



MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: _____

Application Fee: _____

Date Received: _____

Date Deemed Complete: _____

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

APPLICANT INFORMATION Check box if same

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

PROPERTY INFORMATION

Township: _____ Range: _____ Section: _____ Tax Lot: _____ Ref #: _____ Acres: _____ Zoning: _____

Address: _____

Current use: _____ Use of surrounding properties: _____

Proposed use: _____ Permitted subject to section: _____

Water source: _____ Sewage disposal method: _____

Are the wetlands/water waterways on your property? No Yes (description): _____

Do you own neighboring property? No Yes (description): _____

Name of road providing access: _____

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____

or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: _____

Current Deed #: _____ Date Filed: _____

**The deed and a map showing the property described in the deed(s) must accompany this application.*

**Additional descriptive maps and pictures may be attached.*

SIGNATURES:

Property Owner(s): _____ Date: _____

Property Owner(s): _____ Date: _____

Applicant(s): _____ Date: _____

Applicant(s): _____ Date: _____

PLEASE NOTE: Before this application will be processed, you must supply all requested information and forms, and address all listed or referenced criteria. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel Deed/Land Use Action: _____ Previous Map and Tax Lot: _____ Past Land Use Actions: If yes, list file #(s) _____ _____ _____ Subject to previous conditions? Assessor Property Class: _____ Zoning: _____ Water Resources: Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? Describe (include setback distances): _____ <input type="checkbox"/> Fish bearing <input type="checkbox"/> Non fish bearing <input type="checkbox"/> Seasonal Creek <input type="checkbox"/> Irrigation ditch <input type="checkbox"/> Wetland <input type="checkbox"/> Pond/Lake <input type="checkbox"/> Not identified (Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.) Access: County or ODOT approach permit on file? <input type="checkbox"/> NO <input type="checkbox"/> YES, # _____ Address: Address exists and has been verified to be correct? Address needs to be assigned after approval? Fire District: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES
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MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918

Phone (541)473-5185

CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN REQUEST

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling				
Driveway				
Accessory Structure				
Agricultural Structure				
Other				
EXISTING				
Dwelling				
Accessory Structure				
Agricultural Structure				
Other				

CONDITIONAL USE CRITERIA – Malheur County Code (MCC) CHAPTER 6-6-7

1. The proposal must be consistent with the goals and objectives of the Comprehensive Plan and MCC.
2. Taking into account location, size, design and operational characteristics of the proposed use, describe how your proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses:

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:

Describe the number of people/employees/customers associated with the proposed use:

3. What are the existing developments and viewpoints of property owners in the surrounding area?

4. The proposed use cannot exceed or significantly burden public facilities and services available to the area. Please describe the impact the proposed use will have on the following public facilities and services and provide letters from the appropriate entities:

Roads:

Fire & Police Protection:

Sewer & Water:

Electrical & Telephone:

Solid Waste Disposal:

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?

6. Demonstrate that the proposed use will not interfere with traditional fish and wildlife use of habitats determined critical or sensitive in the fish and wildlife habitat protection plan for Malheur County.

7. How will the proposed use increase setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances during development and operation?

8. What are the proposed landscaping improvements for the visual benefit of the subject site and for the improved appearance of the neighborhood and County?

9. The location and size of driveway access points and right of way widening and improvement for present and future traffic circulation consistent with the adopted County road standards or the standards of the appropriate road district and the access management standards of the Malheur County Transportation System Plan.

10. What is the proposed visual screening of the outdoor waste and storage areas?

11. What efforts will be in place to control and focus the outdoor lighting to avoid glare being directed beyond property limits?

12. Demonstrate how the proposed use will not significantly increase the cost of, or force a significant change to, accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use.

Describe the agricultural uses (orchards, wheat, grazing, etc.) that are within 0.25 miles of the proposed development. How will the proposed development interact with surrounding agriculture uses?

**MCC 6-3F-5: In all C-RSC zones the performance standards contained in section 6-3G-4 of the Malheur County Code shall apply to all nonresidential and all nonagricultural activities.*

PERFORMANCE STANDARDS – Malheur County Code (MCC) CHAPTER 6-3G-4

A. *Physical Appearance:* With the exception of gasoline pumps, all operations other than pick-ups and deliveries shall be carried on within an enclosed building; provided, that new materials or equipment in operable condition may be stored in the open, such as a sales lot. Normal daily wastes may be stored in containers outside of a building when such containers are not readily visible from beyond the property line. The provisions of this subsection shall not be construed to prohibit the display of merchandise or vehicle for sale or rental, or the storage of automobiles, farm machinery, trailers, manufactured dwellings or similar equipment in operable condition when in association with a permitted use. The required yard areas other than driveway openings shall be landscaped. (Ord. 147, 4-14-2004)
Considering this, what is the proposed physical appearance for the project? _____

B. *Hazard:* No operation shall be established which fails to meet the state fire and electrical codes and any other applicable State or Federal codes related to safety. This provision shall not be construed to prohibit the use of normal heating fuels, and other volatile materials when handled in accordance with applicable codes.
Will there be any hazardous materials used in the proposed project and if so, how will they be handled?

C. *Noise:* No operation shall be carried on which creates noise in excess of the normal traffic noise of the adjacent street at the time of daily peak hour traffic volume. Noise volume generated by the use shall be measured at any property line. The comparable traffic noise shall be measured at the property line adjacent to the street. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.
What are estimated noise levels and will they be in compliance? _____

D. *Sewage and Liquid Waste:* All operations shall comply with any applicable regulations of the County, State or Federal agencies responsible for pollution control. No wastes of a chemical, organic or radioactive nature shall be injected or buried in the ground or stored in the open on the surface except in approved containers.
What are the proposed means of disposal of sewage and liquid waste? _____

E. *Smoke, Particulate Matter And Gases:* No use shall be established which fails to meet the air quality regulations of the Oregon DEQ pertaining to emissions of smoke, particulate matter, fugitive dust, gases and other air contaminants.
How will the proposed project comply with this regulation? _____

F. *Odor:* The emission odors that are generally agreed to be obnoxious to any considerable number of persons is prohibited. Observations shall be made at the property line of the establishment generating the odor. It is deemed that odor of putrefaction, hydrogen sulfide, fermentation and rendering processes are objectionable while odors associated with baking, coffee roasting or nut roasting are normally not considered obnoxious. What are the means of odor control for the proposed project? _____

G. *Vibration:* All machines shall be mounted so as to minimize vibration and in no case shall such vibration be perceptible, without the use of instruments, at the property line. Will there be any vibration as part of this project?

H. *Glare and Heat:* Any glare producing operations, such as welding arcs, shall be shielded so that they are not visible from the property line. Surfaces near the glare source shall be of a type which will minimize the reflection of such glare beyond the property line. How will the glare and heat be controlled and minimized?

I. *Dust:* All surfaces used in the operation of the use shall be graveled or paved with a dust free surface. Gravel surfaces shall be watered down when conditions of use or weather cause dust to travel toward structures on adjacent properties. What are the dust control measures that will be applied for the proposed project?

J. *Interpretation:* Whenever it cannot be decided by reasonable observation that a performance standard is being met, it shall be the responsibility of the operator of the use to supply evidence or engineering data to support the contention that standard is being met. The standards are designed, except where referring to other codes, to be judges by ordinary human senses and not by the minute detail of scientific quality instruments. Until such evidence or engineering data is supplied and proves to be convincing, the judgment of the planning director shall be the determining factor. (Ord. 86, 12-7-1993)