

# City of Brookings WORKSHOP Agenda

## **CITY COUNCIL**

**Monday February 4, 2019, 4:00pm**

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

## **CITY COUNCIL WORKSHOP**

### **A. Call to Order**

### **B. Roll Call**

### **C. Topics**

1. Riparian Protection Overlay Zone Ordinance [PWDS, Pg. 2]
  - a. LCOG Memo – Brookings Area Protection Ordinances Summary [Pg. 3]
  - b. Attached A – Riparian Protection Overlay Zone Map [Pg. 6]
  - c. Attached B – Riparian Protection Overlay Zone Map – Previous Code Language [Pg. 7]
  - d. Attached C – Riparian Protection Overlay Zone Map – Previous Code Language with changes [Pg. 14]
  - e. Attached D – DLCD Amanda Punton Email 1/28/2019 [Pg. 25]
2. Manufacture Dwelling Permit Fee Update [Bldg, Pg. 26]
  - a. Manufacture Home Fee Analysis [Pg. 27]
  - b. Curry County Manufactured Dwelling Permit Application [Pg. 28]
  - c. Douglas County Building Department Permit Fees [Pg. 29]
  - d. Grants Pass Example of Fees for Manufactured Home [Pg. 31]
3. Recreational & Disabled Vehicle Parking [PWDS, Pg. 32]
  - a. BMC Chapter 10.10.070 (Parking) Proposed code amendments [Pg. 33]
  - b. Ordinance 08-O-602 [Pg. 34]
  - c. Ordinance 16-O-758 [Pg. 36]

### **D. Council Member Requests for Workshop Topics**

### **E. Adjournment**

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

# CITY OF BROOKINGS

## COUNCIL WORKSHOP REPORT

Meeting Date: February 4, 2019



Signature (submitted by)

Originating Dept: PW/DS



City Manager Approval

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Subject: Riparian Protection Overlay Zone Ordinance

Background/Discussion:

(See LCOG Memo)

Attachments:

- a. LCOG Memo – Brookings Riparian Area Protection Ordinances Summary
- b. Attachment A - Riparian Protection Overlay Zone Map
- c. Attachment B - Riparian Protection Overlay Zone – Previous Code Language
- d. Attachment C - Riparian Protection Overlay Zone – Revised Code Language with changes
- e. Attachment D - DLCD Amanda Punton Email 1/28/2019



## MEMORANDUM

***Meeting Date: February 4th, 2019***

**To:** City of Brookings City Council  
**From:** Lane Council Governments (LCOG) Contact: Jacob Callister, Principal Planner  
Contact Info: 541-682-4114, [jcallister@lcog.org](mailto:jcallister@lcog.org)  
**RE:** Brookings Riparian Area Protection Ordinances Summary

### I. BACKGROUND

At the January 14th, 2018 Brookings City Council meeting, a proposed riparian ordinance was heard and deliberated on. Council members moved to table a decision on the matter and directed staff to address a series of concerns to be discussed at a future council work session.

Issues of concern included the following:

- Clarity of definitions, visuals and process related to the establishment of riparian corridors.
- Review for reduction of overall length.
- Review to minimize discretionary elements of the ordinance.
- Inquiry into alternative paths.

Staff have drafted code revisions that represent responses to many of these concerns. Staff's investigation into the matter (including further coordination with property owners and DLCD staff) resulted in some broader proposed changes. These are presented in legislative format as Attachments B & C, with key proposed changes highlighted within this memo below.

### II. PROPOSED CHANGES TO RIPARIAN CORRIDOR INVENTORY

Under the safe harbor provision, significant riparian corridors are those areas including and adjacent to fish-bearing lakes and streams. The area of significance is determined by using a standard setback distance from all fish-bearing lakes and streams.

The safe harbor inventory specifies that the significant riparian corridor will be defined by a boundary extending 50 feet from the banks of lakes and streams with an average annual stream flow less than 1,000 cubic feet per second and 75 feet from top of bank for those with an average over 1,000 cfs.

The Chetco River was originally included within the City's Riparian Overlay inventory. Further research (see Attachment D) revealed that the entire portion of the Chetco River within the City of Brookings is within the Chetco River Estuary and considered "Coastal Shoreland," subject to the City's Marine Activity District (BMC Chapter 17.72). The Chetco River is therefore removed from the Riparian Area Inventory entirely. This also removes what was Section VII, which was only applicable to the Chetco River.

### III. KEY UPDATES TO CODE LANGUAGE

#### Riparian Corridor Establishment

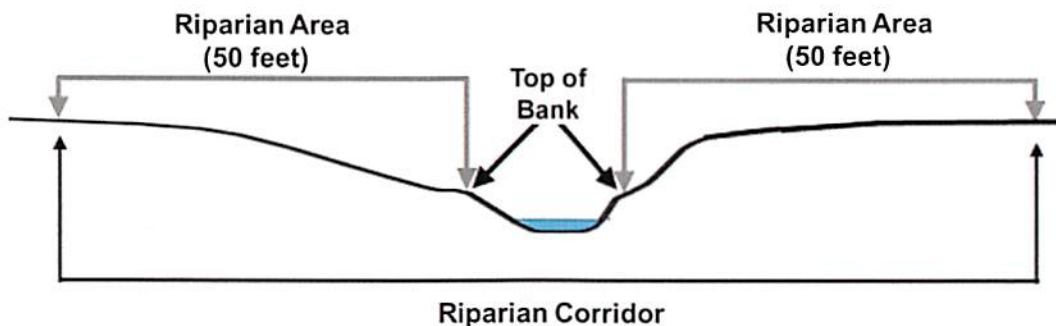
In the previous version of the code a number of terms were references which all relate to the water levels that would serve as the point from which the 50 foot setback would be measured. These terms included the following:

- Top of Bank
- 2 year Interval Flood Elevation
- Bankfull Stage
- Ordinary High Water Line (Level)

LCOG staff worked with DLCD Natural Resources Specialist, Amanda Punton, to simplify use of the terms. The terms are used synonymously in many source definitions. The term "Bankfull stage" is abandoned in the proposed code. References to the other terms are minimized and presented as alternatives rather than synonyms. For example the definition of Top of Bank is proposed as:

***Top of Bank:*** A distinct break in slope between the stream bottom and the surrounding terrain which corresponds with the ordinary high water line of the stream; or the two-year recurrence interval flood elevation.

The previous graphic is also proposed to be replaced with the following graphic, which is intended to be less confusing in portraying top of bank:



The terms "delineation" and "qualified professional" have been redefined and the references to these in code are now worded differently.

DLCD staff confirmed that, in the absence of a thorough city-wide delineation of riparian corridors, the establishment of the corridor is the onus of the property owner/applicant. They noted that some larger communities have staff who are qualified and willing to identify top of bank, but this is unusual. Brookings can decide to similarly empower staff, or will need to adopt the proposed requirement for a qualified professional to provide the delineation.

#### Administration

The previous iteration of the code proposed that the City of Brookings's "Site Plan" review process be used as the administrative mechanism for review of proposed riparian area impacts. Further review of that mechanism revealed it to be too general, and inadequate. The newly drafted code proposes a *Riparian Development Permit*. This allows the review to be more specific to riparian areas. The permit would require delineation by a qualified professional along with submission of site information, and construction and landscaping plans. *Riparian Review Permits* would need to have a fee established (by council resolution). LCOG staff can help with forms if this is pursued.

**Wetlands**

The previous iteration of the code addressed wetlands at length. Wetland areas that have been identified through a local wetland inventory (LWI) are an extension of any riparian corridor. The City of Brookings, however, does not currently have an LWI. Though one could argue that the code is better prepared for a future time when an LWI may be developed, Council's direction to simplify where possible has led staff to propose removal of references to wetlands.

**Variances**

Variance criteria was significantly simplified in the proposed development code.

**Plan Amendments**

The final section of the previous iteration of the code addressed the opportunity that residents have to undertake a plan amendment as a means for further pursuing development action that A) is not allowed or B) cannot be addressed through a hardship/variance. Again, Council's desire to simplify the code inclined staff to propose removing this section. This does not remove resident's ability to pursue such action, it just makes it less apparent as an alternative.

**Discretionary Language**

At the hearing in January, concern was raised by a property owner about discretionary language in the code. If a permit process includes discretionary language, (e.g. language that requires subjective interpretation) then approval of that permit is a "land use decision" and is subject to higher scrutiny upon appeal (e.g. LUBA).

LCOG staff worked with DLCD and sought input from the property owner who raised the question. DLCD made it clear that riparian ordinances are administered through land use decisions.

DLCD and LCOG worked through the code to reduce discretionary language and provide clearer standards for review of proposed *Riparian Development Permits*. DLCD staff noted that many communities recognize the challenge of over prescribing the details of approval, and also recognize the benefits of maintaining some discretionary influence for dynamics that are hard to anticipate.

