

LAND USE PERMIT APPLICATIONS IN THE CITY OF BROOKINGS

The following is an overview of the process used to obtain land use permits. It provides a brief discussion of the function of the Planning Department and the land use activities involved in the planning process.

IN THE CITY OF BROOKINGS

The Planning Department acts as Staff to the Planning Commission, which consists of seven citizens appointed by the City Council. It is the Planning Commission's task, using Oregon law and Brookings ordinances to oversee how, when, and where development will occur.

The Planning Department advises the Planning Commission in this task, based on City ordinances that provide criteria for different types of development or land use activities. These ordinances are contained in Title 17, Land Development Code, Brookings Municipal Code (BMC) available online at: <https://www.codepublishing.com/OR/Brookings/#!/Brookings17/Brookings17.html>

Some examples of land use applications are:

➤ **ZONE/COMPREHENSIVE PLAN CHANGE**

This is a request to change the zoning on a piece of property. If the request is to change from one use to another, such as residential to commercial, the Comprehensive Plan designation of the property must also be changed from residential to commercial. If the requested change is within the same use, such as from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential), the Comprehensive Plan designation does not need to be changed. These are simple zone changes, and the Planning Commission makes the decision. On zone/comprehensive plan changes the Planning Commission makes a recommendation to the City Council, which makes the final decision.

➤ **STREET VACATION**

This is a request to vacate a public street within the City. When the City approves a street vacation, the land within the vacated street is deeded to the owner of each adjoining lot. The Planning Commission hears street vacation requests and makes a recommendation to the City Council, which makes the final decision.

➤ **SUBDIVISION**

A subdivision is the division of a large parcel of land, called the parent parcel, into four or more lots. The subdivision process also is used for divisions of less than four lots if a new street or extension of an existing street is proposed. Depending on the size of the project, existing improvements and design of the project, a subdivision may or may not include construction of new streets, water and sewer mains, storm water facilities, lighting and signage. The existing street frontage of the parent parcel and all new streets within a subdivision are required to be improved according to City standards. Decisions on subdivision applications are made by the Planning Commission.

➤ **PARTITION**

A partition is the division of a parcel of land into no more than three parcels. It does not require a street extension or new street to provide access or to provide the required street frontage to any of the new parcels. A partition may, however, require the extension of water and sewer mains and storm water facilities, depending on the design and location of the project. Decisions on partition applications are made by the Planning Commission.

➤ **PLANNED COMMUNITY**

A Planned Community (PC) is a land use activity that allows a certain amount of flexibility in the design of the development of the property. For example a PC could allow clustering of homes, compatible mixed-use development, improved open space protection, or greater transportation options. To qualify for a Planned Community, the property to be developed must meet the criteria specified in Chapter 17.116, Planned Community. The Planning Commission makes decisions on Planned Community applications.

➤ **CONDITIONAL USE PERMIT**

Each land use zone, such as the R-1 or C-3 Zone, allows certain uses that are considered “permitted”. These uses do not need approval from either the Planning Commission or the City Council. Each land use zone also has a list of uses that are considered “conditional”. Conditional uses may be allowed but are reviewed to ensure that they are compatible, or can be made compatible, with existing and other permitted uses in the zone. Any adverse impact that they could have on an area is considered. The Planning Commission may approve, approve with conditions, or deny the requested conditional use.

➤ **VARIANCE**

A variance is the granting of relief from a development standard with which the applicant cannot comply. A variance is granted only when the development standard cannot be reached because of circumstances that are not within the control of, nor caused by, the applicant, and creates a hardship. For example, the shape of a lot may not allow the construction of a reasonably sized house and still meet the building setback standards. In this case the variance would be to allow a lesser setback. A variance is not granted to allow a use that is not permitted in the underlying zone. The Planning Commission decides each requested variance using the criteria listed in Chapter 17.132, Variances.

➤ **LOT LINE ADJUSTMENTS**

A lot line adjustment is simply the process of changing the boundary between two parcels of land. A lot line adjustment cannot be used to create a new parcel, to reduce the size of a parcel below the minimum lot size allowed by the underlying zone, or to create any non-conforming setbacks. Decisions on lot line adjustments are made by the Planning Department.

➤ **SIGN PERMIT**

All outdoor advertising signs within the City of Brookings must have an approved sign permit prior to installation and must meet size and location requirements. If a sign is visible from Chetco Avenue, the Oregon Department of Transportation (ODOT) must also give approval. Sign permits are reviewed and issued by the Planning Department Staff.

➤ **OTHER PERMIT REVIEWS**

Planning Department Staff reviews and verifies compliance with the Land Development Code for many other requests, including Home Occupation Permits, Lot Line Vacations, Business licenses, Land Use Compatibility Statements, Hillside Development Permits, and Building Permits.

APPEAL OF DECISIONS

All City Council, Planning Commission, and Planning Department Staff decisions can be appealed by the applicant or any party who submitted either written or oral testimony. Administrative decisions and interpretations made by the Planning Department Staff can be appealed to the Planning Commission. Decisions made by the Planning Commission can be appealed to City Council. Land use decisions made by the City Council can be appealed to the Oregon Land Use Board of Appeals (LUBA). If further information is needed, please contact the Planning Department at 469-1103.