



City of Brookings

PLANNING HANDBOOK

Welcome to the City of Brookings Public Works and Development Services Department!

The Department provides both planning and building services for the City. We take great pride in offering a friendly environment to assist both homeowner and developer alike and are ready to help with the planning and construction of your project. Our Department Vision: *"We are the team dedicated to helping make Brookings one of Oregon's great cities."* To this end, we are strongly committed to high quality service that will ensure the vitality of the community.

The development process can seem overwhelming, simply due to the number of simultaneously occurring activities. The Public Works and Development Services Department exists in part to assist individuals through the process and seek solutions to problems that may arise during the course of a project. The purpose of this *Handbook* is to provide an overview of the development process and get you on your way to begin construction. While we believe the material will aid in both the predictability and timeliness of developing your project, please remember staff is always available to assist you.

This is a "living document" and will be continuously changed, updated and improved. Comments and/or suggestions on changes we can make to improve this document – *or any of our services* - are always welcomed and encouraged.

Throughout this *Handbook*, we inform the reader that additional information is available at the Brookings Public Works and Development Services Department. Our contact information is located at the bottom of each page. In addition, our office hours are 9:00 am to 4:30 pm, Monday through Friday.

DEVELOPING PROPERTY IN BROOKINGS

Introduction

Do I need permits?

This simple and common question has a somewhat complex answer. Whether a permit – land use or building – is required fully depends on the proposed activity and may require both. For example, land use permits are required for new signs, and often require a separate building permit for their installation. However, a simple outdoor shed may not require even a building permit if it is less than 200-square feet in area and less than 10-feet in height. The best way to find out is to contact Department staff.

What is the difference between a land use permit and a building permit?

These are two separate – but certainly related – permits. A land use permit only considers the particular use of a property, such as whether an owner may divide property or construct a new commercial building. Building permits apply only to the actual construction. Generally, an application must first satisfy land use requirements before the City can authorize building permits.

Using this Guide

While there are certain similarities in the way applications and permits are processed, the Department recognizes each project is unique. For this reason, instead of developing a “one-size-fits-all” *Handbook*, we create a “packet” to fit individual projects. Along with this introductory material, the packet will include the following:

- *Summary Application Description*
- *Application Form and Fee Schedule*
- *Development Code Chapters*

With this packet of material, you should be able to complete and submit an application with a clear understanding of the process. In addition, while it is not required of all applications, the Department strongly recommends a pre-application conference to discuss your proposal. This allows staff an opportunity to provide important information on the development requirements as well as its chance for approval.

Regardless of whether or not you participate in a pre-application conference, the Department does not encourage anyone to submit a land use application unless there is a reasonable chance of approving the request.

The Basics

There are three basic steps to development: planning, civil engineering and building construction, although not all projects require each step. For example, a variance to reduce a setback for a house addition would only require planning approval, followed by a building permit. Conversely, a shopping center project not only requires planning approval and building permits, but civil engineering plans for public facility improvements. The following includes a quick overview for each step:

Planning – This is where development begins. With few exceptions, a project must receive planning approval prior to construction. The approval process may be as simple as reviewing a single family building permit or require a hearing before the City Planning Commission on a

large development proposal. Regardless of the complexity of a project, each decision begins with an application. While we aspire to make each step in the process easy, if you ever have a question regarding your application or process, staff is always available to assist you.

The decision timeline depends on the type of application and appeal period. Generally, they may require one business day for a simple permit up to 90 days for applications requiring City Council approval. The packet will provide detailed information on your particular request.

Engineering – Not all projects require the City to review engineering plans for public facility improvements. For example, with a home addition the facilities are already in place. Other projects – such as a new shopping center – will likely require the City’s Public Works Division to review engineering plans.

The Public Works Division reviews each land use application and identifies specific improvement requirements. This often occurs during a pre-application conference. If public facility improvements are necessary, you will require the services of a professional civil engineer who will work with City staff on specific requirements. Normally, public facilities must be in place before occupying a building.

Major projects often generate significant amounts of traffic. This may require installation of turn lanes, traffic signals and similar street improvements. The Public Works Division will review potential transportation improvements before you submit an application. In some cases, this may require coordination with the Oregon Department of Transportation (ODOT) or Curry County. Costs can be significant and we believe it is important you are aware of potential costs before you proceed.