The matter remains one of moderate concern and should be given significant attention in the work session.

**Length**

LCOG's revisions have resulted in a code that has been reduced from 11 pages down to 7 pages.

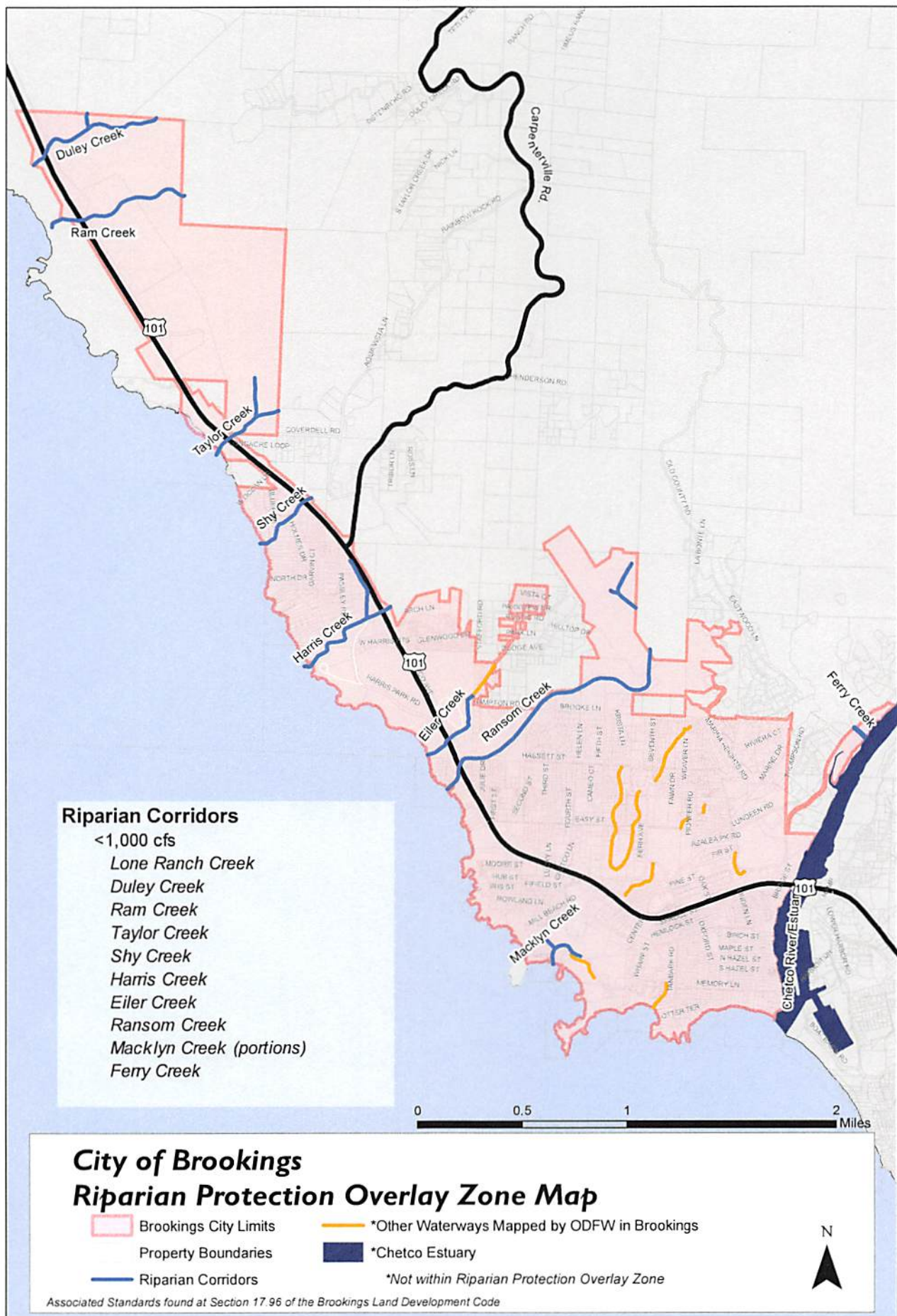
**IV. NEXT STEPS**

Staff envisions the work session as an opportunity to discuss these matters further. The work session should result in feedback that can be incorporated into a final version of the code.

**ATTACHMENTS**

- A. Revised Riparian Inventory Map
- B. Proposed Code Changes (legislative format – with tracked changes)
- C. Proposed Code (clean)
- D. DLCD Correspondence on Coastal Shorelands





# Attachment B

## **RIPARIAN PROTECTION OVERLAY (RP) –**

### **I. Purpose**

The purpose of this ordinance is to protect and restore select water bodies in the City of Brookings and their associated riparian areas, thereby protecting and restoring the hydrologic, ecological and water quality functions these areas provide. Specifically, this ordinance is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, and reduce the effects of flooding. This ordinance attempts to meet these goals by excluding structures from areas adjacent to significant (fish-bearing) lakes and streams, and by prohibiting vegetation removal or other alterations in those areas.

### **II. Definitions**

**Delineation:** An analysis that determines the boundary of natural resource according to an approved methodology.

**Excavation:** Removal of organic or inorganic material (e.g. soil, sand, sediment, muck) by human action.

**Fill:** Deposition of organic or inorganic material (e.g. soil, sand, sediment, muck, debris) by human action.

**Fish Bearing:** Means inhabited at any time of the year by anadromous or game fish species and fish that are listed as threatened or endangered species under the federal Endangered Species Act or included on the OSFW Threatened and Endangered Species List. Fish bearing status is determined through a combination of Oregon Department of Fish and Wildlife data and Oregon Department of Forestry Stream Classification maps.

**Impervious surface:** Any material which reduces or prevents absorption of storm water..

**Lawn:** Grass or maintained as a ground cover of less than six inches in height, and managed to restrict the growth of shrubs and trees. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

**Mitigation:** A means of compensating for impacts to a riparian corridor including: restoration, creation, or enhancement of riparian functions. Some examples of riparian impact mitigation actions are replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed or where it has been degraded due to past practices.

**Native Vegetation:** Plants identified as naturally occurring and historically found within the eco-region.

**Natural Resource Enhancement:** A modification of a natural resource to improve its quality.

**Non-conforming:** A structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are allowed to continue, although expansion, re-construction, or substantial improvements are regulated.

**Net Loss:** means a permanent loss of riparian functions provided by riparian structure and vegetation that results from a development action despite mitigation measures having been taken.

**Off-Site Mitigation:** Mitigation undertaken on a lot or parcel adjacent to or distant from the lot or parcel affected by a development action.

**On-Site Mitigation:** Mitigation undertaken within the lot or parcel affected by a development action.

**Ordinary High Water Line (OHWL):** means the line on the bank or shore to which the high water ordinarily rises. The OHWL excludes exceptionally high water levels caused by large flood events (e.g., 100-year events).

**Qualified Professional:** An individual who has proven expertise and vocational experience in the delineation of water resources.

**Riparian area:** The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

**Riparian corridor:** A resource that includes the water areas, fish habitat, riparian areas, that serve to protect water quality and the habitat functions of the water body. Corridors are further defined in Section IV(C).

**Shrubs:** Woody vegetation greater than 3 feet but less than 20 feet tall, including multi-stemmed, bushy shrubs and small trees and saplings.

**Stream:** A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

**Structure:** A building or other structure that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

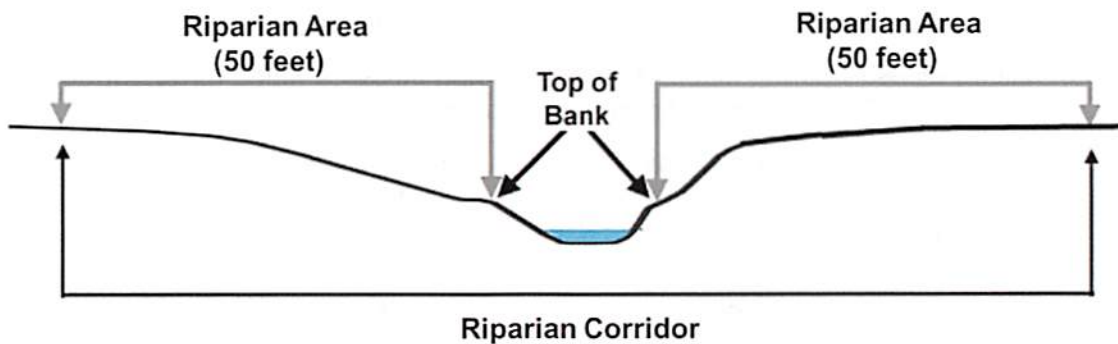
- (a) Before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred.
- (b) For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.



The term does not, however, include either:

- (c) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (d) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Top of Bank:** A distinct break in slope between the stream bottom and the surrounding terrain which corresponds with the ordinary high water line of the stream; or the two-year recurrence interval flood elevation.



