



Lincoln County Department of Planning & Development

210 SW 2nd Street, Newport, OR 97365
Phone (541) 265-4192 Fax (541) 265-6945

LAND USE APPLICATION

TO BE COMPLETED BY STAFF

Form section for staff completion with checkboxes for Conditional Use, Variance, etc., and fields for Date Received, Fee, Case File Number, Receipt #, Action, etc.

TO BE COMPLETED BY APPLICANT

Form section for applicant completion with fields for What is proposed, Name of Development, Name of Applicant, Mailing Address, Name of Contact Person, etc.



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 VARIANCE

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**For all applications requesting a variance, 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 topography and vegetation
2. Location of all required off-street parking and loading facilities, if any.
3. A written narrative shall be submitted which addresses in detail all items contained in LCC 1.1810, including, but not limited to:
  - A. Exceptional or extraordinary circumstances that apply to the property which do not apply to other properties in the same zone or vicinity, and which result from lot size or shape, legally existing prior to February 12, 1974; topography; or other circumstances over which the applicant has no control.
  - B. Why the variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
  - C. Why the variance would not be materially detrimental to other property in the zone or vicinity in which the property is located.
  - D. Why the hardship is not self-imposed, and why the variance requested is the minimum that would alleviate the hardship.
  - E. If the hardship arises from a violation of the provisions of the development code.
4. 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.**

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Signature of Property Owner

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Date

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Signature of Applicant (if other than property owner)

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Date

# VARIANCES

**What is a Variance?** A variance is administrative relief from a strict application of the land use code, granted where rigorous enforcement of the code would deny a lawful use of the property. A variance may be granted only when the following circumstances exist:

- Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to February 12, 1974, topography, or other circumstances over which the applicant has no control.
- The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- The variance would not be materially detrimental to the purposes of the zoning ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy.
- The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- The hardship does not arise from a violation of the provisions of the zoning ordinance.

Variations may be granted to height, bulk, placement of buildings, yards, and other dimensional requirements; variations cannot be granted to authorize a use not otherwise permitted in the zoning district.

**How do I apply?** To apply, submit a completed application, the appropriate filing fee, a plot plan of the property which shows all property lines and the location of all existing and proposed structures, and a written narrative explaining how the request meets the criteria for granting a variance. The application must be signed by the property owner, or authorized in writing by the owner.

**How long does it take?** If the request is determined by staff to be routine, the application will be handled administratively and typically takes 4-6 weeks to process. During this time, staff will review the request and document their findings in a staff report. The applicant and property owners within 250 feet of the subject property (500 feet in a forest or agriculture zone) will then be notified of the staff decision and will be given an opportunity to comment.

**What is the time limit on a variance?** Authorization of a variance shall be void after one year unless substantial construction pursuant thereto has taken place.

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