

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where the local code provides that certain applications (1) must be “submitted on a form provided by the [Planning] Director,” (2) “must be reviewed” pursuant to Type II procedures, (3) “may be reviewed” pursuant to Type I procedures in certain circumstances, and (3) “shall not be considered accepted solely because of having been received,” the planning director has discretion to reject an application filed on an incorrect form. *Mattson v. Lane County*, 81 Or LUBA 526 (2020).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A permit applicant initiates the permit approval process by advising the county what it seeks approval for and requesting that the county act to grant land use approval. ORS 215.427 clearly recognizes that when an application is first submitted it may be incomplete, and a permit application that does not include the required filing fee may be incomplete, but nevertheless be sufficient to initiate the permit approval process. *Bora Architects, Inc. v. Tillamook County*, 76 Or LUBA 330 (2017).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** An applicant may file an application to modify a planned unit development (PUD), while also objecting to the need to file a PUD modification application, without thereby waiving the objection. *Recovery House VI v. City of Eugene*, 150 Or App 382, 946 P2d 242 (1997). *Tokarski v. City of Salem*, 74 Or LUBA 124 (2016).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where an applicant seeking to remove property from a city’s Goal 5 inventory of historic resources withdraws the request based on city code standards, but continues to request removal under ORS 197.772(3), the city correctly continues to process the application, notwithstanding a local code standard providing that the proceeding shall terminate on the date the application is withdrawn, where the city correctly concludes that the standard refers to complete withdrawal of the application, not withdrawal of one requested basis for the application. *Lake Oswego Preservation Society v. City of Lake Oswego*, 70 Or LUBA 103 (2014).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Even if application requirements have not been satisfied, that failure does not provide a basis for reversal or remand of the decision where the alleged failure to comply with the application requirements has not resulted in noncompliance with any approval standards. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A local code provision that provides that where a proposal will have significant impacts on an area, the proponent of the proposal may be required to submit more detailed and reliable evidence that the proposal will comply with applicable approval criteria than would otherwise be required in order for the county to approve an application with fewer impacts is consistent with *Fasano v. Washington Co. Comm.*, 264 Or 574, 586, 507 P2d 23 (1973), regarding the burden of proof in a quasi-judicial application for rezoning. *Tidewater Contractors v. Curry County*, 65 Or LUBA 424 (2012).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where the county code requires the signature of all owners of the property, and to ensure compliance with respect to a proposed pipeline crossing multiple properties the county imposes a condition requiring that the approval becomes effective only when the utility provider supplies all required signatures, an ambiguity in the condition regarding whether all signatures of all property owners are required for the approval to become effective is not a basis to remand the decision, where it is reasonably clear from the condition and findings that the county intended that all signatures of all owners be obtained before the approval becomes effective and building permits for any part of the pipeline can be obtained. *Citizens Against LNG v. Coos County*, 63 Or LUBA 162 (2011).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A county errs in deferring a county code requirement to obtain the signatures of all property owners to a subsequent administrative proceeding that does not provide notice or opportunity for public input, in which staff is granted the discretion to determine whether a circuit court order condemning an easement or less-than-fee interest in property “obviates” the need to obtain the signature of the fee owner. *Citizens Against LNG v. Coos County*, 63 Or LUBA 162 (2011).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A county errs in deferring the requirement to obtain the signatures of all property owners to a subsequent administrative proceeding, in which staff are granted the discretion to determine whether the county signature requirement is preempted or rendered invalid under federal law. *Citizens Against LNG v. Coos County*, 63 Or LUBA 162 (2011).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where a petitioner assigns error to a county’s failure to require an applicant for destination resort approval to pay the required \$20,000 application fee, but the record shows that (1) the applicant paid the required \$20,000 application fee for a previous application for destination resort approval that was withdrawn and replaced by the destination resort application on appeal and (2) the county applied the prior application fee to the second application for destination resort approval, petitioner’s assignment of error will be denied. *Eder v. Crook County*, 60 Or LUBA 204 (2009).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where a city’s code requires that the applicant submit a geotechnical report addressing hazards on the subject property, but does not require the report to address off-site hazards or conditions, the city does not err in relying on a geotechnical report that does not include data or soil tests from adjoining properties. *Papadopoulos v. City of Corvallis*, 59 Or LUBA 384 (2009).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** The mere fact that a plat or an application is modified does not automatically require a new application to be filed where the original application remains fundamentally intact. *Welch v. Yamhill County*, 56 Or LUBA 166 (2008).