**State and Federal Natural Resource Agency:** Oregon Department of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and Oregon Department of Environmental Quality.

**Trees:** A woody plant five inches or greater in diameter at breast height and 20 feet or taller.

**Water dependent:** A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

**Water related:** Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

### III. Applicability

#### (A). Affected Property

The procedures and requirements of the Riparian Protection (RP) Overlay Zone:

- (a) apply to any parcel designated as containing any portion of a riparian corridor as mapped in the City of Brookings Riparian Protection Overlay Zone Map;
- (b) apply in addition to the standards of the property's underlying zone.
- (c) supersede the property's underlying zone where the underlying zone does not provide the level of resource protection afforded by the RP Overlay Zone.

#### **IV. Riparian Corridors**

The Riparian Protection Overlay Zone identifies fish-bearing streams, lakes, and a riparian area of specified width. The following riparian corridors are to be established:

- (A) Along all fish-bearing lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian area shall be 50 feet.
  - *Lone Ranch Creek*
  - *Duley Creek*
  - *Ram Creek*
  - *Taylor Creek*
  - *Macklyn Creek*
  - *Shy Creek*
  - *Harris Creek*
  - *Eiler Creek*
  - *Ransom Creek*
  - *Ferry Creek*
- (B) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor shall be 75 feet.
  - *The Chetco River has an annual stream flow greater than 1,000 cfs. However, the portion of the Chetco River within the City of Brookings is within the Chetco River Estuary and considered coastal shoreland, subject to the City's Marine Activity District (BMC Chapter 17.72).*
- (C) The measurement of distance to the riparian corridor boundary shall be from the top of bank (see definition).

#### **V. Administration**

- (A) A Riparian Development Permit shall be obtained prior to initiating development activities in any areas designated as a riparian corridor. An application for a Riparian Development Permit along with the required fee shall be submitted to the City Administrator on forms furnished by the City and approved prior to starting any development activities. Information required:
  - (1) Site Plan (in triplicate and drawn to scale) showing:
    - i. A delineation, prepared by a qualified professional, of the Riparian Corridor on the site.
    - ii. Existing improvements such as structures, buildings, utility lines, fences, etc. for the whole site.
    - iii. Areas where riparian area has been previously disturbed.
    - iv. Areas where new disturbance in the riparian area is proposed.
    - v. Outline of trees, shrubs and ground covers

- (2) **Construction Management Plan**  
Identify how the management plan conforms to applicable requirements of the Brookings Municipal Code. Identify measures that will be taken during construction or mitigation work to protect the remaining resources at and near the construction site and a description of how the undisturbed areas will be protected. For example, describe how protective fencing will delineate the protection area, how protection zones around remaining trees will be identified and protected, erosion controls, stormwater management, and construction equipment locations and the timing of construction in relation to season.
- (3) **Landscape Plan**  
In addition to the construction management plan, a landscape plan will be required for newly disturbed areas prior to issuance of permits. The plan shall include the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), proposed riparian enhancement or restoration measures, proposed alterations of topography or drainage patterns, and existing uses on the property.

## **VI. Activities within the Riparian Corridor**

- (A) The permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses:
  - (1) **Streets, roads, and paths;**  
Public or private streets, driveways, or paths may be placed within a riparian corridor to access construction activities if it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists. The following standards shall apply:
    - i. To achieve minimum intrusion into the riparian corridor, design roads, driveways, and paths to be no wider than 20 feet and otherwise consistent with local standards for road and path construction). Crossing angle shall be no less than 90% perpendicular to the riparian corridor;
    - ii. Bridges, arched culverts, or box culverts with a natural bottom shall be used for crossing of a waterway. The lower lip of any culvert must meet the channel bed at or below grade. Access for abutting lots and access through easements for adjacent lots shall be shared to minimize number of channel crossings;
    - iii. Consider site plan elements that could facilitate access to potential new building sites and help reduce the need for subsequent encroachments into the riparian corridor. (A statement by the applicant that such elements have been considered shall satisfy this provision);
    - iv. During construction, no stockpiling of fill materials, parking, or storage of equipment is allowed within the riparian corridor;

- v. Erosion control measures, such as mulching, straw waddles, silt fences and bio-filter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering surface water, consistent with BMC 17.100.
- (2) Drainage facilities, utilities, and irrigation pumps;
 

Public and private utilities or drainage facilities may be placed within a riparian corridor if it is shown to the satisfaction of the reviewing authority that no other practicable alternative exists. If allowed the following standards shall apply:

  - i. The corridor necessary to construct utilities shall be the minimum width practical to minimize intrusion into the riparian corridor. Removal of trees and native vegetation shall be avoided unless alternative paths are practically impossible. The existing grade of the land shall be restored after construction. Native the construction corridor shall be replanted with native vegetation;
  - ii. No stockpiling of materials, parking, or storage of equipment is allowed within the riparian corridor.
- (3) Water-related and water-dependent uses.
- (4) Replacement of existing structures with structures in the same location that do not disturb additional surface area;
- (5) Non-conforming uses existing fully or partially within the riparian corridor may be expanded, provided the expansion does not occur within the significant riparian corridor. Substantial improvement of a non-conforming structure in the riparian corridor shall comply with the standards of this ordinance.
- (6) Shoreline stabilization and flood control structures that legally existed on the effective date of this ordinance may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Public Works/Development Services Director (Director) and appropriate state natural resource agency staff. Such alteration of the significant riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.
- (B) Removal of vegetation is prohibited, except for:
  - (1) Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
  - (2) Removal of vegetation necessary for the development of approved uses.. Vegetation removal shall be kept to the minimum necessary to allow the use.
  - (3) Trees in danger of falling [as determined by a certified arborist] and thereby posing a hazard to life or property may be felled, following the Director's approval of the arborist's determination.



- (4) Existing lawn within the significant riparian corridor may be maintained, but not expanded into the resource.
- (C) Exceptions. The following activities are not required to meet the standards of this section and do not require a Riparian Development Permit:
  - (1) Commercial forest practices regulated by the Oregon Forest Practices Act.
  - (2) Temporary emergency procedures necessary for the safety or protection of property.
  - (3) Normal and accepted farming practices other than the construction of buildings, structures, or paved roads.
  - (4) Vegetation removal consistent with Section VI (B).

***Note to planners on herbicide use in riparian areas – Local governments are not allowed to regulate pesticide/herbicide use, but can provide information to improve compliance with state and federal law See list of pesticides prohibited for use near salmon bearing streams: <http://www.pesticide.org/finalproductslist.pdf>***

## **VII. Agency Review**

Decisions made by the City of Brookings under this ordinance do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the landowner to ensure that any other necessary state or federal permits or clearances are obtained.

## **VIII. Natural Resource Enhancement**

Enhancement of natural resources, such as riparian enhancement, in-channel habitat improvements, non-native plant control, and similar projects, which propose to improve or maintain the quality of a riparian resource is encouraged; however, no enhancement activity requiring the excavation or filling of material in a waterway is allowed unless all applicable state and federal permits have been granted.

## **IX. Variance**

In cases where the limitations on activities within the significant riparian corridor would result in the loss of reasonable economic use of a lot or parcel legally created before the effective date of this ordinance, a property owner may request a variance. Granting of a variance requires findings consistent with the variance criteria outlined in Chapter 17.132 of the BMC.

# Attachment C

## RIPARIAN PROTECTION OVERLAY (RP) –

### I. Purpose

The purpose of this ordinance is to protect and restore select water bodies in the City of Brookings and their associated riparian areas, thereby protecting and restoring the hydrologic, ecological and water quality functions these areas provide. Specifically, this ordinance is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, and reduce the effects of flooding. This ordinance attempts to meet these goals by excluding structures from areas adjacent to significant (fish-bearing) lakes and streams, ~~and their associated wetlands~~, and by prohibiting vegetation removal or other alterations in those areas.

### II. Definitions

~~**Bankfull Stage:** The two-year recurrence interval flood elevation.~~

~~**Delineation:** An analysis of a resource by a qualified professional that determines its the boundary of natural resource boundary~~ according to an approved methodology.

**Excavation:** Removal of organic or inorganic material (e.g. soil, sand, ~~Sediments~~sediment, muck) by human action.

**Fill:** Deposition of organic or inorganic material (e.g. soil, sand, sediment, muck, debris) by human action.

**Fish Bearing:** ~~means~~Means inhabited at any time of the year by anadromous or game fish species ~~or~~and fish that are listed as threatened or endangered species under the federal ~~or state endangered species acts~~Endangered Species Act or included on the OSFW Threatened and Endangered Species List. Fish bearing status is determined through a combination of Oregon Department of Fish and Wildlife data and Oregon Department of Forestry Stream Classification maps.

