



# MALHEUR COUNTY

PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918

Phone (541)473-5185

File Number: \_\_\_\_\_

Application Fee: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Deemed Complete: \_\_\_\_\_

## LAND USE APPLICATION COVERPAGE

### 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:**

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Property Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_

Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_

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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.

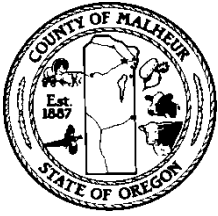
**ALL LAND USE APPLICATIONS MUST INCLUDE:**

- Application Fee – Cash or Check (credit cards now accepted with additional fee)
- Site Plan
- Elevation Drawing
- Fire Safety Self-Certification
- Other applicable information/application(s):

**SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT**

<b>Legal Parcel</b> Deed/Land Use Action: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Previous Map and Tax Lot:</b> _____	
<b>Past Land Use Actions:</b> If yes, list file #(s) _____ _____ _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
Subject to previous conditions?	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Assessor Property Class:</b> _____	
<b>Zoning:</b> _____	
<b>Water Resources</b> 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 <i>(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)</i>	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Access:</b> County or ODOT approach permit on file? <input type="checkbox"/> NO <input type="checkbox"/> YES, # _____	
<b>Address:</b> Address exists and has been verified to be correct? Address needs to be assigned after approval?	<input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Fire District:</b> _____	
<b>Fees (List Review Type and Cost):</b> _____ _____ _____	

*Last Updated 01/30/2020*



# MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918

Phone (541)473-5185

## CONDITIONAL USE PERMIT

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### DETAILED SPECIFIC WRITTEN REQUEST

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*(Attach additional pages if necessary)*

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### 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:

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

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

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

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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:  

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Fire & Police Protection:  

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Sewer & Water:  

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Electrical & Telephone:  

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Solid Waste Disposal:

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

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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.

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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?

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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?

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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.

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**MINOR HOME OCCUPATIONS – Malheur County Code (MCC) 6-6-8-6**

1. The following shall not be permitted:

- a. Home businesses in rural residential land use zones.
- b. Retail sales, showroom activities, or storefront operations conducted on the site of a minor home occupation, home occupation, or home business.
- c. Automotive repair, including engine, body, painting, of more than one vehicle at a time owned by a person not residing at the site, regardless of compensation paid for the service.
- d. Outdoor storage associated with auto repair under this chapter of more than one vehicle at a time not owned by a person or persons residing at the site.
- e. Household appliance sales, repair, or rehabilitation.
- f. Ministorage facilities operated as a minor home occupation, home occupation, or home business.
- g. Junkyards operated as a minor home occupation, home occupation, or home business.
- h. Nothing in this section authorizes construction of any structure without a building permit and that would not otherwise be allowed in the zone in which the home occupation or business is to be established.
- i. Minor home occupations, home occupations and home businesses shall not involve the manufacture or generation of materials deemed hazardous by other local, state, or federal law or regulation. Hazardous materials and hazardous wastes shall be stored in accordance with state and federal laws and regulations.
- j. Minor home occupations, home occupations and home businesses shall not be transferred to another person or site without first applying for a new permit.

2. This section shall not apply to:

- a. A childcare provider who regularly provides childcare in the provider's home, in the family living quarters, for no more than three (3) children other than the person's own children, or for children from only one family other than the person's own family.
- b. Farm or ranch use as defined by ORS 215.203(2) where the business activities of the farm or ranch are conducted in a home or office on the property.
- c. Hobby or collection activities associated with automobile or aircrafts, including sales, barter or trades among hobbyist who are in compliance with Malheur County code public nuisance ordinances.

