



# 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: \_\_\_\_\_

## 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**

<b>Legal Parcel</b> Deed/Land Use Action: _____ <b>Previous Map and Tax Lot:</b> _____ <b>Past Land Use Actions:</b> If yes, list file #(s) _____ _____ Subject to previous conditions? <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 (Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.) <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? <b>Fire District:</b> _____	<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

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*(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:

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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:

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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**WIRELESS TELECOMMUNICATION FACILITIES – Malheur County Code (MCC) 6-6-8-8**

A. SITING PRIORITIZATION: All wireless telecommunication facilities shall be sited in accordance with the following priorities, in order of preference:

1. What documentation has been obtained from the Federal Aviation Administration, Oregon Department of Aviation, Federal Communications Commission or any other local or state agency with jurisdiction that demonstrates that the tower has been reviewed and is not determined to be a hazard to life, health or property, if constructed as proposed? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. What is the technical information that reasonably justifies the need to locate the proposed facility in the requested location? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the proposed facility going to collocate by placing an antenna or other transmission and reception devices on an existing tower, building or other structure such as a utility pole or tower, water tank or similar facility? \_\_\_\_\_  
\_\_\_\_\_
4. Will there be use of alternate technology whereby transmission and reception devices are placed on new or existing structures which are consistent in height with and sited similarly to types normally found in the surrounding area, such as telephone, electrical, or light poles? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Will the siting of the new tower be in a visually subordinate manner? (*The relative visibility of a wireless telecommunication facility, not noticeably in contrast with the surrounding landscape, not visually dominant in relation to the surroundings as viewed from residences, highways and other vantage points*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Will the siting of the new tower be in a visually dominant location, but employing concealment technology? (*A wireless telecommunication facility designed to resemble an object present in the natural environment or a building of a type typically and customarily found in the area*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Is there a site photographic simulation showing how the facility will appear on the landscape? No      Yes  
If yes, attach to application materials.

**B. HEIGHT, SETBACK AND ACCESS REQUIREMENTS:**

1. Will the proposed facility be limited to the height necessary to provide the service? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Will the set back from all the property lines be at least the height of the tower plus ten percent (10%)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Will the plot leased by the licensed carrier for the wireless telecommunication facility be at least 600 ft. from residences and schools? *(A facility may be sited closer to a school when the school district makes a request and demonstrates the facility is necessary for educational purposes)* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. CONSTRUCTION STANDARDS:**

1. Will there be any lighting of the wireless telecommunication facility, except as required by the Federal Aviation Administration, Oregon Department of Aviation or as a condition of approval by the Malheur County Planning Commission? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Will the facility, antenna(s) and associated equipment located on the same structure as antenna, be constructed or surfaced with materials to reduce visibility of the facility by the use of non-reflective materials that minimize glare and blend the structure into the surrounding environments? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Was there a site specific study of the wireless telecommunication facility, identifying the proposed color and surfacing of the facility and associated fixtures? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Will there be any signs, other than warning and safety signs, up to 3 sq. ft.? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Will the equipment areas be enclosed by a chainlink fence or equivalent, with or without slats, for screening? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



6. Will the coloring requirements be in compliance with the Federal Aviation Administration or the Oregon Department of Aviation? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Include a location map, showing: the proposed facility site, other sites in the vicinity evaluated for the proposed facility, other similar existing facilities in the area.

**OAR 660-033-0130: MINIMUM STANDARDS APPLICABLE TO THE SCHEDULE OF PERMITTED AND CONDITIONAL USES:**

(16)(a) A utility facility established under ORS 215.213(1)(c) or 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:

(A) Show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

- (i) Technical and engineering feasibility;
- (ii) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (iii) Lack of available urban and nonresource lands;
- (iv) Availability of existing rights of way;
- (v) Public health and safety; and
- (vi) Other requirements of state and federal agencies.

(B) Costs associated with any of the factors listed in paragraph (A) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(C) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(D) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

(E) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

(F) In addition to the provisions of paragraphs (A) to (D) of this subsection, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

(G) The provisions of paragraphs (A) to (D) of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(16)(b) An associated transmission line is necessary for public service and shall be approved by the governing body of a county or its designee if an applicant for approval under ORS 215.213(1)(c) or 215.283(1)(c) demonstrates to the governing body of a

county or its designee that the associated transmission line meets either the requirements of paragraph (A) of this subsection or the requirements of paragraph (B) of this subsection.

(A) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

- (i) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
- (ii) The associated transmission line is co-located with an existing transmission line;
- (iii) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
- (iv) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.

(B) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (C) and (D) of this subsection, two or more of the following criteria:

- (i) Technical and engineering feasibility;
- (ii) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (iii) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
- (iv) Public health and safety; or
- (v) Other requirements of state or federal agencies.

(C) As pertains to paragraph (B), the applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

(D) The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (B) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.