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A local government does not err in failing to require an easement holder to sign or authorize the landowner’s permit application, where the code requires only the “owner” to sign and the code defines “owner” to refer only to the owner of record, not easement holders. *Kane v. City of Beaverton*, 56 Or LUBA 240 (2008).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** When local approval criteria are amended after an application is filed and the local ordinance requires that the notice state the applicable criteria, it is not a procedural error for the local government to list the older approval criteria that are applicable to the application rather than the amended approval criteria that are not applicable. *Painter v. City of Redmond*, 56 Or LUBA 264 (2008).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** There is no prejudice to a party’s substantial rights when a notice of a hearing does not list the applicable criteria if the staff report that was available before the hearing lists the applicable criteria, the party was aware of the applicable criteria, and the party had an adequate opportunity to address the applicable criteria. *Painter v. City of Redmond*, 56 Or LUBA 264 (2008).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** When a local code provision prevents the filing of the same or “substantially similar” application within a certain time period after a previous application is denied, the plain ordinary meaning of “substantially similar” means that a second application is barred only when there is a high degree of similarity. *Henkel v. Clackamas County*, 56 Or LUBA 495 (2008).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** When a local code provision prevents the filing of substantially similar applications after the denial of a previous application, a home occupation permit application that proposes the same general construction contracting activity as the first application is nonetheless not substantially similar to the first application when it significantly reduces the scope and intensity of the proposed use. *Henkel v. Clackamas County*, 56 Or LUBA 495 (2008).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Failure to submit required information in the application materials is not necessarily a basis for remand, if the respondent identifies other evidence in the record that is sufficient to support a finding of compliance with the approval criteria, or at least explains why required information is not necessary to support the decision. *Brodersen v. City of Ashland*, 55 Or LUBA 350 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where the purpose of a zoning code requirement that a permit application be initiated in one of six specified ways is to ensure that the current property owner or purchaser of the affected property knows about and agrees with the application, and the record establishes that the current property owner agrees with the application, the county’s procedural

error in allowing the permit application to be initiated in other than one of the six ways specified in the zoning code could not prejudice a permit opponent's rights and provides no basis for reversal or remand. *Womble v. Wasco County*, 54 Or LUBA 68 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** The applicant's failure to provide a survey of individual trees on property to be subdivided is not a basis for reversal or remand, where the applicable approval standards do not require preservation of individual trees, and the information necessary to show compliance with those standards need not include that level of detail. *Broken Top Community Assoc. v. Deschutes County*, 54 Or LUBA 84 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Under ORS 227.178(4), where a city has notified a conditional use permit applicant that the application requires additional supporting information, and the applicant fails to provide the information and fails to provide the city notice that the applicant will not provide the requested information, the city may treat the application as void. *Caster v. City of Silverton*, 54 Or LUBA 441 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Although a city may deny a conditional use permit application on the basis that there is not substantial evidence to support findings that all applicable approval criteria are met, a city may not simply deny a conditional use permit application that has already been deemed complete under ORS 227.178(2) for failure to provide requested information. *Caster v. City of Silverton*, 54 Or LUBA 441 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** If a city gives notice that additional information is required in support of a conditional use permit application, but nevertheless continues to review and make a decision on that application despite the permit applicant's failure to provide the requested additional information, the local government may not simply cite that failure to provide the requested information as the basis for denying the permit application. *Caster v. City of Silverton*, 54 Or LUBA 441 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** That a conditional use permit application is deemed complete under ORS 227.178 does not necessarily mean that the application is supported by substantial evidence that demonstrates compliance with all applicable approval criteria. *Caster v. City of Silverton*, 54 Or LUBA 441 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where a tentative plan omits information required to determine if the plan complies with approval criteria, and the omitted information is not contained in the record, the failure to provide the required information provides a basis for remand. *Township 13 Homeowners Assoc. v. City of Waldport*, 53 Or LUBA 250 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** The purpose and intent of ORS 227.175(2) is to facilitate the processing of development proposals that require multiple applications by consolidating permit reviews that will apply existing laws with zone changes that will alter existing laws. *NE Medford Neighborhood Coalition v. City of Medford*, 53 Or LUBA 277 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A failure to comply with a submittal requirement does not automatically require that the city reject an application if other evidence in the record can be relied on to find that applicable approval criteria are met. *Douglas v. City of Salem*, 53 Or LUBA 567 (2007).