



DEPARTMENT OF PLANNING AND DEVELOPMENT

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GENERAL INFORMATION

REGARDING AN APPLICATION FOR A LAND USE ACTION

IMPORTANT – PLEASE READ BEFORE STARTING YOUR APPLICATION

Attached is an application for an approval of a land use action. Completion of this application form and providing the supporting information is the most important part of the application process. The information requested is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or it may result in a denial of the request.

In all land use actions, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request. In preparing your application, a planner can explain which sections of the ordinances pertain to your specific request. **You must address each ordinance criteria in writing, on a point-by-point basis, in order for this application to be deemed complete.**

The planning staff can answer questions regarding the process and procedures, but they cannot prepare responses to the applicable criteria. If you require assistance with the application, you may want to confer with a professional land use consultant or attorney.

INFORMATION REQUIRED
For
ALTERATION OF A NONCONFORMING USE

For all applications requesting an alteration of a nonconforming use, the following minimum information must be submitted for the application to be considered complete:

1. Plot plan, drawn to scale, of the subject property showing:
 - A. all property lines
 - B. all existing and proposed buildings, including floor area, height, use and setbacks from all property lines
 - C. the location of the septic system, well and all easements
 - D. access to the property, and whether it is a state highway, county road, public road or private easement. Note: Applicant should check to determine if an access permit is required.
 - E. all wetland areas, areas of geological hazard, streams and waterways, and areas subject to flood hazard
 - F. general description of the topography and vegetation
2. Operating characteristics of all proposed uses (what, where, when & how).
3. Location of all required off-street parking and loading facilities, if any.
4. Size and location of proposed signs, if any.
5. A written narrative shall be submitted which addresses in detail all items contained in LCC 1.1701, including, but not limited to:
 - A. The date the existing use was established. Note: submitted billing records from a utility company, legal records, etc may document this.
 - B. A description of the proposed change (what, where, why).
 - C. Why the proposed change is reasonably necessary to continue the use.
 - D. Why the proposed change will not result in any greater adverse impact to the surrounding neighborhood.
6. Other information as determined by staff.

NOTE: ALL APPLICATIONS MUST BE COMPLETE. FAILURE TO SUBMIT A COMPLETE APPLICATION WILL DELAY THE ACCEPTANCE AND PROCESSING OF YOUR APPLICATION.

Signature of Property Owner

Date

Signature of Applicant (if other than property owner)

Date

NON-CONFORMING USES

What is a Non-conforming Use? A non-conforming use is a use of land or structure which is lawfully established prior to the adoption of current zoning regulations but which now fails to conform to current zoning. Non-conforming uses are frequently referred to as "grand-fathered" uses. An example of a non-conforming use would be a commercial use, such as a retail store or shop, which was previously established in an area now zoned for residential use.

By law, any lawful non-conforming use may be continued. Likewise, any non-conforming use may be replaced or restored when made necessary by fire or other casualty, provided such restoration is commenced within one year from the date of the casualty. Any non-conforming use, which is interrupted or abandoned for a period of more than one year, may not be resumed.

Can a Non-conforming Use be altered? It is possible to change or alter a non-conforming use, but certain limitations apply. Alterations necessary to comply with any lawful requirement are permitted by right. An example of this type of alteration would be a structural or other change necessary to comply with fire or sanitation codes. Any other alteration in use or structure may only be authorized upon the applicant demonstrating that: (a) the alteration is necessary to reasonably continue the use, and (b) that the alteration of use will be of no greater adverse impact to the neighborhood.

How do I apply? To apply for an alteration approval, submit a completed application. The appropriate filing fee and a detailed plan describing the proposed alteration. In addition, written information should be submitted which addresses why the alteration is necessary to continue the use and why the alteration will be of no greater adverse impact to the neighborhood.

How long does it take? If the request is determined by staff to be routine, the application will be handled administratively and typically takes 30 days to process. During this time, staff will review the proposal and document their findings in a staff report. The applicant and property owners within 250 feet of the subject property will be notified of the staff decision and will be given 15 days in which to appeal. If not appealed during this 15-day period, the staff decision is final. A staff decision, which is appealed, is forwarded to the Planning Commission for consideration at a public hearing.

If the alteration has more than routine significance, the request will be reviewed by the Planning Commission in a public hearing. It generally takes six weeks to get on the agenda of the Planning Commission. Its decision is also subject to an appeal period of 15 days.

NOTE: THE GUIDELINES LISTED ABOVE ARE GENERAL IN NATURE. APPLICANTS ARE REQUESTED TO REFER TO THE LINCOLN COUNTY DEVELOPMENT CODE FOR COMPLETE REQUIREMENTS.