

Conditional Use Permit

Supplementation Application & Information Packet

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



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

Email: planning@umatillacounty.gov

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 is a myriad of conditional uses that are offered in the various zones in Umatilla County and not all are listed in this

Conditional Use Permit packet. Each conditional use has associated criteria. **Please obtain a copy of UCDC 152.616 or 152.617 and answer the criteria found for the use on a separate sheet of paper.** A copy of the development code is available at www.umatillacounty.net or at the County Planning Department.

FEES

Application Fee for any use not otherwise specified - \$750.00, plus the cost of notices.

- *Temporary Hardship Dwelling* - \$350.00, plus the cost of notices.
- *Small Significant Aggregate Site* - \$2,000.00, plus the cost of notices.
- *Cell or Met Towers* (greater than 200 feet in height) - \$2,500.00, plus the cost of notices.
- *Commercial Utility Facility* - \$5000.00, plus \$1,000 per tower for a Wind Facility, plus the cost of notices.

Cost of the notices will be invoiced afterwards and must be paid prior to final approval.

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

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

§ 152.061 STANDARDS FOR ALL (EFU/GF) 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 1-5-05)

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

§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.

(A) A conditional use permit or land use decision shall expire after one year (except for a land use decision for a dwelling in the EFU Zone per § 152.059 (K)) from the date the final findings are signed, unless all applicable conditions have been met and a zoning permit is obtained. The Planning Director or the designated planning authority may extend authorization for a conditional use or land use decision for an additional period not to exceed one year (except for a land use decision for a dwelling in the EFU Zone per § 152.059 (K)) on written request from the applicant prior to the expiration of the permit. 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.

(D) A conditional use that was granted a zoning permit per paragraph (A) but no longer complies with the conditions of approval shall become void upon a ruling of the Planning Director or designated planning authority.

(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2011-02, passed 3-17-11)

§ 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, water 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, air resources, wildlife habitat, or other 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 1-5-05; Ord. 2011-05 passed 6-28-11)

Section 1 – Special Exceptions for a Temporary Mobile Home

Taken from UCDC 152.576, Special Exceptions for a Temporary Mobile Home/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 aged or disabled family members 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. Describe the medical hardship that would require personal care for the applicant.

 2. Who has the medical issue which necessitates constant personal care? Are you related?

 3. Who will be the person(s) to provide the personal care? What type of care is needed?

 4. What type of dwelling will be used for the Temporary Mobile Home (hardship dwelling)?

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 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 – Temporary Hardship Dwelling

Taken from UCDC 152.617, (I) (V), for property within an EFU or GF Zone.

Purpose. The purpose of this section is to establish temporary hardship dwellings in the EFU Zone. A hardship dwelling is one manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. **UNDUE HARDSHIP** shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel. The aged or disabled person must require direct personal care in order to qualify for a temporary hardship dwelling. If the hardship is suffered by the existing resident, then a non-relative caregiver may live in the temporary hardship dwelling. Nothing in this section shall be construed to require the granting of such temporary hardship dwelling.

1. Describe the medical hardship that would require personal care for the resident or a relative of the resident.

2. Who has the medical issue which necessitates constant personal care? Are you related?

3. Who will be the person(s) to provide the personal care? What type of care is necessary?

4. What type of dwelling will be used for the Temporary Hardship Dwelling?

Conditions. The following conditions shall be applied in evaluating an application for a Temporary Hardship Dwelling:

- The temporary hardship dwelling shall be connected to the same subsurface sewage disposal system used by the existing dwelling. If the temporary hardship dwelling will use a public sewer system, such condition will not be required;
- Approval shall be for a period of two years, which may be renewed; additional doctor's certification may be required to confirm the continued existence of a medical hardship.
- The Planning Director or designated authority may require doctor's certification based upon family member dependency due to age and/or medical reasons.
- The location of a temporary hardship dwelling 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;
- Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.
- A temporary hardship dwelling approved under this sub-section is not eligible for replacement.
- Approval of a temporary hardship dwelling will require the property owner sign and record a covenant to remove the temporary dwelling once the person approved for the hardship dwelling no longer occupies the dwelling.

Section 3 – 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?

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. Will the business be operated within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located?

No the business will not be operated in the home or other buildings on the property. Please explain.

Yes, the business will be operated within the home or other buildings on the property.

5. 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? _____

6. 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:

7. 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.
- Yes, the materials and/or mechanical equipment will be detrimental to nearby residences. Please explain:

8. 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.

Section 4 – Mining, Existing or New Operations

Taken from UCDC 152.616 (Q) and UCDC 152.617, (I) (K), Conditional Use Permits.

PLEASE NOTE: A Plan Amendment will also be required when establishing a “Small Significant Site” within the EFU or GF Zone (unless already on the Inventory of Significant Sites).

1. **Extraction holes and sedimentation ponds** shall comply with the following restrictions and regulations under the following circumstances

(a) In an existing pit.

(1) They shall not be allowed within 25 feet of a public road, county road or utility right of way and shall not exceed over 75% of the total land mass and shall be centered on the property.

(2) They shall not be allowed within 100 feet from the part of a property line which is adjacent to a residential dwelling.

(b) In a new pit. They shall be located not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback. The new pit shall be centered on the property and not exceed 75% of the total land mass.