Building – The Building staff reviews each application to confirm code compliance. All new construction, and most renovations, require building permits. Building and mechanical permit applications are available at the Public Works and Development Services offices, online at: www.brookings.or.us/DocumentCenter, or by calling 541-469-1135. Plumbing permits are issued by Curry County Building Department and electrical permits are issued by the State of Oregon Building Codes Division.

Let’s Get Started

Before we examine the City’s planning process, a little background may be helpful:

What is the “Statewide Land Use” system?

Oregon is unique in the nation in that the state instituted a Statewide Land Use system in 1973. The System requires each jurisdiction to create a comprehensive plan and zoning ordinance, both organized around 19 Statewide Goals. In addition to the Goals, the program includes statutory requirements (Oregon Revised Statutes), and, rules (Oregon Administrative Rules) to carry out the statutes. With this combination, communities address similar issues, improving coordination on critical State-wide issues such as farmland preservation, transportation and urbanization.

You may obtain additional information on Oregon’s planning system from the Oregon Department of Land Conservation and Development (DLCD) website: www.lcd.state.or.us.

What is the Comprehensive Plan?

The Comprehensive Plan is a city's long-range planning document. It identifies the status of the community; how a community wishes to look in the future; and, the goals and policies that will help the community reach that desired future. The Plan includes background information and analysis as well as the goals and policies. The Plan also includes a map that projects the long-range land use pattern. In many respects, the Comprehensive Plan can be seen as the "land use constitution" providing a framework for the community's development.

What is the Land Development Code?

If the Comprehensive Plan is the "land use constitution" then the Land Development Code contains the "laws" governing planning on a daily basis. The Land Development Code contains information on uses allowed in particular zones, setbacks and height restrictions, parking and landscaping requirements, and similar development regulations.

First Step

Before you begin making development plans, it is best to determine the property's zoning and what uses the zone permits:

What are "zones" and how many do we have in Brookings?

A "zone" is a district that permits certain types of property uses while prohibiting others. While each zone focuses on a specific type of use, usually addressing residential, commercial, industrial and public activities, some uses can occur in more than one zone.

Brookings has 15 land use zones. These include five residential zones: Single-Family Residential (R-1), Two-Family Residential (R-2), Multiple-Family Residential (R-3), Manufactured Home Residential (R-MH), and Suburban Residential (SR); four commercial zones: Neighborhood Commercial (C-1), Shopping Center Commercial (C-2), General Commercial (C-3), Tourist Commercial (C-4); a mixed-use zone: Professional Office (PO-1); two Industrial zones: Industrial Park (I-P) and General Industrial (M-2); and finally, a Public Open Space (P/OS) zone.

There are three additional zones called "overlay-zones" that address special circumstances unique to a property. These include regulations for development within the vicinity of the airport, within marine areas, and one designed to address special zone changes. For example, all Residential zones allow a single family home. However, if the property is also located in the approach area of the airport, the property is then subject to regulations of the Airport Approach Overlay (AA) Zone.

How can I find out about zoning on my property?

There are several ways to determine your property's zoning. A zoning map is on the City's website at www.brookings.or.us/index.aspx?nid=147. The Brookings Municipal Code with the Land Development Code containing zoning information is located at www.codepublishing.com/OR/Brookings/#!/Brookings17/Brookings17.html. You may also contact the Planning Division or our offices.

Once we identify the zone, Department staff can help you determine whether the zone allows a proposed use or activity, and if so, what specific requirements apply. Remember not all uses require a land use permit; in some cases the use may simply be allowed outright and subject only to a building permit.

If a land use permit is required, Department staff will provide you the correct application and review the material with you. Many applications are simple and often do not require more than an explanation of the requirements. For complex proposals, staff strongly suggests - and in some cases the Development Code requires - a pre-application conference with the City's Site Plan Committee.

The Site Plan Committee includes members from City Administration, Development (both planning and building), and City Engineering staff. The Department conducts Site Plan Committee meetings on Tuesday mornings, although we can arrange other times. There is no fee to attend a Site Plan Committee meeting. Site Plan Committee members review your proposal and provide comments while you, in turn, are encouraged to ask any questions of staff. Occasionally, some issues require additional time to resolve, requiring a separate follow-up meeting. It is the Department's experience that the Site Plan Committee meeting provides significant information in helping you with your project. Contact the Department to arrange your meeting.

