventory in the future. These areas will then provide for some of the needed sites.

Careful review of any zone change requests that would take a parcel out of the industrial or commercial zone designation will be required and the cumulative effect will need to be tracked to keep the balance necessary between residential and employment lands. This hearing is to adopt the EOA and update language in the Comprehensive Plan to reflect the new information found in this Study. At the most recent workshop the Planning Commission and City Council were given copies of the draft EOA. After input from the workshop

EcoNW put together an Economic Development Strategy which will be appendix E of the EOA. A copy of the Strategy is attached to this report (Attachment A).

Dave Perry, DLCD, has been monitoring progress of the EOA. Staff has prepared required grant reports at various stages of the EOA study and submitted to DLCD. Mr. Perry has written a letter indicating the DLCD is pleased with the results (Attachment B).

PROPOSED COMPREHENSIVE PLAN AMENDMENT

Goal 9, Economy, of the Comprehensive Plan needed to be amended to reflect the adoption of the EOA. Some of the existing Findings were altered to reflect the current situation in the City and the UGB. Policy and strategy statements found in the EOA were also inserted.

A copy of the Goal 9 revisions is attached to this report (Attachment C).

The Planning Commission conducted their hearing on this matter June 2, 2009. A Commissioner voiced concerns that there hadn't been enough "visioning" by the Community to determine how the area should develop and recommended the Council approve the EOA without the "strategy" portion or Comprehensive Plan amendments, as "strategies" are listed there too. Staff explained this study is but a small component of efforts that guide economic development. Over a period of several years dozens of community members were involved in visioning which resulted in two documents, the Proud Study and the Brookings Downtown Master Plan. The City Manager is at work with various groups looking at issues that affect our economy and consider how our area is promoted etc. Efforts will be on-going and subject to change in the years ahead.

Staff spoke with Dave Perry, DLCD, about the Planning Commission's concerns. He agreed this study is limited to more technical, land-use issues which is appropriate and meets the law governing what components must be dealt with for the update to Goal 9 of the Comprehensive Plan. He indicated the "strategies" and Comp. Plan revisions must be adopted to complete this project and receive the grant funds DLCD is providing to pay the consultants.

Staff has added an additional strategy in the Comp. Plan revisions stating "The City is developing an overall economic development plan." This will let individuals know there are other documents to consider when researching economic development in our area.

The EOA provided the information that was needed by the City to consider future zone change requests involving commercial and industrial zoned lands. The grant offer expires at the end of June and Staff needs to have these materials adopted by then.

Policy Considerations: N/A

Attachment(s): Draft Economic Development Strategy for Brookings– **Attachment A.**
Letter from Dave Perry, DLCD – **Attachment B.**
Comprehensive Plan, Goal 9 revisions – **Attachment C.**

ECONorthwest

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February 27, 2009

TO: Brookings City Council and Planning Commission
CC: Dianne Morris
FROM: Beth Goodman and Bob Parker
SUBJECT: DRAFT ECONOMIC DEVELOPMENT STRATEGY FOR BROOKINGS

The City of Brookings is in the process of updating the economic element of its Comprehensive Plan. The City engaged the services of ECONorthwest to prepare an Economic Opportunities Analysis (EOA), which is the factual basis of the economic element. The EOA was prepared in accordance with the requirements of statewide planning Goal 9 and its accompanying administrative rule (OAR 660-009), which together require cities to prepare a complimentary economic development strategy that is consistent with the EOA and local economic development objectives.

Economic development policies may address a range of outcomes, from policies to attract firms or retain existing firms to policies to improve or maintain quality of life. The economic development strategy presented in this memorandum was developed in support of the EOA and is designed to meet the requirements of Goal 9. As a result, the economic development strategy focuses on land-use issues, without addressing broader economic development strategies such as labor force education that may also be a priority to the City and residents of Brookings.

The economic development strategy is the result of input from multiple sources:

- **City Council and Planning Commission.** At joint worksessions in October 2008, decisionmakers discussed Brookings' economic development objectives.
- **Citizen Advisory Committee.** The Citizen Advisory Committee met in October 2008 and discussed Brookings' strengths, weaknesses, opportunities, and threats.
- **Community Development Survey.** The City administered an on-line survey about community development issues. The survey had a total of 168 respondents, 76% of whom lived in the Brookings urban growth boundary. It should be noted that the survey was not intended to be statistically representative of the views of all citizens of Brookings.

ORGANIZATION OF THIS MEMORANDUM

This memorandum is organized into the following sections:

- **Understanding Economic Development** presents potential economic development policies and actions that can affect economic development.
- **Economic Development in Brookings** describes key issues for economic development in Brookings.
- **Recommended Strategies** presents recommended economic development strategies for Brookings.

UNDERSTANDING ECONOMIC DEVELOPMENT

A wide range of economic development policies and actions are available to affect the level and type economic development in their community. To affect economic development, any policy or action must affect a factor of production that influences business locations and job growth. The factors that have the most impact on business locations and job growth are:

- Labor
- Land
- Local Infrastructure
- Access to markets and materials
- Agglomerative economies (clusters)
- Quality of life
- Entrepreneurship

The supply, cost, and quality of any of these factors obviously depend on national and global market forces that local government has no influence over. But they also depend on public policy, which can generally affect these factors of production through:

- Planning
- Regulation
- Provision of public services
- Taxes
- Incentives

Research has shown that the location decisions of businesses are primarily based on the availability and cost of labor, transportation, raw materials, and capital. The availability and cost of these production factors are usually similar within a region. Most economic

development strategies available to local governments only indirectly affect the cost and quality of these primary location factors.

Local governments can most directly affect local tax rates, the cost and quality of public services, and regulatory policies. Economists generally agree that these factors do affect economic development, but the effects on economic development are modest. Thus, most of the strategies available to local governments have only a modest affect on the level and type of economic development in the community.

Local governments in Oregon can also play a central role in economic development by providing buildable land in the Urban Growth Boundary. Location, appropriate plan designation, zoning, and provision of public services are all key factors local governments control. Obviously, businesses need buildable land to locate or expand in a community. Providing buildable land alone is not sufficient to guarantee economic development in a community – market conditions must create demand for this land, and local factors of production must be favorable for business activity. Nonetheless, the provision of buildable land is one of the most direct ways that the City of Brookings can affect the level and type of economic development in the community.

ECONOMIC DEVELOPMENT IN BROOKINGS

There are many possible economic futures for Brookings. As discussed in the previous section, many of the factors that will determine that future are outside of the City's control: the health of the state and national economies, conditions of international trade and migration, and the policies of other cities on the southern coast that encourage or retard growth. The City of Brookings does have some control over many factors that will affect the type and rate of growth in the City over the next 20 years. It can adopt policies that affect the amount and price of land, and quality and price of public utilities, and incentives and charges to for businesses building and operating in the City.

Economic development opportunities in Brookings will be affected by local conditions as well as the national and state economic conditions addressed in the EOA. Factors affecting future economic development in Brookings include population growth, quality of life, proximity to California, location along the Pacific Ocean, access to Highways 199 and 101, relatively remote location relative to other Oregon cities, availability of transportation facilities, energy prices, and the quality and availability of labor.

Brookings economic future is affected in part on larger economic trends, but also on the factors listed above. The City must choose the types of economic growth it wants to plan for. Brookings can reasonably expect growth in existing industries, especially service sector-oriented growth (such as tourism and retail trade) or even for types of employment growth the City has had less of in the past (such as professional or technical services). Economic growth is not inevitable: whether it occurs will depend, in

part, on economic forces beyond the City's control. But it also depends on things the City can influence: the supply of buildable land, public policy, the quality and price of public services, quality of life, and incentives for development.