1. Describe the scale of the operation:

*\*A minor home occupation must fit within the dwelling without expanding the structure or within an existing residential garage or accessory building, and must be incidental to the use of the dwelling as a residence and incidental to the original uses of the residential garage or accessory building.*

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**2. Who will be the participants in the business?**

*\*No persons other than family members living on the property shall be engaged in the minor home occupation.*

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**3. Demonstrate that the character / visual appearance of the property shall not be altered by the minor home occupation:**

*\*The property upon which the minor home occupation exists shall be kept in a clean, neat, orderly fashion. There shall be no visible evidence of the conduct of a minor home occupation from outside the property except as otherwise allowed by this section.*

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**4. Describe the storage means for the minor home occupation:**

*\*All materials associated with the minor home occupation shall be contained within the allowed dwelling, garage or accessory building.*

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**5. Describe the display and signs for the minor home occupation:**

*\*There shall be no display of products visible from outside the allowed dwelling or accessory structure. Notwithstanding MCC Chapter 7, there shall be no signs advertising or identifying the minor home occupation (See addendum A).*

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**6. Describe the projected traffic flow generated by the minor home occupation:**

*\*Customer, client and/or business traffic shall not exceed five (5) trips per day. Business delivery vehicles shall not exceed gross vehicle weight of eleven thousand (11,000) pounds. U.S. postal service deliveries are exempt from this requirement.*

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**7. Describe the projected customer parking availability for the minor home occupation:**

*\*Vehicles owned, leased or operated by the participants of a minor home occupation shall not be parked or stored on the street or in the public right of way.*

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**8. Describe the projected days and hours of operation and noise mitigation for the minor home occupation:**

*\*Noise shall be kept to a minimum at all times, especially between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. Equipment that creates a shrill or penetrating sound shall, at all times, be operated only within an enclosure that effectively prevents noise measured at the nearest dwelling exceeding the otherwise ambient noise level of the neighborhood. Where a question arises regarding noise levels, the planning director's determination shall be final.*

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**9. Describe the projected odors mitigation for the minor home occupation:**

*\*Odors shall not be detectable from any boundary of a minor home occupation property at any time.*

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**10.** Describe the projected electrical interference mitigation for the minor home occupation:

*\*A minor home occupation shall not create visual or audible electrical interference in any radio, television, or other electrical device off the subject property or cause fluctuations in line voltage off the subject property.*

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## Addendum A – MCC Chapter 7

### 6-7-1: PURPOSE AND SCOPE:

- A. *Purpose:* The purpose of this chapter is to maintain or improve the aesthetic quality of the county's agricultural, residential and business environment, to promote traffic safety through the regulation of the design, placement, quality of materials, construction, location, electrification, illumination and maintenance of all signs visible from public property, public rights of way, and private areas open to public vehicular traffic.
- B. *Scope:* Signs are structures, rigid panels or fabrics which are regulated as different types of land uses dependent upon factors including general types of message, size and location. Billboards, marquees and some types of temporary or manually changeable copy signs are recognized as types of land use that serve a general advertising purpose rather than the identification and directional purpose of the majority of signs regulated by this chapter. These regulations are not intended to, and do not, dictate or limit the content of those signs allowed for general advertising purposes except those that may carry an obscene message or may provide an illegal product or action.
- C. *Sign Regulation:* Except for a type 1 or type 2 sign, no sign shall hereafter be erected, moved or structurally altered without a zoning permit, and without being in conformity with the provisions of this chapter. Official signs of the state, county or municipalities are exempt from all provisions of this chapter. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise. Permitted signs in the various zones are indicated by the following tables (see section [6-7-2](#), "Types Of Signs", of this chapter):

### 6-7-2: TYPES OF SIGNS:

<u>Zone</u>	<u>Types Of Signs Permitted</u>
EFU	1, 2, 3, 4
ERU	1, 2, 3, 4
EFFU	1, 2, 3, 4
R-1	1, 2, 3, 4
R-2	1, 2, 3, 4
RSC	1, 2, 3, 4, 5, 8, 10
C-1	2, 3, 4, 5, 8, 9, 10
M-1	2, 3, 4, 5, 8, 9, 10
M-2	2, 3, 4, 5, 8, 9, 10
PM	2, 3, 4

