

# Advance Packet

*Dated 10-17-08*

*for*

**Monday, October 27, 2008, Common Council Meeting**

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

Public Hearings:

- Continuation of public hearing on File LDC-11-08, to consider revisions to Chapter 17.52, General Commercial (C3) of the Brookings Municipal Code. (pg . 3)

Ordinances

- Ordinance 08-O-620, an ordinance adding Chapter 17.180, Workforce Housing, to the Brookings Municipal Code. (pg . 11)

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: October 27, 2008

Originating Dept: Planning

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

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Subject: A hearing on File LDC-11-08 to consider revisions to Chapter 17.52, General Commercial (C-3) of the Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve File LDC-11-08 making revisions to the above Chapter after deliberation and direct staff to prepare an adopting ordinance.

Financial Impact: None

Background/Discussion: Proposed revisions to Chapter 17.52, General Commercial (C-3) District, BMC came before the Council at the September 22 and October 13, 2008 meetings. The area of concern is whether car sales should continue as a conditionally permitted use or be allowed as an outright permitted use. After public input and discussion, the Council directed staff to re-write the chapter listing car sales, service and repair as an outright permitted use and continue the hearing until October 27<sup>th</sup> at 7:00 pm to allow the public an opportunity to provide comments on the change. Attached is a draft of Chapter 17.52, C-3, listing car sales as an outright use.

Policy Considerations: N/A

Attachment(s): **Attachment A** – Draft version of the C-3 zone.

## Chapter 17.52

## GENERAL COMMERCIAL (C-3) DISTRICT

Draft October 15, 2008

Text to be added is *bold and italicized*.Text to be omitted has ~~strikethrough~~.

## Sections:

- 17.52.010 Purpose.
- 17.52.020 Permitted uses.
- 17.52.030 Accessory uses.
- 17.52.040 Conditional uses.
- 17.52.050 Maximum building height.
- 17.52.060 Signs.
- 17.52.070 Parking.
- 17.52.080 Other required conditions.

**17.52.010 Purpose.**

This District is designed to stabilize, improve and protect the commercial characteristics of the ~~central business district~~ *general commercial area*. *The District is limited to commercial uses of less intensity than are found in an industrial zone. A pedestrian friendly mixture of commercial and residential uses are to be promoted by the provisions found in this District.* ~~Due to the interdependence of the various commercial uses upon pedestrian traffic and the necessity for joint provisions and utilization of off street parking facilities, off street parking is not required for individual commercial uses within this district fronting on U.S. Highway 101 (Chetco Avenue) easterly from Pacific Street. [Ord. 89-O-446 § 1.]~~

**17.52.020 Permitted uses.**

The following uses are permitted:

- A. Existing residential uses, *including additions, without any increase in the number of dwelling units;*
- B. One or more dwellings not on a ground floor, ~~motels, and hotels;~~
- C. ~~Retail stores~~ *businesses and offices;* ~~shops, businesses and offices supplying commodities or performing services to meet the needs of the community, including department stores, specialty shops, banks and financial institutions, personal and business service establishments, antique shops, artists' supply stores, gift shops, hardware stores, drug stores, bakery shops, grocery stores, beauty and barber shops, garden and nursery shops, and other similar uses;~~
- D. Business and technical schools, photography, art, music, *theater*, and dance schools and studios;
- E. Restaurants, cafes, cocktail lounges, bars, taverns, ~~including~~ *with or without* entertainment;
- F. Commercial recreational uses, such as bowling lanes, dance halls, pool halls, skating rinks, or theaters, not including drive-in theaters;
- G. Printing, publishing and newspaper offices;
- H. Light service shops such as *beauty salons, barbershops, pet grooming with no overnight boarding of animals,* upholsterers, picture framing, tailoring, and appliance repair;
- I. Places for public assembly such as ~~churches~~ *places of worship,* meeting halls, auditoriums, community centers, lodges, clubs and fraternal organizations, ~~mortuaries and crematories in conjunction with a mortuary and subject to BMC 17.124.090;~~

J. Public buildings, structures and uses as may be appropriate to the C-3 district including transportation terminals and facilities;

K. Commercial parking lots for passenger vehicles, subject to Chapter 17.92 BMC;

L. Museums, art galleries or similar facilities;

~~M. Professional or business offices. [Ord. 03-O-446.NN; Ord. 93-O-446.L § 6; Ord. 89-O-446 § 1.]~~

