



## LAND MANAGEMENT DIVISION

# PLANNING DIRECTOR APPROVAL

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This guide explains the procedures for applying for Special Use Permits which are reviewed at the Planning Director level. It is not to be considered a substitute for the specific language of Lane Code.

### WHAT'S A "PLANNING DIRECTOR APPROVAL"?

The Planning Director Approval is an administrative process to produce decisions about a variety of Special Uses found in Lane County's zoning districts. It includes mailed notices to nearby property owners and the opportunity for appeal.

### WHAT'S A SPECIAL USE?

A Special Use is a use that is allowed if it complies with criteria listed in the Lane Code. The applicant must prepare an application and submit evidence that shows compliance with the criteria.

### WHO'S THE PLANNING DIRECTOR?

"Planning Director" means the Director of the Planning Program of Lane County Land Management Division. It also refers to a staff person of the Division who has been designated by the Director to process an application and who is accountable to the Director.

### WHAT'S THE BASIC PROCEDURE?

Staff has prepared a [Flowchart](#) (see attached page) that shows the review and appeal process for a Planning Director land use application.

A Director Approval has three basic steps:

1. You, as the applicant, present the Director with facts supporting your proposal in the form of a land use application.
2. The Director investigates the facts and, based on criteria in the Lane County zoning code, makes a decision about your proposal.
3. You and other affected parties are notified of the decision. Any aggrieved party may appeal the decision.

### WHAT'S THE LEGAL AUTHORITY FOR THIS DECISION PROCEDURE?

Lane Code Chapter 14 authorizes these actions. It dictates how the County processes applications for land use applications and other development approvals. Director Approval procedures are found in sections 14.050; 14.070; 14.100 and 14.110 of the Code.

### HOW YOUR APPLICATION IS PROCESSED

The process is described in detail below. Also, refer to [Flowchart](#) (see attached page) for review and appeal process.

**1. The application is reviewed to see if it's acceptable.** Staff will review your application to determine if all required materials are submitted and complete, and that you've addressed all of the applicable zoning criteria and standards of the Special Use you want. The staff review will be completed within 30 days from submittal. If the application is not complete, you will be notified in writing as to what information, forms, or fees are lacking, and given a specific period of time submit the information. If you fail to do this, on the 31st day after receipt, the application will be processed in the form submitted - this will result in a decision for denial.

Planning Director application forms, fees, and the required criteria can be found on our website, [www.lanecounty.org/Planning](http://www.lanecounty.org/Planning), or call the 24-hour Planning information voicemail line at 541-682-4065.

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**2. The Director conducts an Investigation.** A staff person is assigned by the Director to examine the information you've supplied, to determine if you've met standards established by the approval criteria. Referrals are made to other public agencies (County, State, Federal, and local districts such as schools), other interested public or semi-public organizations, and the owners of nearby properties are notified for the purpose of gathering initial information (a second notice is sent upon making the decision). Sometimes an on-site field visit is carried out by the staff person. If necessary, that person will contact you by phone or mail for more information or to obtain access to the site.

**3. The Director prepares a Report** which:

- a. Identifies the applicant, the property, and the request;
- b. Describes the property, services to it, and land use restrictions on it and the area around it;
- c. Gives the responses of agencies who reviewed the request;
- d. Recites the Special Use criteria the application must address, and discusses how the application does or doesn't comply with them;
- e. States whether the request is approved or denied, and why;
- f. Lists facts which support the decision and identifies documents to become a part of the file (or "record") in the event of future Appeal.

**4. The Director prepares a Notice of Decision.** When a decision is made, the staff person prepares a Notice document which identifies the applicant, the property, the Special Use request, the applicable standards and criteria, the Director's decision and any Conditions of Approval, the time and date when the decision will become final (see 6. below), and where a copy of it is available.

**5. The Notice of Decision is mailed** to you as the applicant and to any co-applicants. All persons listed in County tax records as owning land within a certain distance of the property involved in the request also receive the Notice. If your property is zoned for farm or forest use, notice is sent to properties within 750 feet of yours; otherwise, 250 feet. These distances are measured from the perimeter of your total ownership - not the perimeter of the involved tax lot or legal lot. Anyone else submitting written materials into the file record or requesting Notice of the decision is entitled to receive it, even if they're not adjacent property owners.

**6. An Appeal period begins with the Notice.** The decision mailed by the Director is not actually "final" until the time and date indicated in the Notice. This time and date is 5 P.M. on the twelfth day from the date the decision was mailed by the Director. The decision may be appealed by the applicant or any aggrieved party. If an Appeal is filed before the twelve-day deadline, the decision does not become final until the Appeal is resolved.

**7. Conditions of Approval must be satisfied.** Conditions to be fulfilled within a period of time stated in the decision must be met. Conditions which effect how the land use activity operates must be met as long as the activity is in use. Failure to meet Conditions of Approval may invalidate the approval action.