- A. *Type 1:* One nameplate not exceeding three (3) square feet in area for each dwelling unit, indicating the name of the homesite, or the name of the occupant, providing that the nameplate or sign is attached to the house or is set back from the property line at least ten feet (10').
- B. *Type 2:* Signs permitted in all zones and exempt from zoning permit requirements. Type 2 signs include:
  1. Plaques, Cornerstones, Nameplates: Building plaques, cornerstones, nameplates and similar building identifications attached to the building, but not a commercial nature;
  2. House Numbers: House and building numbers; (Ord. 86, 12-7-1993)
  3. Political And Civic Signs: Temporary signs in connection with political and civic campaigns; provided, that such signs are removed within fifteen (15) days following conclusion of the

campaign. These signs shall not exceed thirty two (32) square feet in area or eight feet by four feet (8' x 4'); (Ord. 127, 10-3-2000)

4. Proposed Or Existing Construction: Temporary signs identifying proposed or existing construction;
5. "For Sale" Or "Lease" Signs: Signs indicating property or structures for sale, lease or rent;
6. Protection Of Property: Signs for the purpose of protection of property, such as no hunting, trespassing or dumping signs; or signs warning of potential danger due to physical or health hazards;
7. Garage Sale Signs:
  - a. Shall not exceed four (4) square feet in silhouette area per sign.
  - b. Shall not be located in the public right of way (i.e., on telephone poles, street signs and traffic signs).
  - c. Shall not be located on a property containing another temporary sign other than a real estate sign.
  - d. Only one on premises sign and five (5) temporary off premises signs (1 per off site tax lot) are permitted.
  - e. Shall include the name, address and telephone number of the resident holding the garage sale. Absent this identification, a sign may be removed without warning.
  - f. Shall be removed upon close of the sale and such garage sale shall not extend beyond three (3) consecutive days, and shall not be held in any one residence more than three (3) times during the calendar year.
  - g. Shall not be artificially illuminated.
8. Agricultural Product Signs: One sign not greater than thirty two (32) square feet promoting or advertising agricultural products or livestock grown, raised or produced on the parcel or tract on which the sign is located and the parcel or tract is zoned EFU or ERU.
9. Commercial Activity In Conjunction With Farm Use Signs: One sign not greater than thirty two (32) square feet for a commercial activity in conjunction with farm use approved in accordance with [chapter 6](#) of this title. Additional signs, not to exceed three (3) signs, may be approved by the planning director on a case by case basis provided the signs are necessary for the operation or location of the commercial activity in conjunction with farm use.

Except for political and civic signs, type 2 signs shall not exceed sixteen (16) square feet in area. Type 2 signs shall not be placed or extended into a road right of way. Type 2 signs shall not require a zoning permit.

- C. *Type 3*: One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots, and not exceeding thirty two (32) square feet in area nor twelve feet (12') in height providing that the sign is located at least ten feet (10') from the property line.
- D. *Type 4*: Signs not exceeding twelve (12) square feet in area, directing vehicular traffic to places of interest which would otherwise be difficult to find, or directing vehicular traffic so as to avoid traffic safety problems. The planning director may allow a maximum of three (3) such signs; provided, that no more than two (2) signs are located on the property. The planning director may allow two (2) of the three (3) signs to be off premises signs; provided, that the signs face opposite traffic directions. A type 4 sign shall be set back ten feet (10') from property lines.
- E. *Type 5*: One sign not exceeding sixty (60) square feet in area for buildings other than dwellings; provided, that such sign shall be attached to and parallel with the front walls of the building.
- F. *Type 6*: One sign facing each bordering street, not exceeding thirty two (32) square feet in area nor eight feet (8') in height above the roofline of the building for buildings other than dwellings providing that the sign is attached to the building and does not project into a road right of way.