*M. Hospitals and out-patient medical clinics;*

*N. Motels and hotels;*

*O. Automobile, boat, truck, or trailer sales, service or repair; provided, that all repair shall be conducted entirely within an enclosed building*

#### **17.52.030 Accessory uses.**

A. Any uses, buildings or structures customarily appurtenant to a permitted use, such as incidental storage facilities and the like, are permitted. ~~On-duty personnel living quarters, either conventional or manufactured, in conjunction with ambulance services and/or fire departments. [Ord. 93-O-446.P § 3; Ord. 89-O-446 § 1.]~~

*B. Accessory uses for dwelling units*

*1. Home occupations, subject to the provisions of Chapter 17.104 BMC.*

*2. Other accessory uses and accessory buildings and structures, such as non-commercial greenhouses, customarily appurtenant to a permitted use.*

#### **17.52.040 Conditional uses.**

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

~~A. Automobile, boat, truck, or trailer sales, service or repair; provided, that all repair shall be conducted entirely within an enclosed building;~~

~~BA. Implement, machinery, and heavy equipment sales, and service or repair; provided, that all repair shall be conducted entirely within an enclosed building;~~

~~CB. Automobile service station, including automobile maintenance and repair which shall be conducted entirely within an enclosed building;~~

~~DC. Lumber or building materials sales and storage; provided, that service, business, sales and storage is either entirely within an enclosed building or enclosed within an eight foot high, sight-obscuring fence;~~

~~ED. Contractors' offices and storage; provided all storage is either entirely within an enclosed building or within an eight foot high, sight-obscuring fence;~~

~~FE. Veterinarians and animal hospitals, and pet grooming, provided all business, service and kennels are entirely within an enclosed building subject to BMC 17.124.080;~~

~~GF. Buildings over 40 feet in height;~~

~~HG. Rental storage units, provided they are used exclusively for storage purposes;~~

~~IH. Day care and nursery schools, and kindergartens pursuant to BMC 17.124.010.~~

~~J. Short-term rentals pursuant to the provisions of BMC 17.124.170. [Ord. 01-O-446.MM; Ord. 00-O-446.II § 2; Ord. 92-O-446.H § 2; Ord. 89-O-446 § 1.]~~

~~KJ. Mortuaries and crematories in conjunction with a mortuary and subject to BMC 17.124.090;~~

~~LK. On-duty personnel living quarters, either conventional or manufactured dwelling unit, only in conjunction with ambulance services and/or fire departments.~~

~~ML. Utility substations or pumping stations subject to BMC 17.124.030.~~

~~NM. Fabricating of products is permitted when conducted in conjunction with a retail sales establishment occupying the ground floor facing the public street.~~

**17.52.050 Maximum building height.**

No structures shall be over 40 feet in height except as allowed as a conditional use, and as provided in BMC 17.128.030. [Ord. 89-O-446 § 1.]

**17.52.060 Signs.**

Signs shall be permitted in accordance with Chapter 17.88 BMC. [Ord. 89-O-446 § 1.]

**17.52.070 Parking.**

Off-street parking shall be provided in accordance with Chapter 17.92 BMC, except for ~~the area described in 17.92.030(A). these lots fronting U.S. Highway 101 (Cheteo Avenue) easterly from Pacific Street.~~ [Ord. 89-O-446 § 1.]

**17.52.080 Other required conditions.**

A. Site plan approval required as provided in Chapter 17.80 BMC.

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for conditional uses ~~and off-street parking and loading areas,~~ outdoor dining areas, nurseries and garden shops, ~~Christmas tree~~ *seasonal sales lots, outdoor equipment, outdoor furniture, dispensers, vehicle and boat sales, and* bus stations. *When outside storage is allowed as a conditional use, it must be enclosed within a 6 foot high site obscuring fence. In addition, temporary sales of products allowed either as an outright permitted or a conditionally permitted use, for no more than 3 7 consecutive days, may be conducted outside on private property. These sales may occur no more than 3 4 times during a calendar year. The seller must have a current City business license and required parking spaces must remain available for use by vehicles.*

C. In any C-3 district directly across a street from, or abutting any lot in a "R" *Residential* district, the parking and loading area shall be set back at least 10 feet from the street right-of-way or lot line and said area shall be appropriately landscaped to protect the character of said adjacent residential properties. Such landscaping shall be *constructed and maintained in compliance with 17.92.100 (H), BMC.*

D. All business shall be conducted from a structure placed on a permanent foundation unless specifically exempted by the provisions of this or other city ordinances. [Ord. 00-O-446.JJ § 5; Ord. 89-O-446 § 1.]