Key economic development issues

Economic development policies in Brookings should address key issues that will affect economic growth in Brookings over the planning period. These issues were identified through work on the EOA and from information gathered through public input, which included interviews with stakeholders on the project Citizen Advisory Committee, a meeting with the Planning Commission and City Council, and a public survey of community development issues in Brookings.

- *Population Growth* – Population is expected to continue growing in Curry County, with growth of nearly 1,700 new people forecast in Curry County over the 2010 to 2030 period. In 2007, nearly one-quarter of the County's population lived in Brookings. It is reasonable to expect that Brookings' future population will grow at the same rate as the County, adding about 500 people to Brookings' population over the planning period. The growth in population will result in small increases in demand for goods and services.
- *Quality of Life* – Brookings is known for its high quality of life. The majority of survey respondents felt positive about the quality of life in Brookings. Amenities are key contributors to the quality of life. The following amenities contribute to quality of life in Brookings: safe pedestrian/bicycle environment, a quality natural environment, access to open space, access to medical services, small town atmosphere, proximity to the Ocean, the climate, and access to natural amenities. Brookings may attract businesses because business owners or managers are attracted to the City's quality of life and want to live in Brookings.
- *Regional Location* – Brookings' remote location, relative to the Willamette Valley and the cities of Southern Oregon, make Brookings less accessible to Oregon tourists. Brookings' access to Highway 101 and proximity to the Pacific Ocean and California, however, provides opportunities for tourism from residents of northern California. Brookings' lack of sales tax provides advantages for retail businesses over retailers located in California, which has a sales tax of 7.25% in Del Norte County.
- *Transportation* – Transportation is a challenge in Brookings. The City's distance from other communities, distance from I-5, and lack of freight rail or air services, create barriers to attracting employment that is dependent on automotive or freight transportation. In addition, Brookings' relatively remote location makes the City less attractive to firms that need a central location or easy access to transportation.

Firms in the City may not be able to attract workers from outside of Curry and Del Norte counties. The commuting patterns of workers, however, suggest that workers

have been willing to travel for jobs. It is possible that some firms in Brookings may allow workers to telecommute, especially if labor becomes scarcer. In the long-term, high energy prices may make housing in outlying areas with long commutes less desirable.

- *Growth sectors* – Brookings is most likely to see growth in the service sectors over the next decade. These include: Health and Social Assistance; Administrative and Support; Construction; and Accommodations and Food Services. Other sectors with growth potential over the ten-year period are: Arts, Entertainment, and Recreation; Management of Companies and Enterprises; Professional, Scientific, and Technical Services; and Private Educational Services. The types of businesses that may choose to locate in Brookings may include specialty businesses that could locate in other parts of the Pacific Northwest but are attracted to Brookings.
- *Workforce* – Availability of a skilled, educated labor pool is important for the economic development of Brookings. Firms in Brookings may have difficulties attracting sufficient skilled labor as a result of housing affordability problems, the City's comparative isolation, rising energy prices, accessibility of workforce training programs, prevalence of retirees, and relatively low labor force participation. These factors may be off-set by developments that make Brookings more attractive to workers or residents or offer post-secondary educational opportunities.
- *Housing* – Housing costs can make recruitment of new businesses more challenging. Providing high wage employment opportunities for existing residents is a viable strategy to help overcome this challenge, along with development of affordable and workforce housing.

RECOMMENDED ECONOMIC DEVELOPMENT STRATEGIES

Strategy 1: Provide an adequate supply of sites of varying locations, configurations, and size, to accommodate industrial and other employment over the planning period.

The Economic Opportunities Analysis (EOA) identifies the size and characteristics of sites needed in Brookings for employment uses over the planning period. The City should provide an adequate supply of land for employment uses.

Suggested implementation steps:

1. Provide commercial land to meet the site characteristics and site sizes described in the EOA. Some commercial sites should be located in high-amenity areas, such as areas with a scenic view and/or near to services, such as stores or restaurants. These sites may include vacant, undeveloped land, partially developed sites with potential for additional development through infill development, and redevelopable areas, particularly in downtown. The City can provide additional land in two ways: (1) increasing commercial land-use efficiency by promoting

- infill or redevelopment or (2) bringing new land into the urban growth boundary.
2. Limit retail commercial land supply to encourage retail infill and redevelopment to areas within the existing UGB, especially in downtown.
 3. Provide light industrial land to meet the site characteristics and site sizes described in the EOA. Manufacturing firms that are likely to locate in Brookings are likely to be relatively small and specialized. They are likely to need relatively small sites (smaller than 5 acres). These sites do not need to be located in high-amenity areas, which may be better used for commercial purposes. These sites may include vacant, undeveloped land, or partially developed sites with potential for additional development through infill development.
 4. Develop flexible policies that allow mixtures of compatible commercial and light manufacturing uses. For example, artisan uses could locate in commercial or industrial areas, depending on the production methods. Artisan uses may be compatible with commercial uses, especially when the artisan products appeal to tourists.

Strategy 2: Encourage high-amenity commercial development in downtown Brookings.

The City has policies to encourage residential and commercial redevelopment in downtown, such as an Urban Renewal District. The redevelopment of downtown Brookings provides to opportunities to attract visitors and to create a higher amenity business district that might be attractive to firms considering locating in Brookings. In addition, redevelopment in Downtown uses land more efficiently and minimizes the costs of providing new infrastructure.

Suggested implementation steps:

1. Promote economic development in downtown through techniques, such as land assembly and cooperative development agreements, to assist developers with land assembly problems.
2. Adopt policies to promote infill and redevelopment in downtown Brookings.
3. Brookings established an Urban Renewal District in 2002 and has implemented programs to improve streetscaping, upgrade downtown infrastructure, work with building owners on building rehabilitation projects, and other projects. The City should continue to improve downtown by using Urban Renewal funds, especially to fund infrastructure projects in downtown.
4. Continue to work with private interests to improve the appearance of downtown through building improvements and streetscape improvements. The City should consider establishing programs to assist businesses through public-private

partnerships, such as low-cost loan programs for capital improvements for downtown businesses.

5. Encourage improvement and historic preservation for Brookings' historic buildings and areas. The State offers two tax credits that create incentives to rehabilitate buildings on the National Register of Historic Places: (1) The Federal Tax Credit program saves the property owner 20% of the cost of rehabilitation and is administered in Oregon by the State Historic Preservation Office and (2) the Special Assessment of Historic Property Program offers a 15-year "freeze" of a property's assessed value for buildings that will be significantly but appropriately rehabilitated and maintained and is administered by the State's Special Assessment Program.

Strategy 3: Provide adequate infrastructure efficiently and fairly.

Public infrastructure and services are a cornerstone of any economic development strategy. If roads, water, sewer, and other public facilities are unavailable or inadequate, industries will have little incentive to locate in a community.

