LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816, Fax 541-926-2060
www.co.linn.or.us

RURAL DEVELOPMENT ZONING DISTRICT CONDITIONAL USE PERMIT APPLICATION

Application Fee $750.00/$1250.00/$2500.00

INTRODUCTION

This application is for many of the uses permitted conditionally in a Rural Development zoning district [Agribusiness (AB), Freeway Interchange Commercial (FIC), Heavy Industrial (HI), Limited Industrial (LI), Rural Commercial (RCM), Rural Center (RCT), Rural Residential (RR), Urban Development-I (UD-I), and Urban Development-II (UD-II)]. A conditional use may be permitted when it is shown that the proposed business or public or private facility meets the decision criteria. Most conditional use permits are reviewed at the staff level. Others require a Planning Commission public hearing review. When the application is submitted, we will tell you if staff or the Commission will review the case. The attached decision criteria apply to both staff and Planning Commission reviews.

After the application is accepted and a file setup, notice of the proposed use will be mailed to nearby property owners. Individuals receiving the notice have about 20 days to return their comments in support or opposition to the case. If the Planning Commission reviews the case, comments may be presented orally at the hearing. Comments on staff reviews must be in writing.

If the case goes to the Commission, the applicant or the applicant's representative must present the case. Staff will visit the property, take photographs and prepare a staff report. The applicant will receive a copy of the staff report one week before the public hearing. The Planning Commission will take testimony from all parties and then close the hearing. A decision is usually made at the next meeting one week later.

Staff decision cases are decided without a public hearing. Written testimony is reviewed and a decision made usually about one week after the notice period ends. Once a decision is made, there is a two-week appeal period during which development permits are not issued.

Please fill out the application and submit it in person at the Planning and Building Department office anytime Monday through Friday (except 12:00 - 1:00 p.m.). Use ink or a typewriter to complete the application. Applications filled out in pencil cannot be accepted. If you have any questions, please call or stop by the Planning and Building Department and ask for a planner.

LCC 933.200 Statement of purpose

(A) All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as outright uses in any of the various zoning districts. Therefore the location and operation of conditional uses are subject to review and the issuance of a conditional use permit.

(B) The purpose of review shall be to determine:
- (1) whether the proposed use is consistent with the purpose of this Development Code, and is compatible with the types of uses existing or proposed in the surrounding area or can be made compatible through the imposition of conditions or requirements, and
- (2) what conditions may reasonably be required for a proposed use.

LCC 933.220 - Decision criteria

(C) *Decision criteria.*
- (1) The use will be consistent with the affected zoning district's statement of purpose;
- (2) The location, size, design and operating characteristics of the proposed development will be made reasonably compatible with and have minimal impact on the livability and appropriate development of abutting properties and the surrounding neighborhood, with consideration given to
  - (a) scale, bulk, coverage and density;
  - (b) availability of public facilities and utilities;
  - (c) traffic generation and the capacity of the surrounding road network; and
  - (d) other related impacts of the development.
- (3) The proposed development site has the physical characteristics needed to support the use such as, but not limited to the following:
  - (a) access;
  - (b) suitability for on-site, subsurface sewage treatment system;
  - (c) an adequate supply of potable water;
  - (d) location outside of a mapped geologic hazard area or of a 100-year flood plain unless it is demonstrated that the use can be designed and engineered to comply with accepted hazard-mitigation requirements; and
- (4) The use will not have a significant adverse impact on sensitive fish or wildlife habitat.

RURAL DEVELOPMENT ZONING DISTRICT
CONDITIONAL USE PERMIT APPLICATION

Application Fee: $500.00/$1000.00/$2000.00

Application Check List (for departmental use only)

Date Received: _____ Receipt number: _____ Fee paid: _____

Application accepted by: _____ Completeness reviewed by: _____

Proposed use of property _____

Other applications included: _____

Date deemed complete: _____ Review procedure type: II III

_____ Environmental Health Program approval.

New system ____ Existing system ____ Plan Review required: Yes____ No_____

Signed: _____ Date: _____

Comments: _____

_____ Legal Properties

_____ Owner(s) signature _____ Applicant(s) signature

_____ Complete Site Plan

_____ Property contains: Sewage system and repair area _____ Access _____

_____ Property development standards can be met:

Property Size ____ Setbacks ____ Coverage ____ Width ____ Depth ____ Frontage _

_____ Proposal is located within:

Zoning District _____ Plan designation _____

UGB (identify)_____ Planning area_____

Airport notification area _____

I. BACKGROUND INFORMATION (to be completed by applicant in ink or typewritten)

A. Applicant's name_____
Address_____
City_____State_____Zip code_____
Phone number (home)_____(work)_____

B. Property owner (if different than applicant)_____
Address_____
City_____State_____Zip code_____
Phone number (home)_____(work)_____

