

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

ORDINANCE NO. 09-O-631

IN THE MATTER OF ORDINANCE 09-O-631, AN ORDINANCE AMENDING CHAPTER 17.140, AMENDMENTS, OF TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN ITS ENTIRETY.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends to Chapter 17.140, in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.140, Amendments, of Title 17, Land Development Code, of the Brookings Municipal Code in its entirety.

Section 2. Amends to Chapter 17.140. Chapter 17.140, Amendments, is hereby amended to read as follows:

**Chapter 17.140
AMENDMENTS**

Legislative, Text Amendments

And

Quasi-judicial, Comprehensive Plan Map and/or Zone Changes

Sections:

- 17.140.010 Procedure.
- 17.140.020 Proposed amendments.
- 17.140.030 Application for citizen initiated text amendment.
- 17.140.040 Application for Comprehensive Plan map and/ or zone change.
- 17.140.050 Qualified Comprehensive Plan map and/ or zone change
- 17.140.060 Action by the Planning Commission.
- 17.140.070 Action by the City Council.

17.140.010 Procedure.

The Brookings Comprehensive Plan and Land Development Code may be amended by adopting revisions to reflect changes in the law, clarify language or procedures, correct mistakes, or to reflect changing community conditions. Amendments to the text follow legislative procedures.

This Chapter also provides standards and procedures for quasi-judicial amendments to consider Comprehensive Plan map and/ or zone changes for specific properties.

17.140.020 Proposed Amendments.

A. An amendment to the text of the Comprehensive Plan or Land Development Code may be proposed as a legislative hearing by the City Council, Planning Commission, Planning Director, or an individual.

B. A Comprehensive Plan map and/ or zone change for specific properties may be initiated as a quasi-judicial hearing by a property owner, or the City.

17.140.030 Application for a Citizen Initiated Text Amendment.

A text amendment proposed by a citizen will first be presented to the Planning Commission in the form of a written request.

- If the Planning Commission believes there is merit to the request, the amendment will be considered City initiated and no fee will be charged.
- The Planning Commission will determine whether a workshop is needed prior to the hearing, depending on complexity of the matter.
- Staff will prepare draft language for the amendment and this will be reviewed by the Land Development Code (LDC) Committee.
- After review by the LDC Committee, a workshop or hearing before the Planning Commission will be scheduled.
- If the Planning Commission decides the City should not undertake the proposed text amendment, the citizen may take the request to the City Council for consideration during the Public Comment portion of the Council agenda.

17.140.040 Application for a Comprehensive Plan map and/ or Zone Change.

The property owner, authorized agent, or the City may make application for a zone change amendment by filing an application with the Planning Department for review by the Site Plan Committee pursuant to BMC [17.80](#). After Site Plan Committee determines the application is complete, a quasi-judicial hearing before the Planning Commission will be scheduled. Such application shall be accompanied by the following information:

- A. A completed Land Use Permit Application form;
- B. A description of the subject property, the requested zoning designation, and the proposed uses.
- C. Compatibility of the proposed zoning designation with the surrounding land uses.
- D. Impacts on City services and streets serving the area.
- E. Statement and supportive evidence indicating the manner in which the proposed zone change amendment is in conformance with the Comprehensive Plan for the City of Brookings, applicable provisions of this code, and any applicable Statewide Planning Goals.
- F. The application shall be accompanied by a non-refundable filing fee in the amount established by general resolution of the City Council. [Ord. 93-O-446.N § 6; Ord. 89-O-446 § 1.]

17.140.050 Qualified Comprehensive Plan map and/ or Zone Change

When considering a Comprehensive Plan map and/ or Zone Change the Planning Commission and City Council may qualify, or condition, a zone change such that:

- A. The property may not be utilized for all the uses ordinarily permitted in a particular zone;
- or
- B. The development of the site must conform to certain specified standards; or
- C. Any combination of the above.

A qualified zone change shall be dependent on findings of fact including but not limited to the following:

- A. Such limitations are deemed necessary to protect the best interests and insure compatibility with the surrounding property or neighborhood; or
- B. Such limitations are deemed necessary to protect public safety and the City's best interests and/ or infrastructure; or
- C. Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects.

17.140.060 Action by the Planning Commission.

- A. Upon filing of said application for an amendment as described in BMC [17.140.030](#), or [17.140.040](#) the matter shall be referred to the Planning Commission and a public hearing shall be held on the matter for which notice shall be given as provided in Chapter [17.84](#) BMC.
- B. In the case of a text amendment the Planning Commission shall review the draft language and make any revisions that are considered necessary. The Planning Commission shall recommend approval, qualified approval, or denial to the City Council.
- C. In the case of a Comprehensive Plan/ zone change amendment the Planning Commission shall recommend the approval, approval with conditions, or denial of the application to the City Council.
- D. In the case of a simple zone change amendment (changing from one residential zone to another residential zone, or from one commercial zone to another commercial zone) the Planning Commission is the decision-making body and may approve, approve with conditions, or deny the application.
- E. If the proposed zone change is for property containing a mobile home park, notice shall also be provided to tenants of such mobile home park. The Commission may recommend an alternate zoning designation for the area under consideration. [Ord. 96-O-446.BB § 7; Ord. 89-O-446 § 1.]

17.140.070 Action by the City Council.

- A. Following the Planning Commission hearing and recommendation for a Comprehensive Plan/ zone change, a hearing before City Council shall be scheduled. Notice of said public hearing shall be given as provided in Chapter [17.84](#) BMC.
- B. In the case of a text amendment, the Council shall enact an ordinance approving or denying the amendment.
- C. In the case of a zone change amendment, the Council shall enact an ordinance to approve, approve with conditions, or deny the application.
- D. The Council may opt to remand the proposal to the Planning Commission for further review. A Council remand shall communicate specific concerns and issues for the Planning Commission's consideration. The Commission shall reconsider the proposal at their next regularly scheduled meeting and report their findings and recommendations at the next regular meeting of the City Council.
- E. To adopt an ordinance for a zone change, findings must be made, and adopted as a part of said ordinance, that are adequate to support the amendment proposal. The findings

must be factual and must be supported by substantial evidence submitted into the record. It must be found that the amendment complies with and conforms to the Comprehensive Plan goals, policies, generalized land use map, and any applicable Statewide Planning Goals.

First reading: April 27th, 2009

Second reading: April 27th, 2009

Passage: April 27th, 2009

Effective date May 27th, 2009

Signed by me in authentication of its passage this 28th day of April, 2009.



Mayor Larry Anderson

ATTEST:



City Recorder Joyce Heffington