- G. *Type 7*: Signs identifying the use of the premises or the sale of products produced on the premises; provided, that any such sign shall be attached to, parallel with, and no larger than the wall on which it is mounted.
- H. *Type 8*: One projecting or freestanding sign not to exceed twenty feet (20') in height nor sixty five (65) square feet in area for each face. The minimum setback for any part of a sign shall be ten feet (10'), or shall be at the discretion of the planning director and shall be measured horizontally from the lot line to the nearest part of the sign. A projecting or freestanding sign shall be allowed only by a ruling of the planning director and shall be limited to those businesses for which an attached flat sign is not suitable due to the nature of the business or the characteristics of the lot.
- I. *Type 9*: One off premises freestanding sign (billboard) not to exceed six hundred (600) square feet in area for each face nor twenty feet (20') in elevation as measured from the ground level below the sign or the level of abutting roadway surface, whichever is higher. No billboard shall be allowed to have more than four (4) steel exposed supports and all illumination devices shall be concealed within the nonstructural trim. The minimum setback for any part of a sign shall be ten feet (10') and shall be measured horizontally from the lot line to the nearest part of the sign. Billboards allowed in the county shall be subject to the requirements of ORS chapter 377 and shall be approved by the planning director.
- J. *Type 10*: One on premises sign identifying two (2) or more businesses that may occupy one building or one off premises sign identifying two (2) or more businesses that may be located so that another sign allowed by this chapter would not be visible from main traveled routes. The total square footage of the sign shall not exceed six (6) square feet per business described on the sign, and the sign shall be set back ten feet (10') from the property line.

**6-7-3: LIMITATIONS ON SIGNS:**

- A. No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, with the driver vision at any access point or intersection;
- B. No sign shall be illuminated by flashing lights;
- C. No sign shall contain, include or be composed of any conspicuous animated part;
- D. Light from signs shall be directed away from and not be reflected upon adjacent premises;
- E. Signs shall be removed by the property owner within sixty (60) days after the advertising business, product or service is abandoned or no longer in use;
- F. In addition to the limitations on signs as provided in subsections A through C of this section, additional sign restrictions may be required as determined by the planning commission in approved conditional uses, as provided by the planning director in approving a type 4, type 8, type 9 or type 10 sign.

**6-7-4: AUTOMOBILE SERVICE STATION SIGNS:**

Automobile service stations may have one additional freestanding changeable fuel price sign for the single purpose of advertising the price of fuel. The sign will be limited to twelve (12) square feet in silhouette area.

**6-7-5: SIGNS WITHIN AN URBAN GROWTH AREA ZONE:**

Signs located within an urban growth area zone will comply with the applicable sign regulations of the city within whose urban growth area zone it is located. If the city does not have sign regulations, county regulations will apply.

**6-7-6: NONCONFORMING SIGNS:**

- A. An existing sign shall be brought into conformance with this chapter upon substantial change in the nature of the business it serves or if a change is made in design of the sign frame or supporting structure. A change in plastic face plate of a nonconforming sign will not require replacement of the total sign, but the new sign face shall conform as fully as possible to the standards of this chapter. Examples of substantial changes in the nature of the business are: a change from professional office such as a doctor, attorney or accountant to a retail outlet; or, a change from retail outlet to a service business such as a plumbing or auto repair shop.
- B. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all the provisions of this chapter, except the signs that are temporarily removed to allow remodeling of the premises and shall be allowed to be relocated upon the completion of remodeling.

**6-7-7: VARIANCES:**

- A. Minor Variance: A minor variance not greater than ten percent (10%) of the applicable dimensional standard for signs may be granted by the planning director as per subsection C of this section.
- B. Other Variances: All other sign variances shall be pursuant to the provisions of [chapter 8](#) of this title, and will include the standards of subsection C of this section.
- C. Variance Standards: In addressing the standards in [chapter 8](#) of this title, the granting authority shall additionally consider whether the architectural design of a building, the location of a building site or location of a building thereon, or some other circumstance relating to the sign proposal is unusual or unique and that, because of this, a hardship will be created in that the applicant will be denied an opportunity to identify his business or location relatively equal to the opportunity accorded other members of the community not burdened with such unusual or unique architectural design, building site or other circumstance.

**6-7-8: APPLICATION MATERIAL:**

An applicant shall submit with his application for a zoning permit for a sign, in addition to the site plan required for the zoning permit, a plan and elevations of the sign itself.