E. *Prior to any development activity on the property, the applicant must comply with 17.100.030, General Mitigation, BMC.*

F. *An accessway to a new proposed off-street parking area shall be improved from the public roadway to the parking area to a minimum width of 20 feet for two-way traffic. If the accessway is a one-way in or one-way out, it shall be a minimum width of 10 feet and have appropriate signage.*

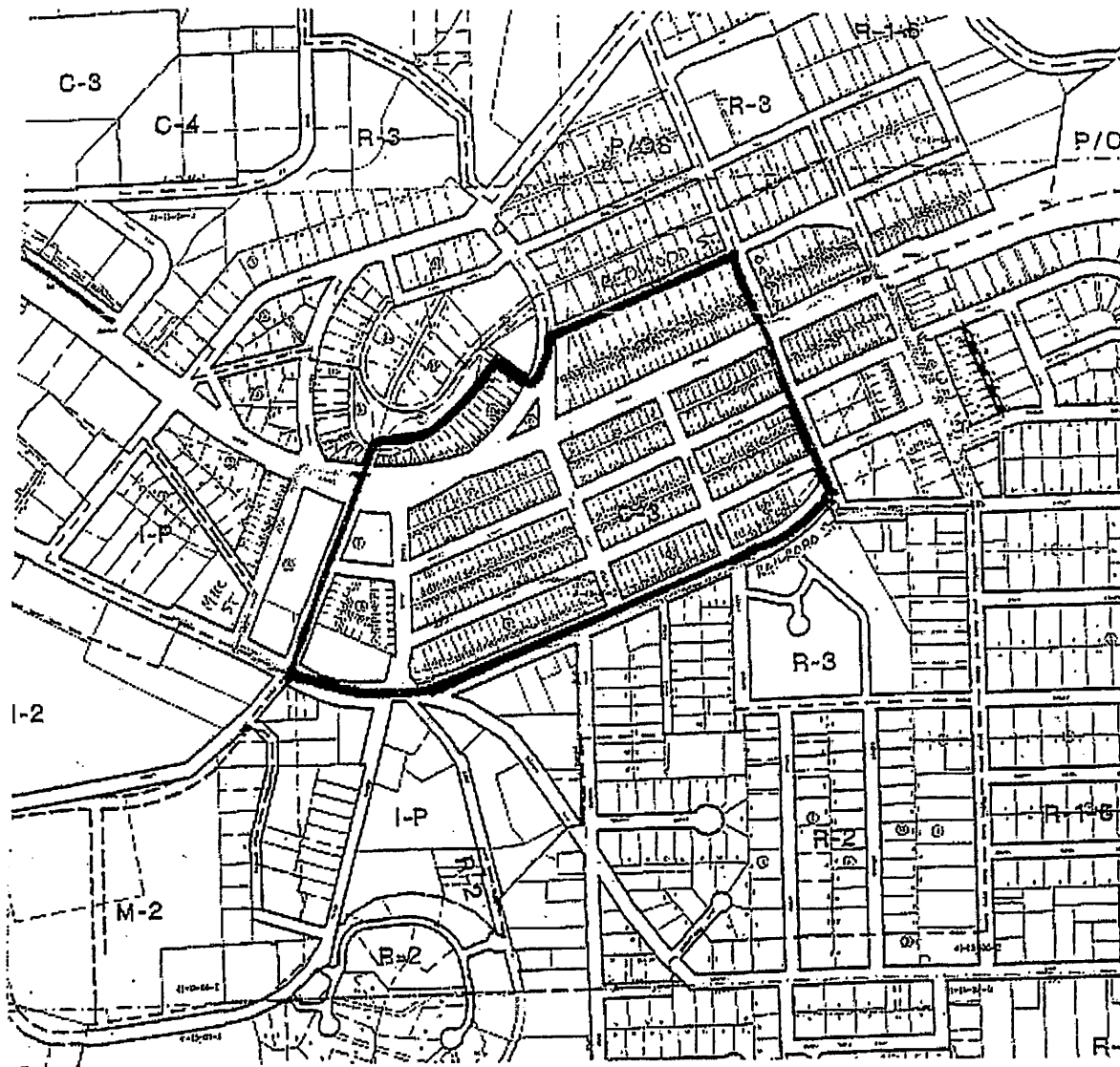
G. *Provide for the improvement of an existing dedicated alleyway which is intended to be used for egress and ingress, or backup space of off-street parking for the development.*