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Absent local code provisions that prohibit re-submittal of denied land use applications, nothing prohibits an applicant from re-submitting, or the local government from accepting, a previously denied application supported by the same or additional evidence. *Gordon v. Polk County*, 50 Or LUBA 502 (2005).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A code provision requiring that where the applicant is not the owner of the subject property the owner be provided a copy of the application prior to approval is satisfied, where there are only two potential owners and both are notified of the application. *Moreland v. City of Depoe Bay*, 48 Or LUBA 136 (2004).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where the applicable area plan specifically allows submittal of a master plan application without the signatures of all owners of the property subject to the application, petitioners cannot collaterally attack that provision when a master plan application is filed, and city's interpretation that the provision in area plan controls over a more general code provision requiring the consent of all owners is supportable under *Clark v. Jackson County*, 313 Or 508, 836 P2d 710 (1992). *Lowery v. City of Keizer*, 48 Or LUBA 568 (2005).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A land use regulation requiring a city to consider all related applications in one proceeding does not require the applicant to submit all applications necessary for development at the same time, or prevent the city from approving those applications before it, notwithstanding that further applications may be necessary. *Nielson v. City of Stayton*, 47 Or LUBA 52 (2004).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Any error in a hearings officer's conclusion that the terms of an easement allow a public utility to file a land use application without the property owner's signature is harmless, where the code allows a public utility with condemnation authority to sign land use applications, and there is no dispute that the applicant is a public utility with condemnation powers under applicable statutes. *Cyrus v. Deschutes County*, 46 Or LUBA 703 (2004).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** An assignment of error that alleges that petitioners’ substantial rights were prejudiced by a city’s failure to provide notice of an applicable approval criterion provides no basis for reversal or remand, where (1) the record shows that the criterion was identified at a public hearing as being applicable; (2) petitioners had an opportunity to respond to the assertion that the criterion was applicable; and (3) petitioners’ attorney responded to the assertion by contending that the criterion was not applicable. *Martin v. City of Dunes City*, 45 Or LUBA 458 (2003).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A standard that imposes both an analytical requirement and an ultimate legal standard that public services be adequate to accommodate a proposed zone change is not satisfied by a conclusion that the ultimate legal standard is met, if the required analysis has not been conducted. *Fay v. City of Portland*, 43 Or LUBA 390 (2002).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A city code requirement that multiple requests for adjustments must cumulatively comply with the overall purpose of the zone does not require the city to consider potential future adjustment requests that are not before it. The city’s interpretation that limiting its consideration and approval to the adjustment request before it does not preclude the possibility of future adjustments is reasonable and correct. *Lee v. City of Portland*, 40 Or LUBA 498 (2001).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where a zoning ordinance includes no provisions specifying how a zoning map amendment application must be withdrawn, a local government commits no error in continuing to process a zoning map amendment request after the applicant attempts to withdraw the application and commits no error in failing to require a new application fee. *Swyter v. Clackamas County*, 40 Or LUBA 166 (2001).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** The omission of required information from an application does not necessarily constitute error if the information is later submitted and included in the record. *McNern v. City of Corvallis*, 39 Or LUBA 591 (2001).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where a permit application omits required information, the omitted information is not contained elsewhere in the record, and the omitted information is necessary to demonstrate compliance with an applicable approval standard, the failure to provide the required information is not harmless procedural error and provides a basis for reversal or remand. *Hausam v. City of Salem*, 39 Or LUBA 51 (2000).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A lack of supporting information in an application does not provide a basis for reversal or remand when the missing information is not necessary to determine compliance with a specific approval standard. *Roth v. Jackson County*, 38 Or LUBA 894 (2000).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A school district that obtained title to property through a circuit court condemnation proceeding judgment is an “owner” within the meaning of a code provision defining an owner as a person with a legal interest in property, notwithstanding the Court of Appeals’ issuance of a stay pending resolution of an appeal of the circuit court’s order denying a motion to intervene in the condemnation proceedings. *Lodge v. City of West Linn*, 35 Or LUBA 42 (1998).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A code requirement that an application be accompanied by a complete site plan is not satisfied by an application that includes a site plan for only four of 15 lots. *Deal v. City of Hermiston*, 35 Or LUBA 16 (1998).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A city cannot find it is feasible to comply with all approval criteria based on a site plan for only four of the total 15 lots and defer submission of a complete site plan, and the record does not clearly support a determination of compliance with the approval criteria where the complete site plan is not included in the record. *Deal v. City of Hermiston*, 35 Or LUBA 16 (1998).