Suggested implementation steps:

1. Coordinate capital improvement planning with land use and transportation planning to coincide with the City's Economic Development Strategy.
2. Target resources of the Systems Development Funds of infrastructure on sites that provide prime opportunities for employment uses as a result of location, site size, or other significant site characteristics.
3. Continue improving infrastructure in Downtown, such as street and sidewalk repairs, to create a pedestrian friendly environment.
4. Ensure that public-private development agreements to recover costs are in effect prior to financing public improvements.
5. Efficiently use existing infrastructure by promoting development, infill, re-use, and redevelopment for commercial and industrial uses and developing strategies and incentives to stimulate private investment that overcome anticipated impacts or downturns in the local economy.
6. Assist with providing infrastructure through the use of Urban Renewal funding, where appropriate.
7. Work with public or private telecommunications firms to improve access to high-speed Internet throughout Brookings but especially in areas with commercial development. Brookings may be able to attract creative-class firms that allow telecommuting because of the high quality of life in Brookings.

Strategy 4: Focus on and enhance the effectiveness of local government services

The actions a local government takes can impact how accessible and available many of the services and amenities described above are to Brookings residents. The most effective actions that a local government in Oregon can take to affect economic development are to:

- Designate sufficient land for commercial and industrial development.
- Provide an efficient permit and development process.
- Plan for land use and public services to protect the character and quality of life in the community.
- Provide sufficient public services to ensure public safety, access to recreation, and high-quality public schools.
- Provide opportunities for development of a range of housing types, including affordable housing, such as multifamily housing.
- Provide opportunities for development of large-scale medical facilities.

Suggested implementation steps

1. Monitor the permitting process. This could include reviewing the length of time it takes to process applications, the type of conditions that are included on approvals, and customer surveys.
2. The City should evaluate the sufficiency of commercial and industrial land periodically, possibly every five to ten years.
3. Review development standards. Where possible, consider "clear and objective" standards that apply to types of development that are consistent with the City's economic development objectives. The City should also review approval processes to ensure that they provide predictability for developers.
4. Assess the sufficiency of residential land to determine if there are opportunities for development of a range of housing, especially more affordable multifamily housing types.

Strategy 5: Support businesses in Brookings

The City should support the expansion of existing businesses and encouraging new businesses to locate in Brookings. Small businesses are important in every community, but especially important in Brookings. The City's policies should:

- Support expansion of existing businesses
- Encourage new businesses to locate downtown
- Market the city to new businesses

Suggested implementation steps

1. Coordinate with other economic development organizations to develop a coherent and effective marketing program. These organizations include local agencies, such as the Brookings-Harbor Chamber of Commerce or Curry County Economic Development Department, and state agencies, such as the Oregon Economic and Community Development Department.
2. Improve information about and access to business programs available through regional and state agencies, such as the Oregon Economic and Community Development Department or the Small Business Administration. Each of these programs has different funding criteria and application requirements. A service to provide one-stop information to match the needs of employers to existing funding sources could increase the assistance available in Brookings.
3. Develop policies and incentives to retain and expand existing firms. A typical business retention strategy would begin with a task force that would visit local firms and identify issues. Firms that may expand or be relocated are flagged. The task force then reconvenes to set priorities and tailor incentives or strategies specific to each firm.
4. Partner with State and local agencies on projects to retain (and attract) businesses to downtown. The State has programs that provide grants to fund economic development and infrastructure improvements, such as grants for port planning and marketing or construction of water and wastewater improvements. Other opportunities include the National Trust for Historic Preservation's National Main Street Center developed the "Main Streets Program," which may help Brookings to attract and retain businesses.
5. Focus support and retention strategies on businesses that are most likely to need assistance:
 - Small businesses
 - Cottage industries
 - Retail businesses
 - Tourist-oriented businesses
 - Business incubators

Strategy 6: Diversify the economy

Brookings' economy is focused on tourism, retail, and natural resource extraction, such as fishing or gravel mining. The City's policies should promote diversification of the economy, through growing and attracting a variety of businesses, such as: professional services (e.g., research and development, medical professionals, or software engineers); small-scale manufacturing or cottage industries that produce easily shipped items; or businesses and events that will promote year-round tourism.

Suggested implementation steps:

1. Develop an economic development strategic plan to identify methods for increasing economic development in Brookings. The most common economic development tools used by Oregon cities land-use policies that provide land for employment uses and financial incentives (e.g., tax rebates or low cost loans). Cities generally work in partnership with other agencies or private entities to accomplish economic development. The City's economic development strategic plan should promote both public-public and public-private partnerships as a method for increasing economic development.
2. Provide opportunities for development of professional services through provision of land that is attractive to and allows office and other commercial development. Typically professional service firms are attracted to high-amenity locations, such as locations overlooking the harbor and near retail and other services.
3. Provide opportunities for development of small-scale manufacturing through provision of land. The City should consider providing land that allows a mixture of complementary light manufacturing, artisan, and commercial uses.
4. Encourage small-scale home occupations for cottage industries and professional services. These uses should be of a type and scale that does not adversely impact residential uses through negative traffic impacts or other nuisances. Some of these small businesses may grow to larger businesses that need commercial or industrial land in the future.

Objective 7: Increase the potential for tourist-related economic activities.

Tourism results in economic activity, especially in the service industries like retail, food services, and accommodations. For example, the direct economic benefit of lodging tax receipts from overnight accommodations to Brookings in 2007 was \$170,700. Brookings could increase tourism through growth of businesses that bring tourists to the City and through increased marketing.

Suggested implementation steps:

1. Encourage development of businesses that are tied to Brookings' history and agricultural and forestry context, such as arts and crafts connected to the City's history, food processing facilities that use local products, wood furniture manufacturing, or lily farming.
2. Build-off of existing events, such as the Slam'n Salmon Ocean Derby or the Azalea Festival, and support development of new events to attract visitors to the City.
3. Ensure that the factors that are likely to attract visitors to Brookings, especially Brookings' environmental quality and natural beauty, are protected and enhanced.

Objective 8: Provide services that attract retirees as residents.

The nation's population is getting older with the aging of the baby-boomers. Oregon's population aged 60 years and older is expected to nearly double between 2000 and 2030. People 60 years and older are expected to grow by three quarters (nearly 15,000 people) in Curry County between 2000 and 2030. Brookings has opportunities to attract seniors as they retire, especially if the City provides services and amenities that are attractive to seniors, such as housing, medical services, and amenities.

Suggested implementation steps:

1. Assist with the development of a hospital facility in Brookings. Curry General Hospital is currently considering locating a medical clinic and urgent care facility within Brookings. The City should encourage the development of additional medical facilities, especially facilities that specialize in geriatrics.
2. Provide opportunities for development of housing for seniors, ranging from single-family detached dwellings to nursing facilities. Housing types that may appeal to retirees include: active adult retirement communities that is restricted to seniors, continuing care retirement communities (which provide living options ranging from independent living to nursing care), assisted living facilities, and nursing homes. The housing types in senior retirement communities may include single-family housing, manufactured housing or multifamily housing.

Strategy 9: Support opportunities for workforce development

Availability of skilled workforce is an important factor in a business' ability of expand or choice to locate in an area. The City may be able to support workforce development through collaborations with other agencies or organizations.

Suggested implementation steps:

1. Southwestern Oregon Community College is planning to build a campus in Brookings. The educational and training opportunities at the Community College may help the community retain younger people and businesses may work with the College to develop training programs. The City should provide assistance to the College for the development process and development of infrastructure, which could include financial assistance with infrastructure provision.
2. Coordinate with and support other organizations to sustain and expand workforce services available in Brookings. The City can enhance existing workforce training and development services by coordinating with organizations that offer workforce development services.



