



Josephine County, Oregon

Community Development – Planning Division

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TEXT AMENDMENT

APPLICANT

APPLICANT'S NAME: _____ TEL: _____

MAILING ADDRESS: _____

APPLICANT'S NAME: _____ TEL: _____

MAILING ADDRESS: _____

REPRESENTATIVE: _____ TEL: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

REQUEST

DOCUMENT TO BE AMENDED:

- Goals & Policies Database Rural Land Development Code

IDENTIFY THE TEXT TO BE AMENDED BY SECTION OR OTHER REFERENCE: _____

LIST APPLICABLE STATEWIDE & LOCAL PLANNING GOALS & OTHER CRITERIA: _____

- A WRITTEN STATEMENT DEMONSTRATING COMPLIANCE WITH ALL APPLICABLE CRITERIA IS ATTACHED.
- PRE-APPLICATION FEE ATTACHED. FILING FEE IS DUE AT COMPLETION OF PRE-APPLICATION REVIEW.

APPLICANT'S STATEMENT OF UNDERSTANDING

I _____, have filed an application for a **TEXT AMENDMENT** with the Community Development – Planning Division to be reviewed and processed according to state and county requirements. My signature below affirms I have discussed my application with _____ of the planning staff, and that I acknowledge the following disclosures:

1. I understand that any representations, conclusions or opinions expressed by staff in the pre-application review of this request do not constitute final authority or approval, and that I am not entitled to rely upon any such expressions in lieu of formal approval of my request.
2. I understand I may ask questions and receive input from planning staff, but acknowledge that I am ultimately responsible for all information or documentation submitted with this application. I further understand that Planning Staff cannot legally bind the county to any fact or circumstance which conflicts with state or local laws, and in the event a conflict occurs, the statement or agreement is null and void.
3. I understand I have the burden of proving the criteria for a Comprehensive Plan and Zone Change are met for my application, and that I may not rely upon the staff report to establish my request.
4. I understand planning staff is entitled to ask for additional information or documentation any time after the submission of this application if it is determined such information is needed for review of my application.
5. I understand if my application is approved by Josephine County that approval may be reviewed by the Oregon Department of Land Conservation and Development, and this agency has the authority to appeal its approval. In the event a public hearing is required, I agree that it is my responsibility, and not the county's, to respond to the appeal and make out the case in favor of the application. While the planning office may take a position supporting the application, I realize it is not the county's function to argue my case at the hearing.
6. I understand I am entitled to have a lawyer, engineer, surveyor, land use consultant, or other help me with my application and to appear with me (or for me) at any appointment, conference or hearing relating to it.

DATE: _____, 20_____.

OWNER/APPLICANT *

OWNER/APPLICANT *

** If the applicant is someone other than the owner, a power of attorney must be on file from the owners authorizing the application*

INTRODUCTION

An application to amend an official land use text is an involved procedure. What can be changed, and how it can be changed, is controlled by both state and local rules, resulting in participation by both county and state agencies.

On the local level, two hearings are required for all requests. The first hearing occurs before the Planning Commission where you must make a full presentation of supporting evidence and arguments. Interested public agencies, private organizations and neighborhood associations are also given an opportunity to testify. The Commission then makes a recommendation to the Board of County Commissioners, and another full hearing is held by the Board for a final decision.

The Board's decision may be appealed by affected agencies or organizations to a state court, the Land Use Board of Appeals (LUBA). Without an appeal, a text amendment application takes approximately 6 months to complete. A LUBA appeal usually adds several more months to the time.

The criteria which apply to a text amendment are the Statewide Planning Goals as expressed through the Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR) and relevant court cases. The pre-application planner will assist you in identifying applicable ORS(s), OAR(s), and Statewide Planning Goals you will need to address.¹ Your application must attach a written discussion showing how the request meets all applicable criteria. The written statement must separately address each point in the criteria.

A Text Amendment requires the following steps:

- * Make an appointment for a pre-application conference to discuss the proposed text amendment with a planner. In the conference you will receive:
 - ▶ An application
 - ▶ A copy of the county's Comprehensive Plan Goals & Policies
 - ▶ A copy of Statewide Planning Goals & Policies
 - ▶ A Josephine County Land Use Hearing Handbook
- * Fully complete the front of this application by providing the required information (use additional sheets if necessary).
- * Prepare a written statement showing how the request meets all applicable criteria. Attach the documentation or evidence you intend to introduce in support of the application, at least to the extent it is available.
- * Submit the application package to the pre-application planner, who will then check the application for completeness.
- * When the application is deemed complete, pay the filing fee, and submit two (2) complete copies of the application (one copy is sent to the state's land use agency, the Department of Land Conservation and Development (DLCD) for review).

¹ The list of criteria provided by the pre-application planner is meant to help in the preparation of your application. The list, however, is not intended to be absolute. This list may be reduced or expanded by further review when the staff report is written, or by input from interested agencies or persons. Ultimately it is your responsibility alone to identify and address all applicable criteria.