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## Complete Land Use Applications For Josephine - County (JO CO)

What is a complete land use application?

- . ORS 197.522 - Reasonable Conditions of Approval;
- . ORS 215.416(4) - Conditions
- . ORS 197.763(4)(b) - Leave Record Open
- . ORS 215.427(2) - App. Incomplete: 31-Day Rule
- . *Fasano v. Washington Co. Comm.*, 264 Or 574 P2d 23 (1973)
- . RLDC 21.010 - Pre-Application Review
- . RLDC 22.040.B.2 - Permit Review Procedures
- . RLDC 30.020.B - Applications
- . RLDC 31.070.A - Burden & Nature Of Proof

**ORS 197.522** “. . . A local government may deny an application that is inconsistent with the comprehensive plan and applicable land use regulations and that cannot be made consistent through the imposition of *reasonable conditions of approval*.” [Emphasis added].



**ORS 197.763 (4)(b)(4)** “Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of ORS 215.427 or 227.178 and ORS 215.429 or 227.179.”

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## JO CO Rural Land Development Code (RLDC)<sup>1</sup>

**Burden Of Proof On One Seeking Change<sup>2</sup>** Because action of county commissioners in approving zoning change is in exercise of judicial authority, burden of proof should be placed upon the one seeking the change; the more drastic the change, the greater will be the burden of showing that it is in conformance with comprehensive plan as implemented by ordinance, that there is a public need for kind of change in question, that there is a public need for kind of change in question, and that need is best met by proposal under consideration; as degree of change increases, burden of showing that potential impact upon area in question was carefully considered and weighed will also increase.

**RLDC 21.010 - Purpose Of Pre-Application Review.** The purpose of pre-application review is to familiarize applicants and others with the procedures, standards, criteria and the various requirements of other affected agencies or jurisdictions that may apply for specific land use applications, and *to assure* that every application is complete and ready for processing when formally submitted. [Emphasis added].

**RLDC 22.040.B.2 - Permit Review Procedures For Quasi-Judicial Review Procedures; ORS 215.427(2).** “If the information is not complete . . . , the applicant shall be notified in writing of exactly what information . . . [is] missing. The application shall be deemed complete upon receipt of the missing information . . . ; or, if the applicant refuses to submit the missing information, *the application shall be deemed complete the 31<sup>st</sup> day after the application and fees are received and accepted*. [Emphasis added].

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## More Information

**RLDC 30.020.B - Applications.** “B. All documents, evidence, exhibits and other information relied upon by the applicant in support of an application that involves a public hearing shall be submitted to the Planning Office by 5:00 p.m. 21 days prior to the first scheduled date of the public hearing.”

**RLDC 31.070.A - Burden & Nature Of Proof** provides, in relevant part: “A. The burden of proof shall be on the applicant. The more a proposed use or structure changes existing land use patterns, or causes impacts on surrounding lands or the community, the greater the burden of proof shall be on the applicant to show the request complies with all applicable criteria. . . .”

**More Information.** Would you like to learn more? Contact a member of the Land Use Committee of the *Hugo Neighborhood*.



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1. Josephine County, 2005. *Josephine County Rural Land Development Code*. Grants Pass, OR.
  2. *Fasano v. Washington Co. Comm.*, 264 Or 574 P2d 23 (1973).

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**Disclaimer.** This brochure is as much about providing information and provoking questions as it is about opinions concerning the adequacy of findings of fact and land use decisions. It does not provide recommendations to citizens and it is not legal advice. It does not take the place of a lawyer. If citizens use information contained in this paper, it is their personal responsibility to make sure that the facts and general information contained in it are applicable to their situation.

## Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making. The *Hugo Neighborhood* is an informal nonprofit charitable and educational organization with a land use and history mission of promoting the social welfare of its neighbors.

### Land Use & History

The *Hugo Neighborhood's* land use mission is to promote Oregon Statewide Goal 1 — Citizen Involvement, and to preserve, protect, and enhance the livability and economic viability of its farms, forests, and rural neighbors. It will act, if requested, as a technical resource assisting neighbors to represent themselves.

Its history mission is to educate, collect, preserve, interpret, and research its local history and to encourage public interest in the history of the Hugo area.

Volunteer membership dues are \$10.00 annually per family and normally used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to our Treasurer.

*Hugo Neighborhood Association*

Web Page: <http://jeffnet.org/~hugo/>

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## Complete Land Use Applications

Brochure 11AA in Josephine County CI Issues & Problems Series



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**Land Use Committee  
Hugo Neighborhood Association**

**Members of the CAC/NA Coalition**