How far from a public road or utility ROW will the extraction holes and sediment ponds be placed? _____ feet

What percentage of the property will be utilized for the extraction holes and sediment ponds?

_____ Mining Acres / _____ Total Acres
equals _____ % of Property

Will the extraction holes and sediment ponds be any closer than 100 feet from a property line that is adjacent to a dwelling?

No the site is not within 100 feet of a property line adjacent to a dwelling

Yes, the site is within 100 feet. Please explain.

Will the extraction holes and sediment ponds be any closer than 500 feet from a property line that is adjacent to a dwelling?

No the site will not be within 500 feet of a property line adjacent to a dwelling

Yes, the site will be within 500 feet. Please explain on a separate page.

What percentage of the property will be utilized for the extraction holes and sediment ponds?

_____ Mining Acres / _____ Total Acres
equals _____ % of Property

2. **Processing equipment** shall comply with the following restrictions and regulations under the following circumstances:

(a) **In an existing pit.**

(1) Equipment shall not be located within 50 feet of a public road, county road or utility right of way or located further away if deemed necessary.

(2) Equipment shall not be located within 100 feet from any part of a property line, which is adjacent to a residential dwelling or further if deemed necessary.

(b) **In a new pit.** Where the use of processing equipment such as crushers, batch plants, and the like, the operator will be required to place such equipment not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback.

How far from a public road or utility ROW will the processing equipment be placed?
_____ feet

Will the processing equipment be any closer than 100 feet from a property line that is adjacent to a dwelling?

No the equipment will not be within 100 feet of a property line adjacent to a dwelling.

Yes, the equipment will be within 100 feet. Please explain on separate page.

Will the processing equipment be any closer than 500 feet from a property line that is adjacent to a dwelling?

No the equipment will not be within 500 feet of a property line adjacent to a dwelling.

Yes, the equipment will be within 500 feet. Please explain on separate page.

3. **Access Points.** All accesses and their locations shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

An Access Permit has been granted or is in process of review by the County Public Works – (541) 278-5424, to verify whether the access point will minimize traffic danger. Provide a copy to the County Planning Department.

4. **Site Plan.** Legible copies of a detailed site plan shall be submitted. Such site plans shall have a horizontal scale that is no smaller than one inch equals 400 feet and shall show, but not be limited to, the corners and boundaries of the mining areas; the area to be mined; the location and names of all streams, natural areas, roads, railroads, and utility facilities within or adjacent to such land; the location of all proposed access roads to be constructed in conducting such operations; if applicable, location of each phase of the mining activity; date; contour interval; and the identification of an area by legal subdivisions (section, township and range). If aerial photographs are used as a base, the scale shall be shown;

A Site Plan is attached drawn with the submittal requirements. An accurate site plan is critical to the review process.

5. **Haul Road.** Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration and be located so that they are not directed through recreational residential or rural residential areas and zones. Dust free (site) access roads may be required near concentrated residential areas;

The County Public Works, (541) 278-5424, has been contacted to determine the standards to construct the haul roads for the aggregate site. Provide verification to the County Planning Department that the haul roads were/will be constructed to County standards. Dust reduction in sensitive areas – residential areas – is required.

6. **Reclamation Plan.** A reclamation plan has been submitted to the Department of Geology and Mineral Industries (DOGAMI);

A reclamation plan was or will be submitted to the Department of Geology and Mineral Industries (DOGAMI). A copy must be provided to the County Planning Department of the DOGAMI approval of the reclamation plan.

7. **Other Permits.** The operation complies with all applicable air, noise and water quality regulations of all county, state or federal jurisdictions and all applicable state or federal permits are obtained;

All applicable county, state, and federal air, noise and water quality permits have or will be obtained.

List the other permits necessary:

Provide copies to the County Planning Department of the other required permits.

8. **Post-mining use determined.** How will the property be used after the mining operation is complete? Please explain below or on separate page.

9. **Water Source.** What is the water source that will be used for the operation of the mining site (i.e. processing, dust control, etc.)?

Water Source: _____

If the source is a ground water or surface water right, please provide documentation showing authorization to use that water source.

Other standards that will be applied:

1. Rehabilitation of landscape after the extraction operations are completed. A bond sufficient to cover costs plus 10% of necessary road improvements, vermin, reclamation, landscaping and other pertinent conditions, may be required. Such bond or time limit will insure timely rehabilitation and protect the health, safety and public welfare of adjacent property owners and lands. These standards do not apply to any parcel or area as a plan site, work area for an ongoing extractive mining or aggregate operation.
2. All equipment, refuse, and temporary structures shall be removed from the project site and the site left free of debris after completion of the project;
3. The activity complies with other conditions deemed necessary, which may include, but are not limited to:
 - (a) Limitations on lighting;
 - (b) Restrictions on the hours of operations;
 - (c) Fencing of open pit areas;
 - (d) An increase or decrease in required setbacks;
 - (e) Proof of adequate water supplies for dust control, reclamation, and if required, landscaping.
 - (f) Off site stockpiling and/or processing if located adjacent to concentration of residential dwellings.
4. Within an Exclusive Farm Use Zone, the requested site must be included on an inventory included in the acknowledged Comprehensive Plan in order for a permit for mining of aggregate to occur.