**Impervious surface:** Any material which reduces or prevents absorption of storm water ~~into previously undeveloped land~~.

**Lawn:** Grass or ~~similar materials~~ maintained as a ground cover of less than ~~6~~six inches in height, and ~~generally~~ managed to restrict the growth of shrubs and trees ~~that inhibit the growth of grasses and forbs~~. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

**Mitigation:** A means of compensating for impacts to a riparian corridor including: restoration, creation, or enhancement ~~of riparian functions~~. Some examples of riparian impact mitigation actions are replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed or where it has been degraded due to past practices.

**Native Vegetation:** Plants identified as naturally occurring and historically found within the City of Brookings eco-region.

**Natural Resource Enhancement:** A modification of a natural resource to improve its quality.

**Non-conforming:** A structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, although expansion, re-construction, or substantial improvements are regulated.

**Net Loss:** means a permanent loss of riparian functions provided by riparian structure and vegetation that results from a development action despite mitigation measures having been taken.

**Off-Site Mitigation:** Mitigation undertaken on a lot or parcel adjacent to or distant from the lot or parcel affected by a development action.

**On-Site Mitigation:** Mitigation undertaken within the lot or parcel affected by a development action.

~~**Ordinary high water level:** shall be regarded as the 2-year recurrent flood elevation.~~

**Ordinary High Water Line (OHWL):** means the line on the bank or shore to which the high water ordinarily rises. The OHWL excludes exceptionally high water levels caused by large flood events (e.g., 100-year events).

**Qualified Professional:** An individual who has proven expertise and vocational experience in a given natural in the delineation of water resources field. ~~A qualified professional conducting a wetland delineation must have the delineation approved by the Oregon Division of State Lands.~~

**Riparian area:** The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

**Riparian corridor:** A resource that includes the water areas, fish habitat, riparian areas, ~~and adjacent wetland and upland areas~~ that serve to protect water quality and the habitat functions of the water body. Corridors are further defined in Section IV(C).

*Source: Urban Riparian Inventory and Assessment Guide, Oregon Division of State Lands 1998*

~~**Riparian corridor (significant):** A fish-bearing riparian resource, as defined by Goal 5, that includes the water areas, fish habitat, riparian areas, and adjacent wetland and upland areas that serve to protect water quality and the habitat functions of the water body.~~

**Shrubs:** Woody vegetation ~~usually~~ greater than 3 feet but less ~~thenthan~~ 20 feet tall, including multi-stemmed, bushy shrubs and small trees and saplings.



**Stream:** A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

**Structure:** A building or other ~~major improvement~~ ~~structure~~ that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred.
- (b) For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.  
The term does not, however, include either:
  - (c) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
  - (d) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Top of Bank:** A distinct break in slope between the stream bottom and the surrounding terrain which corresponds with the ~~bankfull stage (the two-year recurrence interval flood elevation)~~ ordinary high water line of the stream; ~~or, the two-year recurrence interval flood elevation.~~

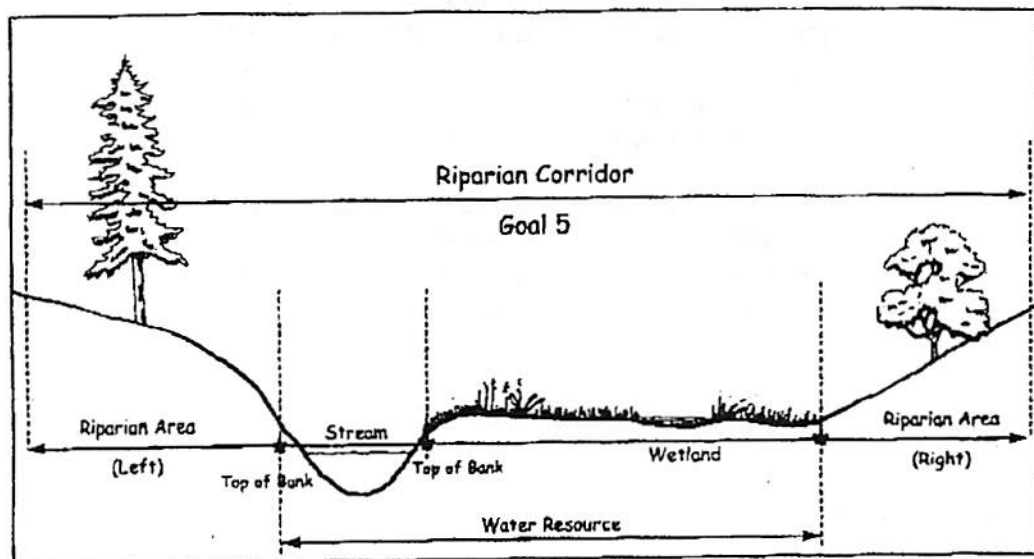
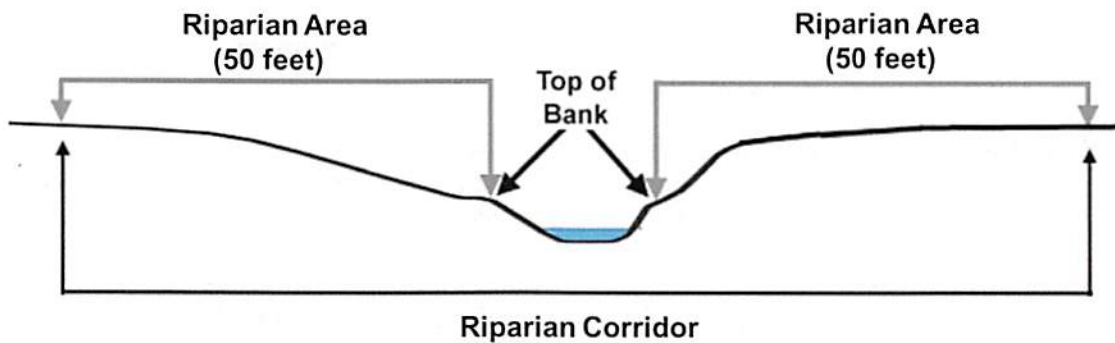


Figure 1: Cross section illustrating terms used in Statewide Planning Goal 5.





Source: *Urban Riparian Inventory and Assessment Guide, Oregon Division of State Lands 1998*

**State and Federal Natural Resource Agency:** Oregon ~~Division~~Department of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and ~~Oregon~~ Department of Environmental Quality.

**Trees:** A woody plant ~~five~~5 inches or greater in diameter at breast height and 20 feet or taller.

**Water dependent:** A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for ~~water-borne~~ transportation, ~~recreate on~~recreation, energy production, or source- of water.

**Water related:** Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

~~**Wetland:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Based on the above definition, three major factors characterize a wetland: hydrology, substrate, and biota.~~

~~**Wetland Boundary:** The edges of a wetland as delineated by a qualified professional.~~

### III. Applicability

#### (A). Affected Property

The procedures and requirements of the Riparian Protection (RP) Overlay Zone:

- (a) apply to any parcel designated as containing any portion of a riparian corridor as mapped in the City of Brookings Riparian Protection Overlay Zone Map;
- (b) apply in addition to the standards of the property's underlying zone, ~~excepting where they contradict with a concurrent Marine Activity (MA) Zone designation;~~
- (c) supersede the property's underlying zone where the underlying zone does not provide the level of resource protection afforded by the RP Overlay Zone, ~~excepting the Marine Activity (MA) Zone designation, which shall supersede the RP Overlay Zone.~~

#### IV. Riparian Corridors ~~(Based on Goal 5 safe harbor inventory.)~~

The ~~inventory of riparian corridors depicted on the~~ Riparian Protection Overlay Zone Map ~~specifies which identifies fish-bearing streams and lakes are significant (fish-bearing).~~ Based on the classification contained in this inventory, the and a riparian area of specified width. The following riparian corridors ~~shall~~ are to be established:

- (A) Along all fish-bearing lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian ~~corridor~~ area shall ~~extend~~ be 50 feet ~~from the top of bank.~~
- Lone Ranch Creek
  - Duley Creek
  - Ram Creek
  - Taylor Creek
  - Macklyn Creek
  - Shy Creek
  - Harris Creek
  - Eiler Creek
  - Ransom Creek
  - Ferry Creek
- (B) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor shall ~~extend~~ be 75 feet ~~upland from the top of each bank.~~
- The Chetco River has an annual stream flow greater than 1,000 cfs. However, the portion of the Chetco River within the City of Brookings is within the Chetco River Estuary and considered coastal shoreland, subject to the City's Marine Activity District (BMC Chapter 17.72).
- (C) The measurement of distance to the riparian corridor boundary shall be from the top of bank ~~(see definition).~~ In areas where the top of the bank cannot be clearly determined, the riparian corridor boundary shall be measured from the ordinary high water level.