The Application

The appropriate application will be included in your packet. The Public Works and Development Services Department believes the application material is complete and helpful. However, if at any time you have questions or need more information, do not hesitate to contact Department staff. *As noted earlier, regardless of whether you participate in a pre-application conference, the Department does not encourage anyone to submit a land use application unless there is a reasonable chance of approval.*

What are the fees?

A fee schedule is included with this *Handbook*. The fee must accompany the application.

Who do I contact if I need more information?

You may obtain planning and building information by calling the Public Works and Development Services Department or dropping by the Department office.

The Application Submittal

Once submitted, Department staff reviews your application for completeness. Completeness simply means you submitted all the required material – application form, any maps, written documentation, property deed and similar items. Staff will contact you if additional information is required. Please understand this is a critical factor, as by law, we cannot begin the application process until we receive a complete application. The sooner you submit required application material, the sooner the review process begins.

Review Process

Depending on the type of application, Department staff, the Planning Commission and City Council has the authority to make a land use decision. City staff may approve minor applications such as sign permits, lot line adjustments and small-scale projects. Larger

projects – such as subdivisions – require a hearing before the Planning Commission. Finally, applications involving zone changes require hearings before the Commission and City Council, with the final decision resting with the Council.

Approval of a land use application requires compliance with “decision criteria” that is, standards or guidelines for a specific type of application. An application must comply – or be able to comply with conditions - with all the decision criteria or the City cannot approve the request. Each type of application review is noted below.

Ministerial Reviews – These simple applications require review by Department staff, usually within a few days of applying. Only the applicant receives a copy of the decision. To summarize the steps:

- Submit application, staff determines completeness.
- Staff reviews the application and issues a decision.
- Approved – complete requirements noted in the decision.
- Denied – the decision may be appealed to the Land Use Board of Appeals.

Administrative Reviews – These are also Department staff decisions, but involve applications with greater complexity, such as lot line adjustments. Staff writes a decision and provides notice to the applicant and those who provided comments. This decision includes a 15-day appeal period. The entire process requires approximately 30 to 40 days. Anyone receiving notice may appeal the decision to the Planning Commission.

These types of decisions often contain “conditions of approval” requiring an applicant to complete certain items before occupying a building or beginning a use. For example, a decision may establish a need to install a fence along a particular property line as part of the construction of a new commercial building - the particular condition would require installation of the fence before occupying the building. To summarize the steps:

- Submit application, staff determines completeness.
- Department mails notice of decision to applicant.
- Decision becomes final in 15-days if no appeal; otherwise, Planning Commission hears the appeal.

Quasi-Judicial – The Planning Commission conducts a public hearing for significant projects, such as subdivisions. The process requires at least 45 to 60 days from the time of submittal to the end of the appeal period. The Department mails notice of the public hearing to the applicant, area property owners and interested agencies. At the hearing, the applicant, proponents and opponents all have an opportunity to comment on the request. After receiving these comments and reviewing the staff report, the Commission deliberates and makes a decision. Afterwards, the Department mails notice of the Commission’s decision to the applicant and those who commented at the hearing. Their decision may be appealed to the Council; this also applies where the Commission heard the appeal of an Administrative Review. To summarize the steps:

- Submit application, staff determines completeness.
- Planning Commission Hearing date established.
- Department mails and publishes notice of hearing.
- Staff reviews application and prepares a written recommendation to the Commission at least 7-days prior to the hearing.

- Commission conducts a public hearing, makes decision.
- Department mails notice of the Commission decision.
- Decision becomes final in 15 days if no appeal; otherwise, City Council hears the appeal.

What happens at a public hearing?

A public hearing is exactly that, a hearing open to the public where the Commission or Council review and decide upon a land use application or appeal. Prior to the hearing, the City mails notice to the applicant, area property owners and affected agencies. This notice provides information on the applicant, the proposal, the hearing location, date and time, as well as other pertinent information on the case. Effectively, the notice invites the neighborhood to attend the hearing and comment on the application. An individual unable to attend may submit written comments. This is often the case regarding state or county agencies.

The hearing is formal in its organization. The Chair opens the hearing and reads certain statements required by State law. Staff then reads a brief report, ending with a recommendation. The applicant then testifies, followed by those in favor of the application, then individuals opposed to the request. There is an opportunity to ask questions and the applicant has the last chance to respond to any comments made during the hearing. At that point, the Commission Chair closes the public testimony portion of the hearing and the Commission begins deliberations on the application. Unless there are truly unusual circumstances, the Commission makes every attempt to make a decision at the end of deliberations.