Oregon

Theodore R. Kulongoski, Governor

Attachment B

**Dept. of Land Conservation and Development
Oregon Coastal Management Program**

810 SW Alder, Suite B

Newport, OR 97365

(541) 574-1584

Website: www.oregon.gov/LCD

May 14, 2009

Dianne Morris, Planning Director
City of Brookings
898 Elk Drive
Brookings, OR 97415

Re: Proposed Economic Opportunities Analysis

Dianne:

We have reviewed the above referenced proposal to adopt an economic opportunities analysis (EOA), pursuant to statewide Goal 9. We appreciate the opportunity to support and participate in this project and are pleased with the results.

The analysis concludes that the city has a surplus of employment land in most size categories. The exceptions to this rule include slight shortfalls in 1-2 acre commercial and industrial sites and the need for a single site in the 5-10 acre class. The study further concludes that the city has no expected need for employment sites greater than 20 acres in size. The analysis suggests that some of the identified need can be met through downtown redevelopment, parcel assembly and a small industrial park that would provide for the needs of small scale manufacturing concerns. Small scale commercial sites (e.g. neighborhood commercial) may also be provided in the areas presently set aside for master planning.

The EOA projects that employment growth will consist of small firms that provide goods and services to tourists and retirees. Industrial growth is expected to be in the form of small, often local businesses that produce small, portable goods. To facilitate this type of growth, the EOA recommends strategic investments in the downtown to support redevelopment. The study also encourages the city to promote mixed use in some areas, such as the 16.5 acre site near the mill that is presently zoned for commercial and multi-family.

We agree with the conclusion in the study that Brookings does not need to expand its urban growth boundary (UGB) to accommodate lands needed for future employment. The study suggests a number of ways that the city can promote efficient use of its existing supply of urban and urbanizable lands to meet the needs of business and industry over the 20-year planning period.

Based on an analysis of national, state and local economic trends and the many factors that affect business location and job growth, the study further provides realistic strategies the city should consider to support business and employment opportunities in Brookings. We encourage the city to reference this study in the future, whenever it considers public policy that affects business, such as land use planning, public facilities, regulatory policies and incentives. If we can be of further assistance to the city in this regard, please do not hesitate to call.

Sincerely,



Dave Perry
South Coast Regional Representative

Cc: Dave Pratt, Curry County
Chris Claflin, OECDD
DLCD Staff (TH; GG; DN; BB)

DRAFT
6/8/09

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

Text to be deleted has ~~strikethrough~~.

BROOKINGS COMPREHENSIVE PLAN

GOAL 9 ECONOMY

GOAL:

To diversify and improve the economy of the Brookings area.

FINDINGS:

1. The industrial base in the Brookings area is relatively narrow and mostly dependent on the timber industry. The lumber and wood products industry accounts for ~~over 90%~~ ***most*** of the manufacturing jobs in the Brookings area.

Housing starts vary with interest rates, which, in turn, create an impact on the area's lumber industry and wood products industry. However, diversity of type of trees cut, product and modernization of mill facilities have had the affect of leveling the impact of fluctuating interest rates, particularly for engineered products.

2. The Brookings area (Curry County) economy has undergone considerable change in the last ~~20~~ ***30*** years. The traditional lumber and wood products economic base is no longer strong (down 52% 1960-82; down 31% since 1970). Unemployment in 1982 averaged 16.3% but had fallen to an average of 6.4% in 1990 as other employment opportunities opened within the city. In 1993 the average unemployment rate had risen to 9.1%. ***Unemployment averaged approximately 8% in 2008.***

3. ***The job sector with the greatest increases in employment during the 2001-2007 period were services and retail trade.***

4. Tourism as a source of income for local business has increased in recent years. Several indirect measures, such as highway counts and state park visitorship, indicate strong growth trend. Sport fishing ~~has also shown a substantial increase in recent years~~ ***is an important component of the local economy. There was an increase in direct travel spending from 2002 to 2007 of 18%.***

The city has developed a program for the redevelopment of the older commercial core area. ~~A master plan will be created to include tourist-oriented development, mixed uses, and incorporating the future highway couplet.~~ ***A Brookings Downtown Master Plan was developed and adopted as a guidance document in 2002. An Urban Renewal Area (URA) was formed and a plan adopted in 2002. Many downtown business owners took advantage of a matching grant façade improvement program funded by the URA in 2008. In 2009***

funds generated from the URA were committed to street improvements in the Downtown Core Area.

5. The Brookings area has developed a strong retirement housing industry. Retirees are an important source of economic stability to the community. *Curry County and Brookings continue to have a population that is older than the State average due to in-migration of retirees.*

6. In the past and to some extent today, the isolation of Brookings is a factor that has prevented certain types of industry from locating in the Brookings area. However, changes in technology, particularly relating to computers, the Internet, and other forms of communication, have made it possible for other types of industry to locate in this area.

7. Changes in communications technology have allowed several firms, which prior to the changes were held in more metropolitan areas, to move their facilities to Brookings to take advantage of the rural small town atmosphere, and quality of life.

8. ~~Employment forecast for the year 2010 indicate a continuing drop in the manufacturing sector and a large increase in the nonmanufacturing sector in Region 7 (Coos and Curry Counties) of the Oregon Employment Department. These changes are undoubtedly due to losses in the timber industry and a corresponding change in the nature of the counties demographics. The fact that the numbers for each county are not broken out by individual county confuses the actual employment issue and makes it more difficult to display exactly what is happening in the Brookings area.~~

Coos and Curry County
Employment Change 1980 – 2010

Sector	1980	1990	2010
Manufacturing	6,260	4,700	3,140
Commercial	19,290	20,540	27,110

An Economic Opportunity Analysis (EOA) was completed and adopted in _____ of 2009. The following Table from that document shows the employment forecast by industry in Region 7 (Coos and Curry Counties) 2006-2016.

Table 2-6. Employment forecast by industry in Region 7 (Coos and Curry Counties), 2006-2016

Sector / Industry	2006	2016	Change 2006-2016	
			Amount	% Change
Logging & Mining	750	720	-30	-4%
Construction	1,740	1,900	160	9%
Manufacturing	2,250	2,180	-70	-3%
Wood Product Manufacturing	1,370	1,280	-90	-7%
Food Manufacturing	270	260	-10	-4%
Trade, Transportation & Utilities	5,820	6,320	500	9%
Wholesale Trade	490	520	30	6%
Retail Trade	4,160	4,570	410	10%
Food & Beverage Stores	1,000	1,090	90	9%
General Merchandise Stores	1,010	1,130	120	12%
Transportation, Warehousing & Utilit	1,170	1,230	60	5%
Information	390	400	10	3%
Financial Activities	1,440	1,560	120	8%
Professional & Business Services	3,290	3,690	400	12%
Educational & Health Services	2,800	3,340	540	19%
Leisure & Hospitality	3,680	4,210	530	14%
Other Services	810	880	70	9%
Government	7,650	8,420	770	10%
Federal Government	440	410	-30	-7%
State Government	1,300	1,330	30	2%
Local Government	5,920	6,680	760	13%
Indian Tribal	760	1,090	330	43%
Local Education	1,910	1,930	20	1%
Total nonfarm employment	30,620	33,610	2,990	10%

Source: Oregon Employment Department. Employment Projections by Industry 2006-2016.
 Accessed: <http://www.qualityinfo.org/olmisj/OlmisZine?zineid=00000010>
 Projections summarized by ECONorthwest.