#### V. Administration

- ~~In order~~ (A) A Riparian Development Permit shall be obtained prior to ensure that new initiating development is in compliance with the objectives and requirements of this and other applicable City ordinances, activities proposed within in any areas designated as a riparian corridor are subject. An application for a Riparian



Development Permit along with the required fee shall be submitted to the City Administrator on forms furnished by the City and approved prior to starting any development activities. Information required:

(1) Site Plan Approval as outlined (in Chapter 17.80 of triplicate and drawn to scale) showing:

- i. A delineation, prepared by a qualified professional, of the Riparian Corridor on the site.
- ii. Existing improvements such as structures, buildings, utility lines, fences, etc. for the whole site.
- iii. Areas where riparian area has been previously disturbed.
- iv. Areas where new disturbance in the riparian area is proposed.
- v. Outline of trees, shrubs and ground covers

(2) Construction Management Plan

Identify how the management plan conforms to applicable requirements of the Brookings Municipal Code. -Identify measures that will be taken during construction or mitigation work to protect the remaining resources at and near the construction site and a description of how the undisturbed areas will be protected. For example, describe how protective fencing will delineate the protection area, how protection zones around remaining trees will be identified and protected, erosion controls, stormwater management, and construction equipment locations and the timing of construction in relation to season.

(3) Landscape Plan

In addition to the construction management plan, a landscape plan will be required for newly disturbed areas prior to issuance of permits. The plan shall include the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), proposed riparian enhancement or restoration measures, proposed alterations of topography or drainage patterns, and existing uses on the property.

## **VI. Activities ~~Within~~ within the Riparian Corridor**

- (A) The permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses: ~~provided they are designed to minimize intrusion into mapped riparian corridors, and no other options or locations are feasible:~~

(1) Streets, roads, and paths;

Public or private streets, driveways, or paths may be placed within a riparian corridor to access ~~development act~~ construction activities ~~ivities~~ if it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists. ~~If allowed, T~~ the following standards shall apply:

- i. To achieve minimum intrusion into the riparian corridor, design roads, driveways, and paths to be no wider than 20 feet the minimum width necessary to allow for safe passage of vehicles and/or pedestrians and otherwise consistent with local standards for road and path construction).



Crossing angle shall be no less than 90% perpendicular to the riparian corridor;

- ii. Bridges, arched culverts, or box culverts with a natural bottom shall be used for crossing of a waterway, riparian corridor. The lower lip of any culvert must meet the channel bed at or below grade. ~~The number of channel crossings shall be minimized through use of shared access~~Access for abutting lots and access through easements for adjacent lots shall be shared to minimize number of channel crossings;
- iii. Consider site plan elements that could facilitate access to potential new building sites and help reduce the need for subsequent encroachments into the riparian corridor. (A statement by the applicant that such elements have been considered shall satisfy this provision);
- iv. During construction, no stockpiling of fill materials, parking, or storage of equipment ~~shall be~~is allowed within the riparian corridor;
- v. Erosion control measures, such as mulching, straw waddles, silt fences and bio-filter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering surface water. ~~[If local government has standards for erosion prevention and sediment control, replace this statement with one that coordinates with those standards.], consistent with BMC 17.100.~~

(2) Drainage facilities, utilities, and irrigation pumps;

Public and private utilities or drainage facilities may be placed within a Riparian~~riparian~~ corridor if it is shown to the satisfaction of the reviewing authority that no other practicable alternative exists. If allowed the following standards shall apply:

- i. The corridor necessary to construct utilities shall be the minimum width practical to minimize intrusion into the riparian corridor. Removal of trees and native vegetation shall be avoided unless absolutely necessary~~alternative paths are practically impossible~~. The existing grade of the land shall be restored after construction. Native ~~vegetation shall be used to restore the vegetative character of the construction corridor~~ shall be replanted with native vegetation;
- ii. No stockpiling of ~~fill~~ materials, parking, or storage of equipment ~~shall be~~is allowed within the Riparian~~riparian~~ corridor.

(3) Water-related and water-dependent uses, ~~except within the designated coastal shorelands boundary where alterations may be allowed only for water-dependent uses.~~

(4) Replacement of existing structures with structures in the same location that do not disturb additional surface area;



- (5) Non-conforming uses existing fully or partially within the riparian corridor may be expanded, provided the expansion does not occur within the significant riparian corridor. Substantial improvement of a non-conforming structure in the riparian corridor shall comply with the standards of this ordinance.
  - (6) Shoreline stabilization and flood control structures that legally existed on the effective date of this ordinance may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Public Works/Development Services Director (Director) and appropriate state natural resource agency staff. Such alteration of the significant riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.
- (B) Removal of vegetation is prohibited, except for:
- (1) Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
  - (2) Removal of vegetation necessary for the development of approved ~~water-related or water-dependent uses, except within the designated coastal shorelands boundary where removal may be allowed for only water-dependent uses.~~ Vegetation removal shall be kept to the minimum necessary to allow the ~~water-dependent or water-related use.~~ use.
  - (3) Trees in danger of falling [as determined by a certified arborist] and thereby posing a hazard to life or property may be felled, following ~~consultation and the Director's approval from of the Director arborist's determination.~~ consultation and the Director's approval from of the Director arborist's determination.  
~~The Director may require these trees, once felled, to be left in place in the riparian corridor.~~
  - (4) Existing lawn within the significant riparian corridor may be maintained, but not expanded ~~to further intrude~~ into the resource.
- (C) Exceptions. The following activities are not required to meet the standards of this section and do not require ~~Site Plan Approval~~ Riparian Development Permit:
- (1) Commercial forest practices regulated by the Oregon Forest Practices Act.
  - (2) ~~Temporary~~ emergency procedures necessary for the safety or protection of property.
  - (3) Normal and accepted farming practices other than the construction of buildings, structures, or paved roads.
  - (4) Vegetation removal consistent with Section VI (B).

***Note to planners on herbicide use in riparian areas – Local governments are not allowed to regulate pesticide/herbicide use, but can provide information to improve compliance with state and federal law See list of pesticides prohibited for use near salmon bearing streams: <http://www.pesticide.org/finalproductslist.pdf>***



## **~~VII.—Alteration Requiring Mitigation~~**

- ~~(A) Permanent alteration of the riparian corridor by placement of a structure or impervious surface not provided for under Section VI may be allowed adjacent to streams with over 1,000 cfs average annual flow and having a riparian corridor as established under Section II of this ordinance under the following conditions:~~
- ~~(1) Placement of fill, impervious surfaces (including structures), and removal of vegetation shall be limited to the minimum amount necessary to accommodate the use. Any vegetation removed in excess of this standard shall be non-native species, and the proposal shall specify replacement of that vegetation with native species.~~
  - ~~(2) The applicant shall provide sufficient information regarding the proposed development, the impacts to resources in the riparian corridor, and mitigation measures to allow the Director, in consultation with the Oregon Department of Fish and Wildlife, to determine if the proposal will provide equal or better protection of riparian resources within the designated corridor. This can happen through the provision of additional buffer along other portions of the reach, or enhancement and restoration of degraded riparian resources within the designated corridor. This information shall include at least a plot plan showing the top of bank, the extent of development within the significant riparian corridor, uses that are proposed to occur in association with the development, the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), proposed riparian enhancement or restoration measures, proposed alterations of topography or drainage patterns, and existing uses on the property.~~
  - ~~(3) Oregon Department of Fish and Wildlife (ODFW) shall be noticed on proposals for development activities within the riparian corridor permitted under this section in accordance with OAR 635-415, the Fish and Wildlife Habitat Mitigation Policy. Any riparian enhancement plan shall be approved by ODFW. Proposed alterations of the riparian corridor shall result in at least no net loss of riparian values or functions.~~
  - ~~(4) In no case shall a structure or impervious surface intrude more than 37.5 feet into the riparian corridor as measured from the Riparian area boundary established under Section II of this ordinance.~~

## **VIII. Agency Review**

Decisions made by the City of Brookings under this ordinance do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the landowner to ensure that any other necessary state or federal permits or clearances are obtained. ~~In particular, state and federal mitigation requirements for impacts associated with approved water-related or water-dependent uses may still be required.~~

## **IXVIII. Natural Resource Enhancement**



Enhancement of natural resources, such as riparian enhancement, in-channel habitat improvements, non-native plant control, and similar projects, which propose to improve or maintain the quality of a riparian resource is encouraged; however, no enhancement activity requiring the excavation or filling of material in a ~~wetland-shall-bewaterway is~~ allowed unless all applicable ~~Statestate~~ and ~~Federal-wetlandfederal~~ permits have been granted.

