

City Council Agenda Item Memo

From: Ryan Miller, City Planner

Council Meeting: June 24, 2025 / July 8, 2025

Subject: Ordinance 25-024: Amendments to Chapter 94 pertaining to the expiration of conditional use permits.

Presenter: Mike Struck, Community Development Director

Summary and Recommended Action:

The City of Brookings is proposing amendments to Chapter 94 Zoning pertaining to the expiration of a conditional use permit. The change would extend the expiration of a conditional use permit approval from one to two years. Staff recommends approval. The Planning Commission voted 8-0 to recommend approval.

Item Details:

Conditional Use Permits are defined in the Zoning ordinance as a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided in the zoning ordinance, of the impact of such use upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be granted (see "Conditional Use Permit").

The Conditional Use Permit is further described in Article V of Chapter 94 which includes the review and approval process, permit application, expiration and revocation, etc., and standards for approval. Currently, a Conditional Use Permit expires after one year from the date upon which it becomes effective if no significant work has commenced. Staff is recommending to amend the expiration date from one to two years.

At the June 24th Council meeting, Council Member Tilton Byrne motioned, seconded by Council Member Wendell, to bring two versions of Ordinance 25-014 to council for review at the next Council meeting: 1) proposed 2-year Conditional Use Permit time frame, and 2) keep with the existing 1-year Conditional Use Permit time frame, with extensions to be considered by the City Council.

Staff drafted language allowing for extensions to be considered by the City Council similar to how variance extensions are currently considered by the Board of Adjustment. However, the challenge with the language is the original Conditional Use is approved via ordinance, whereas, a variance is approved by a two-thirds (2/3) vote of the full Board of Adjustment membership. When amending an ordinance, the process needs to follow as the original ordinance was approved. In this instance, it

would require a Planning Commission recommendation and first and second readings by the City Council. In summary, Ordinance Option 2 would be the same as the ordinance currently reads.

A previously approved Conditional Use Permit for townhomes in a residential district set off the proposal. In this particular case, a Conditional Use Permit was approved for the townhomes, which required extensive infrastructure such as streets, water and sewer prior to permitting the dwellings. The infrastructure work took over one year and no building permit was sought for the residential dwellings, therefore, the Conditional Use Permit expired. This forced the developer to renew the Conditional Use Permit when no substantial changes were made to the proposed project.

Legal Consideration:

City Attorney reviewed the proposed ordinance changes.

Strategic Plan Consideration:

Economic Growth – The City of Brookings will support effective diversified community investment and equitable opportunities for prosperity.

Financial Consideration:

None.

Supporting Documentation:

Ordinance - clean

Ordinance – marked

Ordinance – Option 2 - clean (Updated 6/30/25)

Ordinance – Option 2 - marked (Updated 6/30/25)

Hearing Notice – City Council

Hearing Notice – Planning Commission

Planning Commission Minutes