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where a local code provision requires the consent of all property owners affected by a land use application, a present owner must sign the application, notwithstanding an agreement obligating the present owner to convey the property in the future to a party who signed the application. *Johnston v. City of Albany*, 34 Or LUBA 32 (1998).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** In the absence of a code prohibition or some other obstacle identified by petitioner, a city may find a proposal that is substantially modified on remand from LUBA to be a continuation of the original application. *Sullivan v. City of Woodburn*, 33 Or LUBA 356 (1997).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A county errs in not requiring a scaled drawing of a proposed dwelling as required by local code, where the drawing is necessary to determine that the proposed dwelling complies with applicable height and roof pitch standards, and the missing information is not otherwise in the record. *Pekarek v. Wallowa County*, 33 Or LUBA 225 (1997).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** The omission of information required by a local code from a development application is harmless procedural error if the required information is located elsewhere in the record. *Brown v. City of Ontario*, 33 Or LUBA 180 (1997).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Omission of required information from an application is a procedural error that does not prejudice petitioners’ substantial rights if the information is not necessary to

determine compliance with applicable approval standards. *Venable v. City of Albany*, 33 Or LUBA 1 (1997).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** The county’s application requirements for a conditional use permit are not approval criteria; the fact that application requirements may not have been satisfied provides no basis for remand absent a showing that the failure to satisfy the requirements resulted in non-compliance with at least one mandatory approval criterion. *Le Roux v. Malheur County*, 32 Or LUBA 124 (1996).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** If a code provision simply provides the decision maker “may require” an applicant to submit a traffic capacity analysis, but petitioners identify no legal standard arguably requiring such an analysis in the instant case or establishing standards for local government decisions on whether to require such an analysis, the local government’s failure to require such an analysis does not provide a basis for reversal or remand. *Jackman v. City of Tillamook*, 29 Or LUBA 391 (1995).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Whether certain persons are “applicants” for destination resort preliminary development plan approval, as defined in the local code, requires an interpretation by the local governing body in the first instance. *Skrepetos v. Jackson County*, 29 Or LUBA 193 (1995).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** To obtain reversal or remand of a decision because information required by the local code is missing from the application, petitioner must explain why the missing information is necessary to determine compliance of the proposed development with applicable approval standards, and the missing information must not be found elsewhere in the record. *Champion v. City of Portland*, 28 Or LUBA 618 (1995).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Code provisions which simply require a land use application to contain certain information, and explain the burden is on the applicant to establish compliance with relevant approval criteria, do not impose an affirmative requirement on the applicant to disclose a dispute the applicant may have with another jurisdiction concerning another permit. *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Limitations on a local government’s authority over development applications must be specifically expressed in the local code. *Lamm v. City of Portland*, 28 Or LUBA 468 (1995).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Absent a statutory or local code provision to the contrary, a local



government may recognize a property owner who signs a permit application as an applicant, or allow a change in the applicants for a permit. *Reeves v. Yamhill County*, 28 Or LUBA 123 (1994).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** In order for a petitioner to obtain reversal or remand of a decision because information required by the local code is missing from the application, petitioner must explain why the missing information is necessary to determine compliance of the proposed development with applicable approval standards, and the missing information must not be found elsewhere in the record. *Furler v. Curry County*, 27 Or LUBA 497 (1994).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where a local code provision does not explicitly state the requirements listed thereunder for a complete development application are “jurisdictional,” the local government’s interpretation of the code provision as imposing procedural rather than jurisdictional requirements is not inconsistent with the express words, purpose or policy of the code and, therefore, must be affirmed. *BCT Partnership v. City of Portland*, 27 Or LUBA 278 (1994).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where the applicant is a general partnership, a code requirement that the application bear the signature of the applicant is satisfied if the record indicates the person who signed the application is a general partner. *BCT Partnership v. City of Portland*, 27 Or LUBA 278 (1994).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A local government acts within the interpretive discretion afforded by ORS 197.829 in finding a code requirement for a statement of the nature of the applicant’s interest in the subject property is satisfied where the application states the applicant is the “future property owner” and there is evidence in the record that the applicant has acquired or will acquire the property. *BCT Partnership v. City of Portland*, 27 Or LUBA 278 (1994).