8. ~~Based on the information obtained for the expansion of the Urban Growth Boundary, the projected vacant commercial and industrial land needs are as follows:~~

~~Commercial 403 acres total.~~

~~Industrial 238 acres total.~~

Based on the information found in the EOA, the City of Brookings, including the Urban Growth Area, has 564 acres of Commercial land and 358 acres of Industrial land. The Study demonstrates there is enough employment land (commercial and industrial land) to meet needs for the next 20 years (2009-2029) although there is a deficit of some of the larger sites needed. This can be accommodated due to a surplus of smaller sites and strategies such as downtown redevelopment, parcel assembly, creation of small industrial parks, and through other means described in detail in the Study.

POLICIES:

1. General Policies

- a. It is the policy of the City of Brookings to improve the appearance of the downtown commercial area and to enhance shopping opportunities for residents and visitors.
- b. The City of Brookings will encourage the diversification of the City and the regional economy. The City will work to create new employment opportunities while sustaining and expanding existing economic sectors.
- c. Brookings will encourage compatible industrial uses to be located in appropriate areas throughout the community.
- d. The City will encourage the development of facilities to provide for designation tourism and the development and identification of additional tourist attractions.
- e. The City will work with and support the Port of Brookings Harbor in their effort to establish tourist commercial uses within the port area.

The Economic Opportunities Analysis adopted in _____, 2009 added these key policies as part of the economic development strategy:

- f. Provide an adequate supply of sites of varying locations, configurations, and size, to accommodate industrial and other employment over the planning period.*
- g. Encourage high-amenity commercial development in downtown Brookings.*
- h. Support existing businesses in Brookings.*
- i. Provide services that attract retirees, as well as serve residents.*

2. Commercial Policies

- a. Commercial districts are intended to serve the retail, service, and office needs of the greater Brookings area.

- b. Commercial districts should offer good visibility and access and should generally be located along major arterials streets.
- c. Commercial districts should result in concentrated groupings of retail, service, and office uses.
- d. New commercial development will be designed in a manner that utilizes access management to the greatest extent possible pursuant to the goals and policies of Goal 12, Transportation, of this Comprehensive Plan.
- e. New commercial areas and new development in existing commercial districts shall be designed in a manner that mitigates traffic, noise and visual impacts on surrounding residential uses

3. Neighborhood Commercial Policies

- a. Neighborhood Commercial districts are intended to provide professional offices and neighborhood oriented goods and services.
- b. Neighborhood Commercial districts should be located adjacent to arterial or collector streets and should serve surrounding residential areas.
- c. Uses in Neighborhood Commercial districts shall be designed to protect surrounding residential properties.

4. Industrial Policies

- a. Industrial areas are intended for the manufacturer, processing and distribution of goods.
- b. Industrial areas should provide easy access to arterial streets. Visibility from arterial streets is not a critical locational concern.
- c. New industrial districts and new uses within existing industrial districts shall be designed in a manner that provides mitigation from traffic, noise, visual, and odorous impacts on surrounding residential districts.
- d. The City shall work with and support the Port of Brookings Harbor to establish marine related industrial uses at the port.
- e. The City shall provide adequate industrial land for the development of new industrial uses.

IMPLEMENTATION:

1. In order to promote economic diversification, the City will continue to develop its working relationship with the private sector.
2. The City will recognize and support the Port of Brookings Harbor Master Plan of Development and work with the Port authorities to develop land within their jurisdiction.
3. The City will utilize the zoning ordinance to provide commercial and industrial lands for development.
4. Brookings will cooperate with local governments and regional agencies to gain improvements in the regional transportation network.
5. Brookings will continue on-going coordination with the Coos-Curry-Douglas Economic Improvement Association to enhance the City's economy. *The City will participate in and support other efforts to create a strong economy by coordinating with:*
 - *Curry County's Economic Development Department*
 - *"Wild Rivers Coast" Promotional Alliance*
 - *Border Coast Airport Authority*
 - *and other appropriate partners.*
6. Brookings will ~~develop and implement a downtown development plan~~, *has developed a Downtown Master Plan*, which will ~~specify~~ *specifies* appropriate methods to aid in revitalizing the downtown commercial area. The City will cooperate with the Chamber of Commerce to implement the plan and to attract new commercial development.
7. Brookings will consider the formation of an organization to initiate, coordinate and help implement an industrial and employment expansion program.

The EOA adopted in _____, 2009 added these key implementation steps as part of the economic development strategy. The City will:

8. *Provide commercial and industrial land to meet the site characteristics and site sizes described in the EOA.*
9. *Limit retail commercial land supply to encourage retail infill and redevelopment to areas within the existing Urban Growth Boundary, especially in downtown.*
10. *Provide land that creates opportunities for development of attractions for tourists.*
11. *Work with land-owners to create larger opportunity sites described in the EOA. The City may be able to assist with this process through facilitating property owners with parcel assembly on the sites, ensure that zoning is appropriate to allow the*

desired uses, and working with local economic development agencies to attract users to develop the desired uses.


- 12. Provide opportunities for development of small-scale manufacturing through provision of land that allows a mixture of complementary light manufacturing, artisan, and commercial uses.*
- 13. Encourage small-scale home occupations for cottage industries and professional services. These uses should be of a type and scale that does not adversely impact residential uses through negative traffic impacts or other nuisances.*
- 14. Utilize funds from the Urban Renewal District to encourage high-amenity commercial development in downtown core area.*
- 15. Work with private interests to improve the appearance of downtown through building improvements and streetscape improvements.*
- 16. Encourage historic preservation in Brookings' downtown by working with private property owners to pursue State tax credits and create incentives to rehabilitate buildings on the National Register of Historic Places.*
- 17. Support other programs to promote development in downtown, such as low-cost loan programs for capital improvements for downtown businesses or programs to promote historic preservation.*
- 18. Develop a business retention strategy by working with a task force to visit local firms and identify issues. The strategy would identify firms that may expand or be relocated are flagged and set priorities and tailor incentives or strategies specific to each firm.*
- 19. Pursue State and Federal grants to fund economic development and infrastructure improvements, such as grants for port planning and marketing, construction of water and wastewater improvements, or the National Trust for Historic Preservation's "Main Streets Program."*
- 20. Facilitate development of a hospital facility in Brookings*
- 21. Provide opportunities for development of housing for seniors, ranging from single-family detached dwellings to nursing facilities.*
- 22. The City is developing an overall economic development plan.*


CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 22, 2009

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: Adopting ordinance for the Economic Opportunity Analysis (EOA) and amending Goal 9 of the Comprehensive Plan.

Recommended Motion: Motion to approve adopting ordinance 09-O-639.

Financial Impact: None.

Background/Discussion: Adoption of the EOA and amendments to Goal 9 of the Comprehensive Plan were approved by the City Council at their June 22, 2009 meeting.

Policy Considerations: N/A

Attachment(s): Ordinance 09-O-639– **Attachment A.**

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE 09-O-639

IN THE MATTER OF ORDINANCE 09-O-639, AN ORDINANCE ADOPTING REVISIONS TO GOAL 9, ECONOMY, OF THE CITY OF BROOKINGS COMPREHENSIVE PLAN, AND BY ADOPTING THE ECONOMIC OPPORTUNITY ANALYSIS, DATED, APRIL, 2009.