C. Applicant's representative (if any)_____
Address_____
City_____State_____Zip code_____
Phone number (home)_____(work)_____

D. Legal description of property
Township _____Range_____Section_____Tax Lot(s)_____
Site address (if any)_____

E. Zoning designation_____Comp Plan_____

F. Size of parcel_____

G. Additional parcels in contiguous ownership:
Township _____Range_____Section_____Tax Lot(s)_____

H. Is the property located within a rural fire protection district? If so, what district?
_____

II. VERIFICATION OF OWNERSHIP

If the person submitting the application and the owner of the property are not the same, then only the owner of the property should complete this section.

A. The application does not violate any recorded codes, covenants, or restrictions that are attached to the subject property.

B. I have the following legal interest in the property: owner of record_____, land sales contract purchaser_____, holder of a recorded exclusive option to purchase_____.

Owner/applicant signature_____
Owner/applicant signature_____

III. DEVELOPMENT REVIEW

A. Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting. A site plan is also required (see site plan requirements below).

_____

_____

_____

_____

_____

B. Please describe the general operating characteristics of the proposed use.

_____

_____

_____

_____

C. Will any other permits from local or state agencies be required? If yes, please list permits needed and if they have been secured.

_____

_____

D. How much land area will be used for the proposed activity? Will the proposed use generate wastewater and if so, how will it be disposed?

_____

_____

E. Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?

_____

_____

F. Please describe the types of vehicles, machines and/or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.

_____

_____

_____

_____

G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

_____

_____

H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property? If so, who?

_____

_____

I. Does the property front on a county road or public road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)?

_____

_____

J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

_____

_____

K. Please describe the land uses on adjoining properties.

_____

_____

L. Will your proposed use be compatible with the surrounding area? Explain the reasons for your answer.

_____

_____

_____

_____

M. You must submit a site plan (drawing) that shows the property dimensions, location of any existing structures, the proposed location of new structures and any natural features such as hills, drainage ways, and streams and natural vegetation. An example is attached.

IV. APPLICANT'S CERTIFICATION

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false.

_____ Date_____

Applicant's signature

STANDARD SITE PLAN DRAWING

For a complete and accurate evaluation of your proposal, it is necessary to include sufficient information and detail on a site plan drawing. An example is provided as a guide to the preparation of your plan. The site plan you submit will constitute the formal development plan upon which your request is based.

You may submit separate plans to show details of particular aspects of your proposal, i.e. landscaping, off-street parking, topography and drainage plans.

Any public or semi-public use or activity will require written detail and description of such use, i.e. number of employees, hours of operation, unusual equipment or activities that may produce noise, odor, glare, vibration, etc., equipment storage areas, guard or watchman requirements, aerial hazards and road access needs.

This site plan requirement is in addition to any other requirements for zoning, building, sanitation or other governmental permits or standards compliance.

SITE PLAN REQUIREMENTS:

(1) The site plan must be submitted on paper no larger than 8½ inches by 14 inches and drawn to scale.
(2) Indicate the scale (for example, 1" = 800') on the site plan.
(3) Include a North arrow indicating the direction of North on the map.
(4) Include the applicant's name and address in an information block at the bottom of the page.
(5) Show the dimensions of the property. These may be taken from surveys, deeds and assessor's records.
(6) Indicate the names of roads adjacent to the property.
(7) Indicate the approximate distance and direction to nearest city or town.
(8) Indicate the dimensions and distance from property lines to all structures, both existing and proposed, as well as fences, culverts, light standards and signs on the property and adjacent properties.
(9) Indicate the location of existing and proposed access ways, parking and loading areas, approaches and barriers. The type of surfacing should be indicated.
(10) Identify the location of significant land features, such as streams, creeks, drainage areas and slope.
(11) Identify the location of existing and/or proposed septic tanks, repair areas and wells. If known, indicate any wells or septic systems on adjacent properties if they are within 10 feet of this property.
(12) Indicate existing uses of land (cultivation, pasture, timber, etc.). Indicate types of crops, pasture, grass and timber species.

Attach sample plot plan (see sample plot plan on Planning and Building webpage)