## **IX. Variance**

In cases where the limitations on activities within the significant riparian corridor ~~unduly restricts~~ would result in the development/loss of reasonable economic use of a lot or parcel legally created before the effective date of this ordinance, a property owner may request a variance. Granting of a variance requires findings ~~that:~~

- ~~(A) The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning;~~
- ~~(B) Strict adherence to the applicable standards of the Riparian Protection Overlay would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels; and~~
- ~~(C) The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.~~
- ~~(D) The variance is the minimum necessary to retain a use of the property.~~
- ~~(E) Granting the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.~~
- ~~(F) The variance will be in general harmony with the intent and purpose of this ordinance, and will not adversely affect any officially adopted comprehensive plan provision.~~
- ~~(G) The variance does not allow a structure or impervious surface to intrude more than 37.5 feet into the riparian corridor as measured from the Riparian area boundary consistent with OAR 660-023-0090 and (V)(A)(4); consistent with the variance criteria outlined in Chapter 17.132 of the BMC.~~

## **XI. Plan Amendment Option**

~~Any owner of property affected by the Riparian Protection Overlay Zone within the Goal 5 planning area, as designated in the comprehensive plan, may apply for a quasi-judicial comprehensive plan amendment. This amendment must be based on a specific development proposal. A change in the boundary of the Riparian Protection Overlay Zone or a change in the allowed uses within a given reach of the Riparian Protection Resource must be adopted through a plan amendment process. To amend the program to protect the riparian resource, which specifies uses allowed in the zone, the applicant shall demonstrate that such an amendment is justified by completing an Environmental, Social, Economic and Energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040. If the application is approved, then the revised inventory and/or the ESEE~~

analysis shall be incorporated by reference into the City of Brookings Comprehensive Plan, and the City of Brookings Riparian Protection Overlay Zone Map.

Plan amendment applications shall adhere to the following requirements:

- (A) ~~The ESEE analysis must demonstrate to the ultimate satisfaction of the City of Brookings City Council that the adverse ESEE consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;~~
- (B) ~~The ESEE analysis must demonstrate why the use cannot be located on buildable land outside of the riparian corridor and that no other sites within the City of Brookings that can meet the specific needs of the proposed use;~~
- (C) ~~Proposed amendments to the riparian corridor inventory shall be prepared by a qualified professional experienced in the execution of such inventories, with review by ODFW and DLCD;~~
- (D) ~~ESEE analyses shall be prepared by a qualified professional experienced in the preparation of Goal 5 ESEE analyses, with review by DLCD.~~



# Attachment D

## CALLISTER Jacob (LCOG)

---

**From:** Punton, Amanda <amanda.punton@state.or.us>  
**Sent:** Monday, January 28, 2019 7:00 PM  
**To:** CALLISTER Jacob (LCOG)  
**Subject:** FW: brookings comp plan 2014

I was not able to come up with a map of the city's marine activity zone, but it sure looks like the entire riparian area along the Chetco is covered by the city's implementation of Goal 17.



**Amanda Punton**  
Natural Resource Specialist  
Direct: 971-673-0961 | Main: 503-373-0050  
[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

**From:** Ruther, Elizabeth  
**Sent:** Monday, January 28, 2019 3:41 PM  
**To:** Punton, Amanda <[apunton@dlcd.state.or.us](mailto:apunton@dlcd.state.or.us)>  
**Subject:** brookings comp plan 2014

### FINDINGS:

Coastal shorelands situated within the City's Urban Growth Boundary fall in two categories:

1. Contiguous to the ocean
2. Contiguous to the estuary

In regard to Category 1, the inventory for Goal 17 describes the bluff line, which distinctly divides shorelands from uplands. All readily developable shorelands have been committed to development within their specified land use categories. All remaining parcels will be addressed in accordance with the policies set forth in this Plan. All large beach areas within the limits of the Plan are easily accessible to the public.

In regard to Category 2, Marine Activity Zone has been established to provide areas at the Port of Brookings and along development shorelands of the Chetco for commercial, industrial and recreation activities that depend or are benefited by a waterfront location and to reserve such areas for those uses and the facilities and accommodations necessary to support the tourist and fishing industries.

Shoreland have been divided into subareas (WD, WR, MC, PR, DMD) to assure that a variety of economic activities, tourist facilities and active and passive recreation can occur along the Chetco, within the carrying capacity of existing shoreland and aquatic areas. The location of the subarea management units is shown on the map on pages 17/18-9 & 9. Implementing standards and regulations pertaining to areas within the city's corporate limits have been made a part of the city's zoning ordinance.

Within the city limits, there are no existing or historical sites of water dependent use except for the old pier at Chetco Cove that no longer exists. At this time all water dependent uses are located primarily at the Port of Brookings Harbor which is located in the UGB but in the county's jurisdiction. Discussion of the various water dependent uses below is for clarification of those uses and to recognize that they exist within the Chetco River Estuary.



**Elizabeth Ruther**  
Coastal State-Federal Relations Coordinator | OCMP  
Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540  
Direct: 503-934-0029 | Cell: 971-239-9460 | Main: 503-373-0050  
[elizabeth.j.ruther@state.or.us](mailto:elizabeth.j.ruther@state.or.us) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)

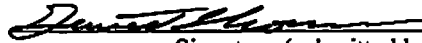

*I am generally in Salem Tuesday, Wednesday and Thursday; working out of the Portland office on Monday and Friday.*

# CITY OF BROOKINGS

## Council WORKSHOP Report

Meeting Date: February 4, 2019

Originating Dept: PW/Building

  
Signature (submitted by)  
  
City Manager Approval

---

Subject: Manufactured dwelling permit fee update.

Financial Impact: Increased permit revenue.

Background/Discussion: The City of Brookings manufactured dwelling fees are \$200 per structure. In 2016 and 2017 three manufactured dwellings were placed inside of City limits and in 2018 four were placed.

The proposed fee increase would cover the Building Department expenditures for the permitting and placement of a manufactured dwelling.

The attached Manufactured Home Fee Analysis shows the breakdown of expenses to the building department for the installation of a manufactured home. Also attached are some examples of other jurisdictions fees.

Staff is seeking direction regarding a proposed permit fee increase from \$200 to \$405 broken down into an increase of \$68 a year for the next three years, with the fee increases scheduled to coincide with the regular fee schedule adoption, or a onetime increase of \$205 for a manufactured dwelling.

Attachment(s):

- a. Manufactured Home Fee Analysis
- b. Curry County Manufactured dwelling Permit Application
- c. Douglas County Building department Permit Fees
- d. Grants Pass Example of Fees for Manufactured Home

## Typical MFH Cost of Service

### Plan review

| <u>Employee</u> | <u>Hourly Bill Out Rate</u> | <u>Time (hours)</u> | <u>Expense</u> |
|-----------------|-----------------------------|---------------------|----------------|
| Garrett Thomson | \$44.38                     | 4                   | \$177.52       |
| Lauri Ziemer    | \$40.06                     | 0.5                 | \$20.03        |
| Anthony Baron   | \$66.65                     | 1                   | \$66.65        |
| Jim Watson      | \$52.89                     | 1                   | \$52.89        |
| <u>Subtotal</u> |                             | 6.5                 | \$317.09       |

### Inspections

| <u>Minimum Required Inspections</u>     | <u>Time (Hours)</u> | <u>Expense</u> |
|---|---------------------|----------------|
| Foundation & Infrastructure Inspections | 0.5                 | \$22.19        |
| Installation Inspection                 | 0.5                 | \$22.19        |
| Skirting & Drainage Inspections         | 0.5                 | \$22.19        |
| Final & Grading Inspections             | 0.5                 | \$22.19        |
| <u>Subtotal</u>                         | 2                   | \$88.76        |

|              |                 |
|--------------|-----------------|
| <u>Total</u> | <u>\$405.85</u> |
|--------------|-----------------|

\$405.85 for base cost per manufactured dwelling (\$405.85 proposed fee - \$200 existing fee)/ 3 years = \$68.62 per year. Proposed raise of manufactured dwelling permit fees is \$68 a year over the next 3 years. Building fee increases would align with the regular annual fee increases in June.

# Manufactured Dwelling/ Park Model

## Permit Application

Curry County Department of Community Development  
94235 Moore St. Suite 113  
Gold Beach, OR 97444  
Phone: 541-247-3226  
Fax: 541-247-4579  
e-mail: CreightonS@co.curry.or.us

### DEPARTMENT USE ONLY

Permit no.:

Office:

By:

Issue date:

### LOCAL JURISDICTION APPROVALS

Zoning approval verified: ☐ Yes ☐ No

Property is within flood plain: ☐ Yes ☐ No

Sanitation approval verified: ☐ Yes ☐ No

This permit is issued under OARs 918-500-0105 and 918-525-0370. Permits expire if work is not started within 180 days of issuance or if work is suspended for 180 days.