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** An applicant’s failure to include particular information required by the local code on a permit application provides no basis for reversal or remand, unless petitioner explains why the missing information is necessary to determine compliance with specific applicable approval standards. *Wissusik v. Yamhill County*, 27 Or LUBA 94 (1994).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** The fact that a PUD proposal was altered in 1992 to eliminate a need for story variances, does not retroactively cause the underlying application, submitted in 1990, to be incomplete at the time it was submitted. *Corbett/Terwilliger Neigh. Assoc. v. City of Portland*, 25 Or LUBA 601 (1993).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where a proposal is changed after the permit application is submitted, ORS 227.178(3) locks in the standards in effect at the time the application was first

submitted, so long as the original proposal remains “fundamentally intact” after the change. *Corbett/Terwilliger Neigh. Assoc. v. City of Portland*, 25 Or LUBA 601 (1993).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where a local government’s interpretation of its own code, that a county department manager may initiate an application for development approval on behalf of the local government, is not clearly contrary to the express words, policy or context of the local code, LUBA will defer to it. *Choban v. Washington County*, 25 Or LUBA 572 (1993).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where LUBA’s decision on petitioners’ first appeal found the local government erred by failing to interpret and apply certain code provisions to the subject application, and petitioners did not appeal that LUBA decision, petitioners have waived the argument that a separate application is required to give the local government jurisdiction to apply the code provisions in question. *Gage v. City of Portland*, 25 Or LUBA 449 (1993).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** In the absence of a code provision to the contrary, a local government is not required to allow modifications to a subdivision application to enable its approval. *Schatz v. City of Jacksonville*, 25 Or LUBA 327 (1993).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** In order for a petitioner to obtain reversal or remand by LUBA of a challenged decision because information required by the local code is missing from the subject land development application, petitioner must argue that the missing information is not found elsewhere in the record and explain why the missing information is necessary to determine compliance of the proposed development with applicable approval standards. *Murphy Citizens Advisory Comm. v. Josephine County*, 25 Or LUBA 312 (1993).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where local subdivision approval standards adopted pursuant to ORS 92.044(1) specifically provide that a subdivision application may be approved with modifications, the local government may accept a modified application for subdivision approval following submittal of the initial application without requiring that the entire approval process be repeated. *Miller v. Washington County*, 25 Or LUBA 169 (1993).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Following LUBA reversal of a city decision approving a permit application, the choice between whether to allow the permit application to be amended or to require that a new permit application be submitted is within the city’s discretion, provided any local code requirements governing that choice are followed. *Seitz v. City of Ashland*, 24 Or LUBA 311 (1992).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where an applicant’s attorney represents that the applicant is acting as the agent of the property owner, the application for land use approval is initiated by the

authorized agent of the record owner, as required by the local code. *Columbia River Television v. Multnomah County*, 24 Or LUBA 82 (1992).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where intervenors filed a conditional use permit application as an agent of the property owner, there is no violation of the provision in ORS 215.416(1) stating that an owner of property may apply for a permit. *Silani v. Klamath County*, 22 Or LUBA 735 (1992).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** A local code requirement that a review body may not consider a request for a conditional use permit within one year following a previous denial of “such” request, prohibits submission of a conditional use permit application for the same use on the same property as previously denied. It does not prohibit the submission of a conditional use permit application for a different use of the property. *Silani v. Klamath County*, 22 Or LUBA 735 (1992).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Although the party initiating a challenged zoning ordinance amendment was not clearly identified on the application and notices of local public hearings as required by the local code, such procedural errors provide no basis for reversal or remand where petitioners’ substantial rights were not prejudiced. *Parmenter v. Wallowa County*, 21 Or LUBA 490 (1991).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where the local code provides that a property owner may file a conditional use application, a property owner has standing to file an application for approval of a home occupation, even though the property owner does not propose to reside in the dwelling and conduct the home occupation. *Tarbell v. Jefferson County*, 21 Or LUBA 294 (1991).

**25.4.2 Local Government Procedures – Compliance with Local Ordinances/Regs – Application Requirements.** Where the local code allows a property owner’s agent to file a land use application “provided the application is accompanied by proof of the agent’s authority,” but proof of the agent’s authority was not submitted until after the application was filed, the local government at most committed a procedural error, not grounds for reversal or remand unless petitioners were prejudiced by the delay in submitting the authorization. *Bridges v. City of Salem*, 19 Or LUBA 373 (1990).