H. *Screen from view all roof-, wall-, or ground-mounted mechanical equipment and devices, in addition to propane tanks.*

I. *Refuse receptacles or dumpsters shall be appropriately positioned, colored or screened to minimize visibility to vehicular traffic or pedestrians.*

## MAP 17.92.030 - 1

## Downtown Core Area



The first tier of lots on the north side of Hwy. 101 (Chetco Avenue)  
From Center St. to Oak St., to the north side of Railroad St. and from  
Center St. on the west to Oak St. on the east.

[Ord. 07-O-594; Ord. 89-O-446 § 1.]



# MEMORANDUM

*Office of the City Manager*

**GARY MILLIMAN**

**City Manager**

**TO:** Mayor and Council

**DATE:** October 17, 2008

**SUBJECT:** C-3 / Automobile Sales

The C-3 zoning includes the area generally referenced as the “downtown” (Railroad to Redwood, Alder to Mill in the Downtown Master Plan) as well as a substantial amount of properties outside the “downtown” along Chetco Avenue. All of the C-3 zoned land is located within the Urban Renewal Area, and C-3 zoning applies to approximately half of the total land area in the URA...

The following issues emerge from an economic development/urban renewal perspective, as we discuss the uses permitted within the C-3 zoning.

- The proposal to establish a “downtown zone” consistent with the implementation of the Proud Study and the Downtown Master Plan did not move forward. Concerns of the two auto dealerships could have been dealt with through that process. For example, a provision could have been developed whereby the existing automobile sales uses in the downtown district would continue as conditional uses, while allowing automobile sales/storage to occur in the non-downtown C-3 as a permitted use.
- Revenue to support urban renewal projects is generated by increasing property values in the Urban Renewal Area. The concept of urban renewal is to facilitate higher property values. This is consistent with the underlying philosophy of higher intensity of use in the URA. Facilitating land uses that do not involve adding taxable value will reduce the Urban Renewal Agency’s ability to fund the adopted program of work.
- To support more restaurants and retail in the downtown area, more jobs need to be created there. This is particularly important as the off-street parking requirements have been eliminated. Businesses locating in the downtown area will increasingly rely upon the patronage of employees of other downtown businesses, and downtown residents, for economic support.
- With automobile sales becoming a permitted use in the downtown area without any development standards, such as minimum size of a sales lot, small vacant parcels or parking lots of existing businesses could be converted to automobile sales. Note again that existing businesses in the downtown area are no longer required to provide off-street customer parking.

It is my recommendation that the Council consider incorporating the following into the C-3 standards of development with respect to automobile sales:

1. Establish a minimum square footage size for an automobile sales dealership display area as 20,000 square feet. This would prevent setting up auto sales operations on small lots and in existing parking lots downtown.\*
2. Allow automobile sales dealerships with maximum display areas of up to 100,000 square feet in the C-3 zone as a permitted use; with over 100,000 square feet as a conditional use.\*
3. Require that all automobile sales dealerships have an on-site office.
4. Define the boundaries of the "downtown core area" as defined in 17.92.030. Allow a primary dealership located within the downtown core area to have one or more secondary sales/storage locations within the balance of the C-3 as a permitted use.

The two existing sales lots are estimated at 30-95,000 square feet.

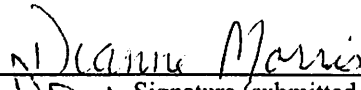
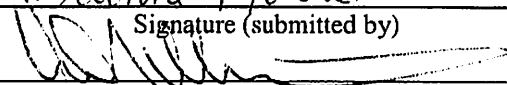


# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: October 13, 2008

Originating Dept: Planning

  
Signature (submitted by)  
  
City Manager Approval

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Subject: Adopting ordinance for approved creation of Chapter 17.180, Workforce Housing, Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve Adopting Ordinances 08-0-620, BMC. (See script for procedure)

Financial Impact: None.

Background/Discussion: The creation of this Chapter was approved by the City Council at their September 22, 2008 meeting.

Policy Considerations: None.

Attachment(s): Attachment A - Adopting Ordinance 08-0-620  
Attachment B – Housing and Urban Development Income Chart with example of how to use the formula. This specific chart will not be adopted as it is updated annually.