### JOB SITE INFORMATION AND LOCATION

Job site address:

City:

County:

State:

ZIP:

Assessor Map:

Tax Lot:

City:

Inside City Limits: Yes/No

Mobile Home Park:

Space/Lot No.:

### DESCRIPTION OF WORK

### PROPERTY OWNER

Name:

Address:

City/State/ZIP:

Phone: ( )

Fax: ( )

### APPLICANT INFORMATION

Name:

Address:

City/State/ZIP:

Phone: ( )

Fax: ( )

E-mail:

### CONTRACTOR OR OWNER INSTALLATION

Business name:

Address:

City/State/ZIP:

Phone: ( )

Fax: ( )

E-mail:

CCB no.:

MDI no.:

Authorized Signature:

Print Name:

Date:

### FEE SCHEDULE

| Description  | Cost ea. | Qty. | Total           | Dept. Use |
|--|----------|------|-----------------|-----------|
| <b>(1) MANUFACTURED DWELLING / PARK MODEL</b>  |          |      |                 |           |
| (a) Placement (includes placement, electrical feeder, water/sewer connection):   | \$384.00 | 1    | \$384.00        |           |
| (b) Reinspection (per inspection):   | \$87.00  |      |                 |           |
| Placement permit to be obtained only by homeowner or Oregon-licensed manufactured dwelling installer.  |          |      |                 |           |
|  |          |      |                 |           |
|  |          |      |                 |           |
| Electrical service permit to be obtained only by homeowner performing work or signing supervisor of Oregon-licensed electrical contractor performing work. |          |      |                 |           |
| <b>(3) Miscellaneous fees</b>  |          |      |                 |           |
| (a) Surcharge, 12% (.12 x total):  |          |      | \$46.08         |           |
| (b) Administrative fee for item (1) only:  | \$30.00  | 1    | \$30.00         |           |
| <b>GRAND TOTAL</b>   |          |      | <b>\$460.08</b> |           |





# Douglas County Building Department

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## Permits, Fees...

Construction permits are required for work that is regulated by the Oregon Building Code which would include the disciplines of building (structural), mechanical, plumbing, fire life safety (commercial) and electrical. A construction permit shall be required to be issued prior to beginning the construction, alteration or repair of a structure, except ordinary repairs. Ordinary repairs are nonstructural repairs and do not include the addition to, alteration of, or the replacement or relocation of water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, mechanical or other work which a permit is required by the Building Official.

Electrical permits are issued through the Douglas County Building Department. For questions regarding electrical work call 541-440-4559.

The Tri-County permit office is now the only location in the State which issues plumbing and electrical ['minor label' permits](#). Questions regarding these permit programs should be directed to the Tri-County Service Center in Portland at 503-872-6731.

### Permits Required

Generally permits are required for everything with a few exceptions. Work exempt from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinance of the jurisdiction.

The following residential work which may be structural in nature and which does not encroach over subsurface disposal systems or into required yards are exempt from construction permits and fees.

- Retrofitted insulation.
- Flatwork (concrete slabs, driveways, sidewalks).
- Masonry repair.
- Uncovered porches or decks which are less than 30 inches above the average finished grade within 6 feet of the porch or deck, and more than 3 feet to any adjacent property line.
- Patio covers and window awnings that are supported by an exterior wall which cover an area less than 120 square feet.
- Non-habitable detached accessory structures which do not exceed 200 square feet in floor area and not exceed 10 feet in height to the average point.
- Rigid framed fabric covered accessory structures not more than 500 square feet in area, a maximum of one story in height and a minimum of three feet from any property line.
- Shelving, cabinet work, gutters and downspouts and 'applied' finishes such as painting or interior wall, floor or ceiling coverings, for example: paneling, wall paper, carpet or vinyl tile.
- Nonbearing walls or partitions which do not create 'habitable rooms'.
- Fences 6 feet or less in height, except when required as a barrier around a swimming pool.
- Retaining walls 4 feet or less in height (when measured from the bottom of the footing to the top of the wall, unless supporting a 'surcharge').
- Replacement of doors or windows where no structural member is changed.

Refer to Section R105 of the Oregon Residential Specialty Code for the actual code language and list of exemptions.

[Oregon Residential Specialty Code Section 105](#)

[Oregon Structural Specialty Code Section 105 \(commercial\)](#)

### Application Submittal

To submit an application for a construction permit the applicant must present an approved Planning Department 'work sheet', at the Building Department counter and fill out a [Construction Permit Application](#). The complete application form, approved 'work sheet' and two sets of construction plans for residential, three sets for commercial, if required, may then be submitted for review by the Building Department.

The initial review time for a project is ten working days. The time frame to actually issue the permit may be longer due to delays receiving required revisions to the construction plans or approval from interested agencies such as On Site Sanitation.

### Construction Permit Fees

At this time the Douglas County Building Department is totally fee supported, which simply means that only the fees the Department collects are used to pay all the operating costs of the Department.

The basic fee schedule is established by the State of Oregon Building Codes Division. The total amount of the construction permit fee for a project is based on the accumulated totals of the fees required for each of the disciplines (building, mechanical, plumbing and electrical involved in a project, plus a plan review fee (if applicable), fire and life safety fee (commercial only) and twelve percent (12%) surcharge which is assessed by and collected for the State. Contact our office for assistance in calculating 'estimated' fees, which are subject to change based on the actual plan review.



### Residential Permit Fees

Residential fees are based on a 'fair market' cost per square foot value.

Residential mechanical and plumbing permit fees are assessed and applied in addition to the calculated building (structural) permit fees.

The estimated total fee for an average home of 2000 square feet (3 bedrooms, 2 baths) with an attached 484 square foot garage would be approximately \$1966 for structural, mechanical and plumbing only. Electrical is a separate permit and the estimated cost for this permit would be \$209.94. Without the garage, the fee would be approximately \$1700.

### Commercial Permit Fees

Commercial fees are more difficult to calculate than residential fees because they may include a fire and life safety plan review fee (which is 40% of the actual building permit fee), fire alarms systems, sprinkler systems, elevators and other similar building features.

**Manufactured Home Permits**

The fees for the installation/placement of a manufactured home are as follows:

- New Placement of a Manufactured Dwelling - \$365.14
- Re-placement of a Manufactured Dwelling - \$300.74
- Manufactured Dwelling as a Storage Building - \$236.34
- Manufactured Dwelling Service (electrical) - \$81.14

The above fees for manufactured dwellings DO NOT include the permits required to construct decks (other than landings at all doorways), carports, garages, shops, sheds or for the installation of any mechanical system such as a heat pump, natural or LP gas systems. No permit is required for sheds/storage buildings less than 200 square feet and less than an average roof height of 10 feet. These fees DO NOT include the permit for the installation of an electrical service and an electrical permit is required. Additional fees may be assessed if changes to an existing water or sewer line are required or if the new water or sewer service is more than 30 feet from the manufactured dwelling to the service connections.

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This Page was last updated: Wednesday, February 16, 2011 at 11:45:01 AM

**Rates Effective January 1, 2018 through December 31, 2018\*\*\***System Development Charges (SDC) increase annually with a CPI adjustment. The base fee of the SDC's are in review and are likely to increase in 2018.

### EXAMPLE OF FEES AND CHARGES FOR SITING A MANUFACTURED HOME ON AN INDIVIDUAL LOT

Average 1000 square foot manufactured home meeting the requirements of the City of Grants Pass Development Code Section 22.300, connecting to City water and sewer:

|  |                 |              |
|--|-----------------|--------------|
| Statewide Manufactured Home Fee.....                           | 30.00           |              |
| Plan Check Fee .....   | 104.00          | See note #1  |
| Manufactured Home Placement Fee .....                          | 160.00          | See note #2  |
| Electrical Permit Fees .....                                   | 50.00           | See note #3  |
| Plumbing Permit Fees.....                                      | 99.96           | See note #3  |
| Sewer Permit Fee .....   | 49.98           | See note #3  |
| 12% State Surcharge .....                                      | 43.19           | See note #9  |
| 10% Planning Review Surcharge.....                             | 35.99           | See note #9  |
| <b>Subtotal of Building Fees .....</b>                         | <b>573.12</b>   |              |
| Parks System Development Charge .....                          | 857.87          |              |
| Transportation System Development Charge .....                 | 1097.10         |              |
| Storm Drain & Open Space Plan System Development Charge.....   | 503.49          | See note #6  |
| City Sewer System Development Charge.....                      | 3,102.00        |              |
| <b>Subtotal of Review Fees &amp; System Charges .....</b>      | <b>5,560.46</b> |              |
| <b>Total 'Placement Permit' .....</b>                          | <b>6,133.58</b> |              |
|  |                 |              |
| Water Meter Installation (Service box already installed) ..... | 80.00           | See note #4  |
| Water System Development Charge ¾" meter .....                 | 2,934.00        | See note #8  |
| River Crossing Fee .....                                       | 56.00           | See note #5  |
| Administration Fee.....  | 10.00           | See note #5  |
| <b>Total Water Line Permit .....</b>                           | <b>3,080.00</b> |              |
|  |                 |              |
| School Construction Excise Tax .....                           | 1,000.00        | See note #10 |
| Detached Garage Permit .....                                   | 397.99          | See note #11 |

