





DEPARTMENT OF PLANNING AND DEVELOPMENT

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Newport, OR 97365  
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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 of the ordinance criterions 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 ZONE CHANGE

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**For all applications requesting a zone change, 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 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
2. Location of all off-street parking and loading facilities, if any.
3. A written narrative shall be submitted which addresses in detail all items contained in LCC 1.1235, including, but not limited to:
  - A. Is the requested change in accordance with the Comprehensive Plan goals and policies, and the Statewide Planning Goals?
  - B. Why the proposed zone change meets at least one (1) of the following criteria:
    - 1) There has been a substantial change in the character of the area around the subject property since zoning was adopted and which warrants changing the zone.
    - 2) The zoning previously adopted for the area was in error.
    - 3) There is a public need for the change being sought.
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

## PLAN AND ZONE MAP AMENDMENTS

Plan and zone map amendments require consideration in public hearings by both the Planning Commission and the Board of County Commissioners. The Planning Commission first reviews the application and prepares a recommendation to the Board; the Board is the final decision maker, and implements an amendment through the adoption of an ordinance.

**Application Procedure** Once an applicant submits to the Planning Division a complete application, the request is placed on the agenda of the Planning Commission, and a staff report is prepared. Applicants should expect to wait approximately 4-6 weeks for a hearing date; the staff report details the request and evaluates it against the following criteria:

The questions that must be addressed in the applicant's submittal include:

1. Whether or not the change is in accord with the Comprehensive Plan goals and policies and the Statewide Planning Goals, and
2. Does it satisfy one of the following tests:
  - A. Has there been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or
  - B. Was the zoning previously adopted for the area in error: or
  - C. Is there a public need for the change being sought?

It is the responsibility of the applicant to address these criteria in his or her application.

Prior to the hearing, written notice is sent to property owners within 250 feet of the subject property, informing them of the nature of the application and the time and place of hearing.

**At the Public Hearing** At the meeting the staff report is presented, and the Planning Commission hears testimony (oral or written) from proponents and

opponents of the request. Upon conclusion of the hearing, the Planning Commission deliberates and reaches a decision on the request. That decision comes in the form of a denial or a recommendation of approval to the Board, in which case the application is forwarded to the Board for their consideration. The applicant and parties who testified for the record are notified in writing of the Planning Commission's action.

**Appeals** The decision of the Planning Commission may be appealed to the Board of County Commissioners for a period of 15 days following the effective date of the decision. Appeal forms are available from, and are submitted to, the Planning Division, together with the required fee.

<b>Scheduling</b>	Date of application to Planning Commission	6-8 weeks
	Appeal Period for Planning Commission decision	5 days
	End of appeal period to consideration by Board	3-4 weeks

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