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

**In the Matter of an Ordinance Adding  
Chapter 17.180, Workforce Housing,  
to the Brookings Municipal Code.**

)  
) **Ordinance No. 08-O-620**  
)

**Sections:**

- Section 1. Ordinance Identified.
- Section 2. Adds Chapter 17.180.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 17.180, Workforce Housing, of Title 17, to the Brookings Municipal Code (BMC).

Section 2. Chapter 17.180, Workforce Housing, is added, in its entirety, to read as follows:

**Chapter 17.180  
WORKFORCE HOUSING**

**Sections:**

- 17.180.010 Purpose.
- 17.180.020 Definitions
- 17.180.030 Density bonus.
- 17.180.040 Accessory dwelling unit.
- 17.180.050 System Development Charge (SDC) deferrals.

**17.180.010 Purpose.**

Affordable housing is needed within our community to provide for those individuals and households earning less than the median income as defined by the United States Department of Housing and Urban Development (HUD). The provisions of this Chapter are intended to create flexibility, provide developer incentives and provide a means for developing affordable housing.

**17.180.020 Definitions.**

“Affordable ownership unit” means housing with a mortgage payment that does not exceed 30% of the qualifying annual net income.

“Affordable rental unit” means that the rent charged for the dwelling unit does not exceed 23% of the qualifying annual net income.

“Accessory dwelling unit (ADU)” means a separate dwelling unit contained within or detached from a single-family dwelling on a single lot, containing 1000 square feet or less, excluding any garage area or accessory buildings, and sharing a driveway with the primary dwelling unless from an alley. A recreational vehicle cannot be used as an accessory dwelling unit.

“Accessory dwelling unit occupant” means the renter of the ADU.

“Qualifying annual income” means annual net income that does not exceed 80% for ownership and 60% for rentals of the area median income as determined by the United States Department of Housing and Urban Development (HUD).

#### **17.180.030 Density bonus.**

When applying to create a subdivision or planned unit development (PUD), the option of using a density bonus is available based on the following criteria:

Residential developments may devote 20% of the proposed lots to affordable housing pursuant to the following requirements:

1. In the following Residential zones; SR, R-1, R-MH, a density bonus for up to 20% of the proposed lots would allow a minimum lot area for each dwelling unit of 4,000 square feet. No specific minimum lot width is required.

2. In the following Residential zones; R-2, R-3, a density bonus for up to 20% of the proposed lots would allow a minimum lot area of 5,000 square feet for the first two dwelling units and for each additional unit, the lot area shall increase by 1000 square feet. No specific minimum lot width is required

3. All other provisions and requirements of the zoning district shall apply.

4. Any lots created using the Density Bonus lesser square footage requirement must site a dwelling unit in compliance with one of the following options:

A. Affordable housing for purchase. Dwelling units designated as affordable housing available for purchase shall:

1. Only be sold to individuals or families whose annual net income does not exceed 80% of the area median income as determined by HUD; and

2. Have a mortgage payment not to exceed 30% of the monthly net income as outlined below:

- a. Studio Apartment – 1 person qualifying monthly income
- b. 1 bedroom – 2 person qualifying monthly income
- c. 2 bedrooms – 4 person qualifying monthly income
- d. 3 bedrooms – 6 person qualifying monthly income
- e. 4 bedroom – 7 person qualifying monthly income; and

3. Have a deed restriction signed and recorded establishing a period of affordability of not less than 15 years. In no event will a purchaser be required to sell the unit subject to this agreement for less than the purchase price plus any applicable closing costs and realtor fees. If an owner of a dwelling unit subject to this deed restriction decides to rent the unit, 17.180.030 (B), below, is applicable.

B. Affordable housing for rent. Dwelling units designated as affordable housing available for rent shall:

1. Only be rented to individuals or families whose annual net income does not exceed 60% of the area median income as determined by HUD; and

2. Have the rent charged not exceed 23% of the qualifying family net income as outlined below:

a. Studio Apartment – average of the 1 & 2 person qualifying monthly income.

b. 1 bedroom – average of the 2 & 3 person qualifying monthly income.

c. 2 bedrooms – average of the 3, 4, & 5 person qualifying monthly income.

d. 3 bedrooms – average of the 4, 5, 6, & 7 person qualifying monthly income.

e. 4 bedrooms – average of the 5, 6, 7, & 8 person qualifying monthly income; and

3. Have a deed restriction signed and recording establishing a period of affordability of not less than 15 years.

4. An annual registration fee, set by resolution of the City Council, must be paid and a copy of the current rental agreement provided to the City. Beginning January 1<sup>st</sup> of each year the City will conduct an annual review of registered affordable rentals to ensure compliance. Properties determined to be non-compliant shall be subject to abatement pursuant to BMC 8.15.090.