Sections:

- | | |
|------------|------------------|
| Section 1. | Findings |
| Section 2. | Amendments |
| Section 3. | Severance Clause |
| Section 4. | Effective Date |

The City Council for the City of Brookings ordains as follows:

Section 1: Findings

1. Portions of Goal 9 of the Brookings Comprehensive Plan are in need of updating and amendment. Those portions of the Plan in need of amendment are attached hereto and incorporated by reference.
2. The *Economic Opportunity Analysis* (April 2009), a copy of which is attached hereto and incorporated by reference, was prepared by EcoNorthwest, a private consulting firm. The development of this plan was accomplished using a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD). The *Economic Opportunity Analysis (EOA)* contains the information needed for updating Goal 9, Economic element of the City of Brookings Comprehensive Plan.
4. The consultants working on the EOA conducted an on-line survey, conferred with a citizen stakeholders group, and gave a presentation to a combined City Council/ Planning Commission workshop as work progressed.
5. Staff sent the 45 day notice to DLCD as required under ORS 197.610 for post acknowledgment plan amendments for the proposed changes to the Comprehensive Plan.
6. Following public notice, as required by law, the Brookings City Council conducted a hearing on the proposed amendments on Monday, June 22, 2009 at 7:00 P.M. at the Brookings City Hall and approved the Comprehensive Plan amendment changes that are attached hereto and incorporated by reference.

Section 2 Amendments

The City of Brookings Comprehensive Plan (Ordinance No. 02-O-548, and its subsequent amendments) is amended as shown by the attached changes in the Comprehensive Plan, and by adopting the attached *Economic Opportunity Analysis*.

Section 3: Severance Clause

If any section, subsection, sentence, clauses or phrases of this ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4: Effective Date:

This ordinance shall take effect 30 days following its passage.

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

Signed by me in authentication of its passage this _____, day of _____, 2009

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington

BROOKINGS COMPREHENSIVE PLAN

GOAL 9 ECONOMY

GOAL:

To diversify and improve the economy of the Brookings area.

FINDINGS:

1. The industrial base in the Brookings area is relatively narrow and mostly dependent on the timber industry. The lumber and wood products industry accounts for most of the manufacturing jobs in the Brookings area.

Housing starts vary with interest rates, which, in turn, create an impact on the area's lumber industry and wood products industry. However, diversity of type of trees cut, product and modernization of mill facilities have had the affect of leveling the impact of fluctuating interest rates, particularly for engineered products.

2. The Brookings area (Curry County) economy has undergone considerable change in the last 30 years. The traditional lumber and wood products economic base is no longer strong (down 52% 1960-82; down 31% since 1970). Unemployment in 1982 averaged 16.3% but had fallen to an average of 6.4% in 1990 as other employment opportunities opened within the city. In 1993 the average unemployment rate had risen to 9.1%. Unemployment averaged approximately 8% in 2008.

3. The job sector with the greatest increases in employment during the 2001-2007 period were services and retail trade.

4. Tourism as a source of income for local business has increased in recent years. Several indirect measures, such as highway counts and state park visitorship, indicate strong growth trend. Sport fishing is an important component of the local economy. There was an increase in direct travel spending from 2002 to 2007 of 18%.

The city has developed a program for the redevelopment of the older commercial core area. A Brookings Downtown Master Plan was developed and adopted as a guidance document in 2002. An Urban Renewal Area (URA) was formed and a plan adopted in 2002. Many downtown business owners took advantage of a matching grant façade improvement program funded by the URA in 2008. In 2009 funds generated from the URA were committed to street improvements in the Downtown Core Area.

5. The Brookings area has developed a strong retirement housing industry. Retirees are an important source of economic stability to the community. Curry County and Brookings continue to have a population that is older than the State average due to in-migration of retirees.

6. In the past and to some extent today, the isolation of Brookings is a factor that has prevented certain types of industry from locating in the Brookings area. However, changes in

technology, particularly relating to computers, the Internet, and other forms of communication, have made it possible for other types of industry to locate in this area.

7. Changes in communications technology have allowed several firms, which prior to the changes were held in more metropolitan areas, to move their facilities to Brookings to take advantage of the rural small town atmosphere, and quality of life.

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Indian Tribal	760	1,090	330	43%
Local Education	1,910	1,930	20	1%
Total nonfarm employment	30,620	33,610	2,990	10%

Source: Oregon Employment Department. Employment Projections by Industry 2006-2016.
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 Projections summarized by ECONorthwest.

Based on the information found in the EOA, the City of Brookings, including the Urban Growth Area, has 564 acres of Commercial land and 358 acres of Industrial land. The Study demonstrates there is enough employment land (commercial and industrial land) to meet needs for the next 20 years (2009-2029) although there is a deficit of some of the larger sites needed. This can be accommodated due to a surplus of smaller sites and

strategies such as downtown redevelopment, parcel assembly, creation of small industrial parks, and through other means described in detail in the Study .

POLICIES:

1. General Policies

- a. It is the policy of the City of Brookings to improve the appearance of the downtown commercial area and to enhance shopping opportunities for residents and visitors.
- b. The City of Brookings will encourage the diversification of the City and the regional economy. The City will work to create new employment opportunities while sustaining and expanding existing economic sectors.
- c. Brookings will encourage compatible industrial uses to be located in appropriate areas throughout the community.
- d. The City will encourage the development of facilities to provide for designation tourism and the development and identification of additional tourist attractions.
- e. The City will work with and support the Port of Brookings Harbor in their effort to establish tourist commercial uses within the port area.

The Economic Opportunities Analysis adopted in June, 2009 added these key policies as part of the economic development strategy:

- f. Provide an adequate supply of sites of varying locations, configurations, and size, to accommodate industrial and other employment over the planning period;
- g. Encourage high-amenity commercial development in downtown Brookings;
- h. Support existing businesses in Brookings; and
- i. Provide services that attract retirees, as well as serve residents.

2. Commercial Policies

- a. Commercial districts are intended to serve the retail, service, and office needs of the greater Brookings area.
- b. Commercial districts should offer good visibility and access and should generally be located along major arterial streets.
- c. Commercial districts should result in concentrated groupings of retail, service, and office uses.

d. New commercial development will be designed in a manner that utilizes access management to the greatest extent possible pursuant to the goals and policies of Goal 12, Transportation, of this Comprehensive Plan.

e. New commercial areas and new development in existing commercial districts shall be designed in a manner that mitigates traffic, noise and visual impacts on surrounding residential uses

3. Neighborhood Commercial Policies

a. Neighborhood Commercial districts are intended to provide professional offices and neighborhood oriented goods and services.

b. Neighborhood Commercial districts should be located adjacent to arterial or collector streets and should serve surrounding residential areas.

c. Uses in Neighborhood Commercial districts shall be designed to protect surrounding residential properties.

4. Industrial Policies

a. Industrial areas are intended for the manufacturer, processing and distribution of goods.

b. Industrial areas should provide easy access to arterial streets. Visibility from arterial streets is not a critical locational concern.

c. New industrial districts and new uses within existing industrial districts shall be designed in a manner that provides mitigation from traffic, noise, visual, and odorous impacts on surrounding residential districts.

d. The City shall work with and support the Port of Brookings Harbor to establish marine related industrial uses at the port.

e. The City shall provide adequate industrial land for the development of new industrial uses.

IMPLEMENTATION:

1. In order to promote economic diversification, the City will continue to develop its working relationship with the private sector.

