



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

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URBAN GROWTH AREA ZONING DISTRICT NON-RESIDENTIAL CONDITIONAL USE PERMIT APPLICATION

Application Fee \$750.00/\$1250.00/\$2500.00

INTRODUCTION

This application is for many of the uses permitted conditionally in an Urban Growth Area zoning district. 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.

Linn County Land Development Code
Urban Growth Area Conditional Use Decision Criteria

LCC 933.250 Statement of Purpose

- (A) The purpose of LCC 933.250 to 933.260 is to protect lands within urban growth areas. These lands are available for future annexation and urban development and incompatible interim uses are not allowed.
- (B) LCC 933.250 to 933.260 establishes the decision criteria under which conditional uses may be permitted.

LCC 933.260 - UGAZ decision criteria

- (A) The location of any use described as a conditional use within the UGAZ may be permitted if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions show that all the criteria in subsection (B) have been met.
- (B) *Decision criteria.*
 - (1) The proposed development is permitted and is consistent with the affected city's comprehensive plan map designations and the future city zoning.
 - (2) The location, size, design and operating characteristics of the proposed development are compatible with future development allowed by the affected city's comprehensive plan map designation.
 - (3) The affected city has reviewed the proposal and has not identified any substantial conflicts with its *Comprehensive Plan*, Facilities Plans or development standards.
 - (4) The location, design and site planning of the proposed development does not:
 - (a) preclude future urban development on the subject property or adjacent properties; or
 - (b) conflict with future location and placement of streets and services.
 - (5) If the proposed development has the potential to generate conflicts which have been determined to be detrimental to the public health, safety and general welfare or to the overall livability of the neighborhood, then the development shall not be permitted without mitigations. The mitigations will be determined by the decision-maker. Potential conflicts include, but are not limited to noise, vibration, smoke, dust, odor, fumes, heat, glare or electromagnetic interference.
 - (6) The proposed site
 - (a) can support an on-site, subsurface sewage disposal system, and
 - (b) has an adequate supply of potable water.
 - (7) Traffic generated from the site can be adequately served by the road system servicing the site.
 - (8) Road access meets County standards as found in section 3.2 of the Linn County Transportation Element of the *Comprehensive Plan*.
 - (9) The proposed development site is located 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.

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

B. Explain how the proposed development will be compatible with future development allowed by the city's *Comprehensive Plan* map designation.

C. Have you discussed your proposal with the city and has the city stated any conflicts with its *Comprehensive Plan*? If the city has concerns, please explain them.

D. Explain how the proposed development will not preclude future urban development of the property or adjacent properties and how it will not conflict with future location of streets and services.

E. Does the property have an approval from the Linn County Environmental Health Program for the location of an on-site sewage disposal system (septic system)? If not, why not? Does the property have a well that produces drinkable water, and how much water does the well produce?

F. Does the property front on a county or public road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)? Is access to the property provided by a roadway easement? If so, when was the easement recorded with Linn County? Please provide a copy of the recorded easement.

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

H. Please describe the land uses on adjoining properties.

I. Will your proposed dwelling be compatible with the surrounding area? Explain the reasons for your answer.

J. You must submit a site plan (drawing) that shows the property dimensions, location of any existing structures, the proposed location of new structure 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.

Applicant's signature

Date_____

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)