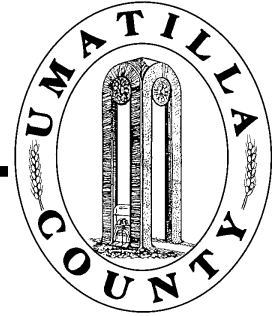


Umatilla County

Department of Land Use Planning

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252



Conditional Use Permit

Supplemental Application & Information Packet

Note: Please complete the Land Use Request Application as well.

DEFINITION

Conditional Uses: Activities that are similar to other activities permitted within a zone, but are not entirely compatible with the permitted uses or purpose and intent of the zone, or compatible with surrounding land uses on adjacent lands in another zoning district.

PROCESSING THE APPLICATION

The typical application process is approximately six to eight weeks long.

Most applications are processed through "administrative review." Planning staff has 30 days to review the application for completeness; and once the application is deemed complete planning staff has an additional 20 working days to prepare a staff report.

The staff report is mailed out to the applicant(s), owner(s), all surrounding property owners, affected government agencies and utility companies. Those notified are given 21 days in which to respond with questions, comments, recommended conditions, or to request a public hearing.

PUBLIC HEARING

A public hearing is held if requested by a response to the mailed notice, or the request may be directed to a public hearing at the discretion of the planning director the hearing will be scheduled for the next available county

planning commission meeting. There is a \$250.00 charge for requesting a public hearing.

CRITERIA FOR A CONDITIONAL USE

There are a myriad of conditional uses that are offered in the various zones in Umatilla County. Each conditional use has associated criteria. Please obtain a copy of UCDC and answer the criteria found for the use that you are requesting on a separate sheet of paper.

COMBINED FEES

For combined applications (example: comprehensive plan/ zoning change, conditional use/land partition, land use decision/variance, etc.) The fee is determined as the total of the highest applicable fee plus 75% of any additional fees. Zoning permits are not considered as part of a combined application.

FEES

Application Fee - \$500.00, plus the cost of notices. Cost of the notices will be invoiced afterwards and must be paid prior to final approval. (Effective July 1, 2007 via Ord. #2007-06)

It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application.

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Criteria that may be applied if the parcel is within an EFU Zone.

§ 152.061 STANDARDS FOR ALL CONDITIONAL USES.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
(Ord. 2005-02, passed 1-5-2005)

Criteria that may be applied if the parcel is within any zone.

§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT.

(A) A conditional use permit shall be void after one year or such lesser time as the permit may specify unless 20% of the total estimated project cost has occurred or the proposed use has occurred. However, the Planning Director or the proper planning authority may extend authorization for an additional period not to exceed one year, on request from the applicant. The total time allowed shall not exceed two years from the original approval date.

(B) If delay in establishing the use is demonstrably due to a delay by a state or federal agency in issuing a required permit, at no fault of the applicant, the Planning Director or a Designee of the Planning Director may extend the time limit imposed by division (A) of this section for a period not to exceed one year following issuance of the state or federal agency permit. The applicant shall establish that state or federal permits have not yet been issued, and

that the delay has not been caused by the applicant.

(C) Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years. (Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-2005)

§ 152.614 LIMIT ONE APPLICATION.

No application for a conditional use permit shall be considered within one year of the denial of such a request, unless in the opinion of the Hearings Officer, Planning Director or the appropriate planning authority new evidence or a change of circumstances warrant it. (Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-2005)

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, glare or odor;

(B) Establishing a special yard, other open space or lot area or dimension;

(C) Limiting the height, size or location of a building or other structure;

(D) Designating the size, number, location and nature of vehicle access points;

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

(J) Designating the size, height, location and materials for a fence;

(K) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources;

(L) Parking area requirements as listed in §§ [152.560](#) through [152.562](#) of this chapter.

(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-2005)

Section 1 – Special Exceptions for a Temporary Mobile Home

Taken from UCDC 152.576, Special Exceptions for a Temporary Mobile Home or Hardship Dwelling

Purpose. The purpose of this section is to establish special exceptions for temporary mobile home placement. These exceptions are intended to provide a means for modifying mobile home placement requirements in cases where a strict adherence to them might cause unusual or undue hardship to a citizen and contravene the goals of the Comprehensive Plan for the county. **UNDUE HARDSHIP** shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel such as a dwelling for seasonal farm labor, aged or disabled family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal use on the property in question. Nothing in this section shall be construed to require the granting of such special exception.

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1. Does there exist a personal, but not necessarily financial, hardship on the part of the applicant, whereby it is necessary to have someone living on the same premises as the applicant's dwelling or mobile home; or,

- No hardship exists
 Yes, there is a personal hardship, please explain the hardship below:

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2. Will the resident of the mobile home be engaged in bona fide agricultural, forestry management or mineral extraction work on the subject property, and where the subject property is not in an EFU or GF Zone?

- No the resident will not work on the subject property.
 Yes, the resident will be working on the subject property, please explain below:

Other standards that will be applied:

- The temporary mobile home shall be connected to the same subsurface sewage disposal system used by the existing dwelling. If the temporary hardship home will use a public sanitary sewer system such condition will not be required;
- Approval shall be for a period of two years, which may be renewed. However, the mobile home shall be removed 90 days after the original need has ceased;
- The Hearings Officer may require doctor's certification for applications based upon family member dependency due to medical reasons;
- The location of a temporary mobile home on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply;
- In granting a special exception for temporary mobile home placement, the Hearings Officer may impose additional reasonable conditions to meet the purposes of this section and the goals and policies of the Comprehensive Plan. Guarantees and evidence of compliance with conditions may be required.

Section 2 – Home Occupation/Cottage Industry

Taken from UCDC 152.616 (II) and UCDC 152.617, (I) (H), Conditional Use Permits

1. Describe the home occupation/cottage industry in detail (i.e. the nature of the business, what is being done, how often people visit the home, etc.)

2. Is the home occupation/cottage industry secondary to the main use of the property as a residence?

- No it is separate from the main use of the property as a residence.
- Yes, the home occupation is secondary to the main use of the property as a residence. Please explain how the home occupation is secondary:

3. Will the home occupation be operated by the resident or an employee of a resident of the property on which the business will be located (within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located)?

- No the home occupation will be operated by someone other than the resident or an employee of the resident.
- Yes, the home occupation will be operated by the resident or an employee of the resident. Please describe who will be operating the home occupation:

4. How many employees will there be working in the home occupation operation, both full and part time employees?

How many employees will work at the business? _____

5. Will there be structural alterations to the building where the home occupation will be located? If structural alterations are necessary, these alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence.

- No alterations are necessary.
 Yes, there are alterations that are necessary, the plans are attached. Please describe the alterations:

6. Will any materials or mechanical equipment be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors?

- No materials or mechanical equipment will be detrimental to nearby residences. Please explain:

- Yes, the materials and/or mechanical equipment will be detrimental to nearby residences. Please explain:

7. Will retail sales be associated with the home occupation?

- No retail sales will be available.
 Yes, retail sales will be available but is accessory to the service being offered. Please explain:

Other standards that will be applied:

- Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;
- There shall be no display other than a Type 2 sign that will indicate from the exterior that the building is used in whole or part for any purpose other than a dwelling;

152.546 (B) *Type 2*. One name plate not exceeding six square feet in area for each dwelling unit, indicating the name of the home site, or the name of the occupant, or the home occupation providing that the name plate or sign is attached to the house or is set back from the property line at least 10 feet.

- A home occupation/cottage industry approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation/cottage industry exists.
- The existence of a home occupation/ cottage industry shall not be used as justification for any future zone change.