**TOTAL ESTIMATE FOR 'PLACEMENT PERMIT', GARAGE & WATER PERMIT   \$10,611.57**

#### Notes:

- #1 The Building Plan Check Fee is 65% of the manufactured home placement fee. This fee is due upon submittal.
- #2 The Manufactured Home Placement Fee covers the cost of inspections required for footings/foundation, underfloor plumbing and installation of the manufactured home.
- #3 Electrical, plumbing and sewer permit fees cover the cost of inspections for electrical service and connections to the water, sewer and storm drain system.
- #4 If a water service lateral and water meter box are not already installed for the lot, then an installation fee would apply. The minimum fee for installation is \$605, and is adjusted for the actual cost of installation.
- #5 The River Crossing Fee and Administration Fee only apply to new waterline connections south of the Rogue River.
- #6 If the property is located within the Sand Creek Drainage Basin, then a System Development Charge for storm drainage will apply based upon the square footage of the lot or improvement at .34 per sq. ft.
- #8 If the property is located in Water Pressure Zone 4, 5 or higher, than the Water SDC for a ¾" meter would be \$3,414.00.
- #9 The State and Planning Surcharges are percentages of total placement, plumbing, electrical and sewer permit fees.
- #10 School District 7 is \$1.00 per square foot of the gross floor area of the manufactured dwelling.  
Three Rivers School District Construction Excise Tax is \$1.23 per square foot of the gross floor area of the manufactured dwelling.
- #11 A garage or carport must be constructed on the same lot as the manufactured home per the City of Grants Pass Development Code Section 22.330. A separate construction permit is required. This estimate is for a 625 sq. ft. detached garage with no electricity or plumbing.

#### Other items that could affect the amount of your permit or financial requirement due to the City:

- A Mechanical Permit for a gas line may be required if gas appliances are used in the manufactured home.
- If a Grading or Fill Permit is required. *(Amount of permit is based upon the number of cubic yards of dirt to be moved.)*
- If an Encroachment Permit is required for work in the right-of-way. *(Based upon the amount of square footage of encroachment for driveway, sidewalk or pavement cut, or sewer lateral stub.)*
- If a sewer lateral is not already stubbed to the property line a sewer line installation permit may be required.
- If the lot is located in the Redwood Sewer District. *(The Redwood Sewer District System Development Charge for two toilets would be \$4,391.)*
- If the lot is located in a Reimbursement District for sewer, water, storm drain or street improvements. *(See the adopted Ordinance for assessed amount due.)*
- If a Fee in Lieu agreement is required for future street, sidewalk or utility Improvements. *(Amount of fee is based on a percentage of the cost of the required improvements. A calculation worksheet is available.)*



# CITY OF BROOKINGS

## COUNCIL WORKSHOP REPORT

Meeting Date: February 4, 2019



Signature (submitted by)

Originating Dept: PWDS



City Manager Approval

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Subject: Recreational Vehicle Storage on Streets

Background/Discussion:

Staff is seeking direction from Council to pursue a revision to Brookings Municipal Code, Chapter 10.10.070 (Prohibited Parking) to include prohibiting the storage of a recreational vehicle in public streets for more than 72 hours.

Ordinance 08-O-602 added section 10.10.070 Prohibited Parking to the Brookings Municipal Code in 2008 (see attached ordinance)

Ordinance 16-O-758 amended section 10.10.070 adding sub sections E and F in 2016 (see attached ordinance)

See attached proposed code amendments for discussion.

Attachments:

- a. BMC Chapter 10.10.070 (Parking) – Proposed code amendments
- b. Ordinance 08-O-602
- c. Ordinance 16-O-758

#### 10.10.070 Prohibited parking. SHARE

In addition to provisions of the Motor Vehicle Laws of Oregon pertaining to prohibited parking, no person shall park:

A. A vehicle upon any bridge or elevated structure used as a street, unless otherwise indicated by lawfully installed signs.

B. A vehicle in any alley for any purpose other than to load or unload materials not to exceed 45 minutes.

C. A vehicle upon any street for the principal purpose of:

1. Displaying such vehicle for sale.
2. Repairing such vehicle except for repairs necessitated by an emergency.
3. Displaying merchandise from such vehicle.
4. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this city.
5. Storage for more than 72 hours, ~~except that a licensed and operable vehicle parked in front of the vehicle owner's residence may exceed the time limit.~~

(eliminates storage of any vehicle, including RV's, more than 72 hours - or - add G. below)

D. A vehicle upon any parkway except where specifically authorized.

E. A vehicle leaving a child or children under 12 years of age inside, unless said child or children are uninterruptedly attended by a competent person of at least 18 years of age.

F. A vehicle in violation of the Oregon Vehicle Code or in violation of a parking limitation device. Where maximum parking time limits are designated, moving a vehicle to another parking space within the same block or parking lot shall not extend the time limits for parking.

G. Storage of a Recreational Vehicle more than 72 hours between Labor Day and the following Memorial Day.

(provisions for seasonal parking of RV's in front of residences)

BROOKINGS ORDINANCE

**ORDINANCE NO. 08-O-602**

AN ORDINANCE ADDING SECTION 10.10.070, "PROHIBITED PARKING," TO CHAPTER 10.10, "PARKING," AND REPEALING SECTION 55 OF ORDINANCE 61-O-157, CODIFIED AT SECTION 10.30.010 OF CHAPTER 10.30, "IMPOUNDING VEHICLES," OF TITLE 10, "VEHICLES AND TRAFFIC," OF THE BROOKINGS MUNICIPAL CODE (BMC).

Sections:

- |            |                           |
|------------|---------------------------|
| Section 1. | Ordinance Identified.     |
| Section 2. | Adds Section 10.10.070    |
| Section 3. | Repeals Section 10.30.010 |

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Section 10.10.070, Prohibited Parking and repeals Section 55 of Ordinance 61-O-157, codified at Section 10.30.010, of the BMC.

Section 2. Adds Section 10.10.070. Section 10.10.070 is added to read as follows:

**Section 10.10.070. Prohibited Parking.**

In addition to provisions of the Motor Vehicle Laws of Oregon pertaining to prohibited parking, no person shall park:

- A. A vehicle upon any bridge or elevated structure used as a street, unless otherwise indicated by lawfully installed signs.
- B. A vehicle in any alley for any purpose other than to load or unload materials not to exceed 45 minutes.
- C. A vehicle upon any street for the principal purpose of:
  - 1. Displaying such vehicle for sale.
  - 2. Repairing such vehicle except for repairs necessitated by an emergency.
  - 3. Displaying merchandise from such vehicle.
  - 4. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this City.
  - 5. Storage for more than 72 hours, except that a licensed and operable vehicle parked in front of the vehicle owner's residence may exceed the time limit.
- D. A vehicle upon any parkway except where specifically authorized.
- E. A vehicle leaving a child or children under 12 years of age inside, unless said child or children are uninterruptedly attended by a competent person of at least 18 years of age.

Section 3. Repeals Section 10.30.010. Section 55 of Ordinance 61-O-157, codified at Section 10.30.010 of the BMC, is hereby repealed.



First Reading: March 24, 2008  
Second Reading: March 24, 2008  
Passage: March 24, 2008  
Effective Date: April 23, 2008

INTRODUCED AND ADOPTED by the City of Brookings Council and signed by me in authentication of its passage this 25<sup>th</sup> day of March, 2008.

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

Attest:

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

**IN AND FOR THE CITY OF BROOKINGS**  
**STATE OF OREGON**  
**ORDINANCE 16-O-758**

IN THE MATTER OF ORDINANCE 16-O-758, AN ORDINANCE ADDING SUB SECTIONS E AND F TO SECTION 10.10.070, PROHIBITED PARKING, TITLE 10, VEHICLES AND TRAFFIC OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance identified.  
Section 2. Adds Sub Section E and F to Section 10.10.070

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Sub Section E and F to 10.10.070, Prohibited Parking, Section 10, Vehicles and Traffic.

Section 2. Adds Sub Sections E and F to read as follows:

E. A vehicle in violation of the Oregon Vehicle Code or in violation of a parking limitation device. Where maximum parking time limits are designated, moving a vehicle to another parking space within the same block or parking lot shall not extend the time limits for parking.

F. A non motorized vehicle or trailer that is not connected to a tow vehicle in City owned or leased parking lots.

First Reading: May 23, 2016 Passage: May 23, 2016  
Second Reading: May 23, 2016 Effective Date: June 21, 2016

Signed by me in authentication of its passage this 24<sup>th</sup>, day of May, 2015

ATTEST:

Ron Hedenskog  
Mayor Ron Hedenskog

Teri Davis  
City Recorder Teri Davis