2. The City will recognize and support the Port of Brookings Harbor Master Plan of Development and work with the Port authorities to develop land within their jurisdiction.
3. The City will utilize the zoning ordinance to provide commercial and industrial lands for development.
4. Brookings will cooperate with local governments and regional agencies to gain improvements in the regional transportation network.
5. Brookings will continue on-going coordination with the Coos-Curry-Douglas Economic Improvement Association to enhance the City's economy. The City will participate in and support other efforts to create a strong economy by coordinating with:
 - Curry County's Economic Development Department
 - "Wild Rivers Coast" Promotional Alliance
 - Border Coast Airport Authority
 - and other appropriate partners.
6. Brookings has developed a Downtown Master Plan, which specifies appropriate methods to aid in revitalizing the downtown commercial area. The City will cooperate with the Chamber of Commerce to implement the plan and to attract new commercial development.
7. Brookings will consider the formation of an organization to initiate, coordinate and help implement an industrial and employment expansion program.

The EOA adopted in June, 2009 added these key implementation steps as part of the economic development strategy. The City will:

8. Provide commercial and industrial land to meet the site characteristics and site sizes described in the EOA;
9. Limit retail commercial land supply to encourage retail infill and redevelopment to areas within the existing Urban Growth Boundary, especially in downtown;
10. Provide land that creates opportunities for development of attractions for tourists;
11. Work with land-owners to create larger opportunity sites described in the EOA. The City may be able to assist with this process through facilitating property owners with parcel assembly on the sites, ensure that zoning is appropriate to allow the desired uses, and working with local economic development agencies to attract users to develop the desired uses;
12. Provide opportunities for development of small-scale manufacturing through provision of land that allows a mixture of complementary light manufacturing, artisan, and commercial uses;

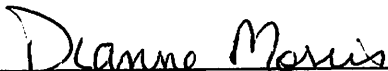
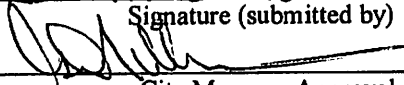
13. Encourage small-scale home occupations for cottage industries and professional services. These uses should be of a type and scale that does not adversely impact residential uses through negative traffic impacts or other nuisances;
14. Utilize funds from the Urban Renewal District to encourage high-amenity commercial development in downtown core area;
15. Work with private interests to improve the appearance of downtown through building improvements and streetscape improvements;
16. Encourage historic preservation in Brookings' downtown by working with private property owners to pursue State tax credits and create incentives to rehabilitate buildings on the National Register of Historic Places;
17. Support other programs to promote development in downtown, such as low-cost loan programs for capital improvements for downtown businesses or programs to promote historic preservation;
18. Develop a business retention strategy by working with a task force to visit local firms and identify issues. The strategy would identify firms that may expand or be relocated are flagged and set priorities and tailor incentives or strategies specific to each firm;
19. Pursue State and Federal grants to fund economic development and infrastructure improvements, such as grants for port planning and marketing, construction of water and wastewater improvements, or the National Trust for Historic Preservation's "Main Streets Program";
20. Facilitate development of a hospital facility in Brookings; and
21. Provide opportunities for development of housing for seniors, ranging from single-family detached dwellings to nursing facilities.
22. The City is developing an overall economic development plan.

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-6-09 for consideration and possible adoption of revisions to Chapter 17.120, Nonconforming Uses, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.120, Nonconforming Uses, BMC.

Financial Impact: None

Background/Discussion: The City's Land Development Code (LDC) Committee reviewed and made revisions to Chapter 17.120, Non-conforming Uses, BMC. Most of the revisions were to remove confusing or insert clarifying language. Following are some of the more important changes:

- Under 17.120.020, Change of nonconforming use. This section was stricken as it was inappropriate. Conditional uses are addressed in Chapter 17.136.
- Under 17.120.020, Discontinuance of a nonconforming use. The length of time for a discontinued use or structure to be considered abandoned was increased.
- Under 17.120.030 Destruction of nonconforming use or structure. The length of time to replace a destroyed nonconforming use or structure was increased.
- Under 17.120.050 Enlargement or alteration of a nonconforming structure. The language in this section was very confusing and was deleted. New language was inserted to clarify that all new construction must comply with the current standards and not increase the area out of compliance.
- Under 17.120.070 Pre-existing limited use permit or variance. This section was stricken as the special chapters used to grant these approvals address the requirements and compliance.

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 17.120 (Attachment A).

Policy Considerations: N/A

Attachment(s): Draft version of Chapter 17.120, Nonconforming Uses, BMC

Chapter 17.120 NONCONFORMING USES

Draft 04-01-09

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

Text to be omitted has ~~strikethrough~~.

Sections:

- 17.120.010 Continuation of nonconforming use.
- 17.120.020 ~~Change of nonconforming use.~~
- 17.120.020 Discontinuance of a nonconforming use.
- 17.120.030 Destruction of nonconforming use or structure.
- 17.120.040 Completion of structure.
- 17.120.050 Enlargement or alteration of a nonconforming structure.
- 17.120.070 ~~Pre-existing limited use permit or variance.~~

17.120.010 Continuation of nonconforming use.

A use lawfully occupying ***pre-existing use of a*** structure or site ~~on the effective date of this code or of amendments thereto,~~ which does not conform to the regulations for the district in which it is located, shall be deemed to be a ***lawful***, nonconforming use and may be continued, subject to the following regulations:

A. Routine maintenance and repairs may be performed on structures or sites, ~~the use of which is nonconforming.~~

B. No ***non-conforming*** structure, ~~the use of which is nonconforming,~~ shall be moved, altered, or enlarged unless required by law, ***allowed elsewhere in this Code***, or unless the moving, alteration or enlargement will result in the elimination of the nonconforming use.

C. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use. [Ord. 89-O-446 § 1.]

~~**17.120.020 Change of nonconforming use.**~~

~~The planning commission may grant an application for a change of use, filed in accordance with the provisions of Chapter 17.136 BMC, conditional use permits, if, on the basis of the application and the evidence submitted, they make the following findings:~~

~~A. That the proposed use is classified in a more restrictive category than the existing or pre-existing use by the district regulations of this code. The classifications of the nonconforming use shall be determined on the basis of the district in which it is first permitted; provided, that a conditional use shall be deemed to be in a less restrictive district than a permitted use in the same district.~~

~~B. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or pre-existing use.~~

~~C. That the change of use will not result in the enlargement of the space occupied by a nonconforming use, except that a nonconforming use of a building may be extended throughout those parts of a building which were designed or arranged for such use prior to the date when such use of the building became nonconforming; provided, that no structural alterations except those required by law are made. [Ord. 89-O-446 § 1.]~~

17.120.020 Discontinuance of a nonconforming use.

If a nonconforming use has been changed to a conforming use, or if the nonconforming use of a building, structure or premises is discontinued for the time period specified below, the said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as a matter of right ***an allowed outright use*** or as a conditional uses in the district in which it is located:

A. Residential uses in a commercial zoning district: ~~two~~ ***five*** years unless the building has been altered to the point that it is no longer suitable as a residence;

B. All other uses: ~~six months~~ ***2 years***. [Ord. 90-O-446.B § 3; Ord. 89-O-446 § 1.]

17.120.030 Destruction of nonconforming use or structure.

If a nonconforming residential ***or commercial*** structure is destroyed to any extent, by any cause beyond the owner's control, it may be rebuilt or replaced by a residential structure that is no larger than the original structure. ~~In all other cases if the structure is destroyed in excess of 50 percent of its assessed value as determined by the records of the county assessor for the year preceding destruction, a future structure or use on the property shall conform to the regulations for the district in which it is located.~~ ***Time limits for this replacement shall comply with BMC 17.120.020 above.*** [Ord. 90-O-446.B § 4; Ord. 89-O-446 § 1.]