5. With any change of tenants new qualifying information must be provided to the City.

#### **17.180.040 Accessory dwelling unit.**

The Site Plan Committee shall authorize an Accessory Dwelling Unit (ADU) only if it is found that all of the following general requirements are and will be met by the applicant.

A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as an accessory use.

B. Only one ADU may be created per parcel accessory to the single-family dwelling;

C. Only the property owner may apply for an ADU. The property owner must occupy the primary dwelling as their primary residence. A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes, or other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies the primary dwelling. A deed restriction shall be recorded and a copy provided to the City declaring the Accessory Dwelling Unit status of the subject property.

D. The rental of an ADU must comply with 17.180.030 (4) (B), Affordable housing for rent, BMC.

E. An owner may convert an ADU to another lawful accessory use. If the owner wishes to re-convert the space to a dwelling unit, it may only be used in compliance with the ADU requirements.

F. One off-street parking space shall be provided for the ADU in addition to the two off-street parking spaces required for the primary dwelling pursuant to BMC 17.88.

G. ADU's shall contain 1,000 square feet or less.

H. All other applicable standards for the zone including, but not limited to setbacks, must be met with the exception of requiring a garage.

I. An annual ADU registration fee, set by resolution of the City Council must be paid. Upon sale of the property, the new owner shall be required to reregister the ADU.

J. If a garage or detached structure does not currently meet setbacks, it may not be converted to an ADU.

K. The owner of the property shall pay System Development Charges (SDC) for the additional dwelling unit and accept full responsibility for sewer and water bills.

L. Neither the ADU nor the primary dwelling may be used as a short-term rental.

M. Beginning January 1<sup>st</sup> of each year the City will conduct an annual review of registered ADUs to ensure compliance. Properties determined to be in non-compliance shall be subject to abatement pursuant to BMC 8.15.090.

**17.180.050 System Development Charge (SDC) deferrals.**

The City of Brookings will offer SDC deferrals to developers of housing projects that contain affordable units as defined in 17.180.020, BMC pursuant to the following requirements:

A. SDC deferrals will be offered for a period of two (2) years at a 0% interest rate. Developers utilizing this incentive will be required to sign a Promissory Note and System Development Charge Deferral Agreement with the City of Brookings. The SDC Deferral Agreement must be recorded and a copy provided to the City.

B. SDCs will be due in full or will need to be financed with the City of Brookings prior to transfer of ownership or at the end of the two (2) years deferral period.

C. The rental of a dwelling unit with a SDC deferral must comply with 17.180.030 (4) (B), Affordable housing for rent, BMC.

First reading: \_\_\_\_\_

Second reading: \_\_\_\_\_

Passage: \_\_\_\_\_

Effective date: \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor Larry Anderson

ATTEST:

\_\_\_\_\_  
City Recorder Joyce Heffington

# FY 2008 Income Limits Documentation System

## FY 2008 Income Limits Summary

### Curry County, Oregon

FY 2008 Income Limit Area	<u>Median Income</u>	FY 2008 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Curry County	\$43,100	<u>Very Low (50%) Income Limits</u>	\$16,900	\$19,300	\$21,750	<b>\$24,150</b>	\$26,100	\$28,000	\$29,950	\$31,900
		<u>Extremely Low (30%) Income Limits</u>	\$10,150	\$11,600	\$13,050	<b>\$14,500</b>	\$15,650	\$16,800	\$18,000	\$19,150
		<u>Low (80%) Income Limits</u>	\$27,050	\$30,900	\$34,800	<b>\$38,650</b>	\$41,750	\$44,850	\$47,950	\$51,000

EXAMPLE: How to use the formula to calculate a maximum allowable monthly mortgage payment

1. 80% of annual net median income considering the size of the family = \_\_\_\_\_
2. Multiply 30% time the qualifying income from line #1 = \_\_\_\_\_
3. Divide the number from line #2 by 12 to get the maximum allowable monthly mortgage payment = \_\_\_\_\_