What rights do I have as an applicant, or neighbor?

One fundamental element of the State planning system is the right to appeal a decision. One may appeal a staff decision to the Planning Commission, a Commission decision to the City Council, and the Council's decision to the Land Use Board of Appeals (LUBA), the State's "land use" court. Both the applicant and those receiving notice of a decision have the right to appeal. Decision notices include specifics on appeals process, including timelines and fees.

Legislative – These actions require hearings before both the Planning Commission and City Council and focus on changes to the Comprehensive Plan and Plan Map as well as the Development Code and Zoning Map. As such, they may involve a single property, groups of properties or changes to the text of the Comprehensive Plan or Development Code. The Commission provides a recommendation and the City Council makes the final decision to approve or deny a request. Appeal of the Council decision is to the Land Use Board of Appeals.

A citizen may suggest a change to the Plan or Code text (or the maps), but only the Commission or City Council may initiate the request. However, you may submit an application to change the zoning on your property. The same process applies to both types of requests and requires approximately 60 to 90 days from the submittal of a complete application to the end of the appeal period. To summarize the steps:

- Submit application, staff determines completeness.
- City notifies Department of Land Conservation and Development of the request.

- Planning Commission Hearing date established.
- Department mails notice of hearing at least 20-days prior to hearing and publishes the hearing notice in a local newspaper. Note: in some cases of changes to the Plan or Code text, state law requires the City to mail notices to every property owner in the City.
- Staff reviews application and prepares a written recommendation to the Commission at least seven days prior to the hearing.
- Commission conducts a public hearing, makes recommendation to Council.
- Department mails notice of Commission decision to applicant and interested parties. There is no appeal period as there is a second hearing.
- City staff schedules a hearing before the City Council and repeats the previous notice mailings and publication.
- Council hears application and renders a decision at the public hearing.
- Staff mails notice of the Council decision to applicant and affected parties.
- Decision becomes final in 21-days if no appeal; otherwise, the State Land Use Board of Appeals hears the appeal.

Now What?

You received approval to divide your property, or construct a new commercial building, but remain unsure of your next step. To assist with your next step, each land use decision includes “conditions of approval,” that is, a list of requirements that implement the land use approval. It is especially important to pay close attention to this material, as you are ultimately responsible for their completion.

Where possible, we attempt to list the conditions in sequence: complete the first condition and move on to the next one. Each condition is self-explanatory. For example, a major project may require the installation of new water and sewer lines. The first condition will usually require submittal of engineering plans for the City to review and specify a professional engineer must complete the plans. Your action would be to hire the engineer and ensure this person submits the plans. Construction may begin once we approve the engineering plans.

Please note, Department staff is always available to help if you do not understand a condition of approval or how to implement the condition. If need be, we can arrange a meeting to review the conditions and advise you on how to best complete them. Again, there is no charge for this assistance.

Final Thoughts

The Public Works and Development Services Department is here to assist you with the City’s development process in any way we can. Please give us the opportunity to do so!

Additional information regarding specific land use submittal requirements, necessary forms and review schedules are available from the Public Works and Development Services Department. The Department is located at 898 Elk Drive, Brookings, OR 97415. You may also contact us by phone, 541-469-1103 or visit our website at: <http://www.brookings.or.us/>.

CONTACT LIST

General Information

Public Works & Development Services
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541-469-1103

Planning

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Building Permits

Garrett Thomson, Building Official
Public Works & Development Services
898 Elk Drive
Brookings, OR 97415
541-469-1135
gthomson@brookings.or.us

Electrical Permits

Oregon Building Codes Division
541-266-1098

Plumbing Permits

Curry County Community Development
541-247-3304

Department of Land Conservation and Development

635 Capitol St. NE, Suite 150
Salem, OR 97301-2540
541-373-0050
www.lcd.state.or.us

Land Use Board of Appeals

550 Capitol Street NE, Suite 235
Salem, OR 97301-2552
541-373-1265
www.oregon.gov/LUBA

ODOT

Region 2 Headquarters
455 Airport Road, Building B
Salem, OR 97301-5395
503-986-2600
www.oregon.gov/ODOT

Curry County Building Services

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541-247-3304