17.120.040 Completion of structure.

Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a valid permit exists prior to the adoption of this code and subsequent amendments thereto, except that if the designated use will be nonconforming it shall, for the purposes of BMC 17.120.030, be a discontinued use if not operational within two years of the date of issuance of the building permit. ***unless work is discontinued and the building permit expires prior to completion.*** [Ord. 89-O-446 § 1.]

17.120.050 Enlargement or alteration of a nonconforming structure.

~~If a building or structure, in existence on the effective date of any yard, location, or coverage restriction imposed by this Code, fails to comply with such restriction, such building or structure may be enlarged or altered to the extent that such alteration or enlargement does not itself encroach upon a required yard or violate a location restriction or so increase the area of the building or structure~~

that it violates the coverage restriction, but this right shall be subject to all other restrictions contained in this Code. [Ord. 89-O-446 § 1.]

Existing structures that do not conform to current standards, including but not limited to setbacks, coverage, and height requirements, can be expanded, but only if all new construction complies with current standards and does not increase the area out of compliance.

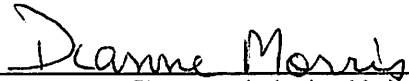
~~17.120.070 Pre-existing limited use permit or variance or qualified zone change.~~

~~A use which was lawful by reason of a limited use permit or variance or **qualified zone change** may be conducted only on the terms of the original permit variance **approval** granted, and subject to all limitations under which the permit for variance was awarded. [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 17.120, Nonconforming Uses, Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve Adopting Ordinance 09-O- 637.

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-637.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE NO. 09-O-637

IN THE MATTER OF ORDINANCE 09-O-637, AN ORDINANCE AMENDING CHAPTER 17.120, NONCONFORMING USES, TO TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN IT'S ENTIRETY.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Chapter 17.120, in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.120, Nonconforming Uses, to Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amend Chapter 17.120. Chapter 17.120, Nonconforming Uses is amended to read as follows:

**Chapter 17.120
NONCONFORMING USES**

Sections:

- 17.120.010 Continuation of nonconforming use.
- 17.120.020 Discontinuance of a nonconforming use.
- 17.120.030 Destruction of nonconforming use or structure.
- 17.120.040 Completion of structure.
- 17.120.050 Enlargement or alteration of a nonconforming structure.

17.120.010 Continuation of nonconforming use.

A lawfully pre-existing use of a structure or site, which does not conform to the regulations for the district in which it is located, shall be deemed to be a lawful, nonconforming use and may be continued, subject to the following regulations:

- A. Routine maintenance and repairs may be performed on structures or sites.
- B. No non-conforming structure, shall be moved, altered, or enlarged unless required by law, allowed elsewhere in this Code, or unless the moving, alteration or enlargement will result in the elimination of the nonconforming use.
- C. No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use. [Ord. 89-O-446 § 1.]

17.120.020 Discontinuance of a nonconforming use.

If a nonconforming use has been changed to a conforming use, or if the nonconforming use of a building, structure or premises is discontinued for the time period specified below, the said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as an allowed outright use or as a conditional uses in the district in which it is located:

A. Residential uses in a commercial zoning district: five years unless the building has been altered to the point that it is no longer suitable as a residence;

B. All other uses: two years. [Ord. 90-O-446.B § 3; Ord. 89-O-446 § 1.]

17.120.030 Destruction of nonconforming use or structure.

If a nonconforming residential or commercial structure is destroyed to any extent, by any cause beyond the owner's control, it may be rebuilt or replaced by a structure that is no larger than the original structure. Time limits for this replacement shall comply with BMC 17.120.020 above. [Ord. 90-O-446.B § 4; Ord. 89-O-446 § 1.]

17.120.040 Completion of structure.

Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a valid permit exists unless work is discontinued and the building permit expires prior to completion. [Ord. 89-O-446 § 1.]

17.120.050 Enlargement or alteration of a nonconforming structure.

Existing structures that do not conform to current standards, including but not limited to setbacks, coverage, and height requirements, can be expanded, but only if all new construction complies with current standards and does not increase the area out of compliance.

First Reading: _____

Second Reading: _____

Passage: _____

Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2009

ATTEST:

Mayor Larry Anderson

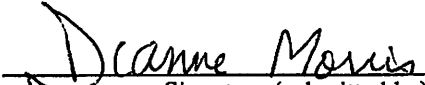

City Recorder Joyce Heffington

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

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.]

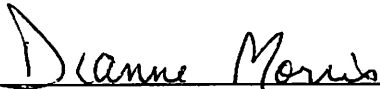
17.116.100 Mapping.

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.

**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: _____
Second Reading: _____
Passage: _____
Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2009

ATTEST:

Mayor Larry Anderson


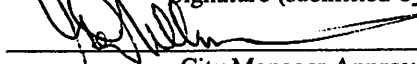
City Recorder Joyce Heffington

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-8-09 for consideration and possible adoption of revisions to Chapter 17.08.120 and 17.08.160, Definitions, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17. 08.120 and 17.08.160, Definitions, BMC.

Financial Impact: None

Background/Discussion: A citizen appeared before the Planning Commission and requested the BMC be revised to allow some additional animals be included as domestic pets. After much discussion, the City's Land Development Code (LDC) Committee and Staff felt that altering the existing definition of "livestock" would be the best way to proceed. This revision would allow some additional typical domestic pets. Any problems that may arise due to noise, odor, etc. could be dealt with by Chapter 8.15 Nuisances, BMC.

The Planning Commission reviewed the proposed revisions and recommended approval to the City Council.

Following this report is the draft version of Chapter 17.08.120 and 17.08.160, Definitions (Attachment A).

Policy Considerations: N/A

Attachment(s): Draft version of Chapter 17. 08.120 and 17.08.160, Definitions, BMC

Chapter 17.08

DEFINITIONS

Draft 5-6-09

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

Text to be omitted has ~~strikethrough~~.

17.08.120 L Terms.

"Livestock" means any domestic farm animal kept for sale, ~~or use.~~ ***Keeping of livestock within the City requires a conditional use permit.***, ~~or as a pet but not including dogs, cats, or poultry, rabbits, or domesticated miniature species.~~

17.08.160 P Terms.

"Pets" means ***dogs, cats, rabbits, domesticated miniature species, or ten (10) or less poultry. Pets are allowed as an accessory permitted use in any zone.***

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 22, 2009

Dianne Morris
Signature (submitted by)

Originating Dept: Planning

City Manager Approval

Subject: Adopting ordinance for approval to revise Chapter 17.08.120 & 160, Definitions, Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve Adopting Ordinance 09-O- 638.

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-638.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE NO. 09-O-638

IN THE MATTER OF ORDINANCE 09-O-638, AN ORDINANCE AMENDING SECTION 17. 08.120, L TERMS, AND SECTION 17.08.160, P TERMS, OF CHAPTER 17.08, DEFINITIONS, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Sections 17.08.120 and 17.08.160.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Section 17.08.120, L Terms, and Section 17.08.160, P Terms, of Chapter 17.08, Definitions, Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amends Sections 17.08. Sections 17.08.120 and 17.08.160 are amended to read as follows:

Chapter 17.08

DEFINITIONS

17.08.120 L Terms.

"Livestock" means any domestic farm animal kept for sale, or use. Keeping of livestock within the City requires a conditional use permit

17.08.160 P Terms.

"Pets" means dogs, cats, rabbits, domesticated miniature species, or ten (10) or less poultry. Pets are allowed as an accessory permitted use in any zone.

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

Signed by me in authentication of its passage this _____, day of _____, 2009

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington