



LAND USE PERMIT APPLICATION 2010

Goal Exception/ Amendment

Return Application
Materials to Either:

Brandon McMullen

Planning Director

Voice: (541) 573-6655

planning@co.harney.or.us

or

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at

Harney County Planning Department

450 N. Buena Vista

Burns, OR 97720

Fax: (541) 573-2762

Visit us at

www.co.harney.or.us

PLANNING COMMISSION MEETINGS ARE HELD

Harney County Courthouse

Circuit Court Room

3rd Wednesday of each month,

7:00 PM

Get the latest version!
Application Revision Date:

January 2010

LAND USE PERMIT APPLICATION REVIEW PROCESS

This form provides for the simultaneous review of multiple proposed land use actions. Project review will be through an integrated and consolidated format as follows:

1. Pre-Application Meeting

The applicant(s) will meet with the Planning Director to review the proposed development/request. Applicable information will be discussed in relation to the proposal. The applicant(s) will then submit all applicable materials to the Planning Department at their convenience.

2. Application Meeting

Pursuant to ORS 215.427 this office will review the application for completeness and notify the applicant of any deficiencies within 30 days of submission. The Planning Director will review applicable regulations in regards to the type of application. Once the application is complete the 150 day clock will begin which is the maximum amount of time the County has by law to process the application.

3. Consideration by Planning Commission

Public notices are published in the Burns-Times Herald and sent to adjacent property owners. The application will then go before the Harney County Planning Commission in an Open Record Public Hearing. Public comment is received and recommendations are made to the decision making body.

4. Decision Making Body Approval or Denial

The decision-making body (Planning Commission or County Court) takes the recommendation and either approves or denies the application. The County Court may, if the action is legislative in nature, send the application back to the Planning Commission for further review.

5. Provision for an Appeal

An appeal is provided for if the applicant/person with standing desires to challenge a decision of the decision-making body. The County Court or Planning Commission may hear the first level appeal.

6. First and Second Level Appeals

An appeal process is provided and is heard by a legislative body - either: the Harney County Court, LUBA or the Oregon State Court of Appeals.



Project Application #: 10-

Date Complete: _____

Final Decision or Public Hearing Date: _____

Harney County Planning Land Use Permit Application 2010

This application must be submitted to the Harney County Planning Department, 450 N. Buena Vista, Burns, OR 97720, (541) 573-6655, and must be accompanied by a non-refundable application fee(s). Acceptance of the application and fee(s) does not guarantee approval. **PLEASE COMPLETE THIS APPLICATION BY PRINTING CLEARLY WITH A BLUE or BLACK INK PEN (copies come out better). THANK YOU.**

Section 1: Contact Information

Name of Applicant: _____

Address: _____

City, State, Zip: _____

Email & Telephone Number: _____

Name of current Property Owner(s):
(If Property Owner is not the applicant) _____

Address: _____

City, State, Zip: _____

Email & Telephone Number: _____

The applicant or an appointed representative **MUST** be in attendance at the Public Hearing (*if required*) of the Harney County Planning Commission in order to explain the project. Planning Commission meetings occur every 3rd Wednesday of the month at 7 PM in the Harney County Circuit Court Room.

If there is no representative present during the scheduled Public Hearing for this Land Use Permit Application, the application will be tabled until the next regularly scheduled meeting. Additional Notification fees may apply.

Section 2: Type of Application and Fees

The following total must be paid when submitting an application. (Note: Additional Costs will be billed and must be paid prior to receiving a decision on the application.)

			Process Summary			
<input checked="" type="checkbox"/>	Type of Application: (Alphabetically Listed)	Fee(s):	Public Comment Period	Open Record Hearing	Decision Made By	1 st and 2 nd Level Appeal
<input checked="" type="checkbox"/>	Comp. Plan Amendment	\$200.00	20 + days	PC	CC	LUBA
<input checked="" type="checkbox"/>	Zone Change (Rezone) (Map/Text, Requires Petition)	\$200.00	20 + days	PC	CC	LUBA
<input checked="" type="checkbox"/>	Site Plan Review (required for <u>all</u> applications):	\$35.00	<i>Key for Abbreviations used above:</i> PC - Planning Commission, CC - County Court, LUBA - Land Use Board of Appeals ° It should be noted that appeals above LUBA would go to the Oregon Court of Appeals and possibly the Oregon Supreme Court ° Application Fees are NON REFUNDABLE. Waivers may be granted by the Planning Director upon special request.			
<input checked="" type="checkbox"/>	County Clerk Recording Fee of Findings and Decision:	TBD****				
TOTAL FEE *** <i>(see below for Additional Costs to be billed and paid separately):</i>		\$435.00				

*****Advertisement Costs:** All land use applications will also have additional costs to be billed to the applicant **AFTER** the application is processed - actual costs for public notice in the Burns-Times Herald, \$2.00 for every adjacent landowner that receives a public notice by mail, AND \$8.00 for adjacent landowners map. *IF* applying for a Non Farm Dwelling an additional \$8.00 fee also applies to produce a Soils and 2000 acre Buffer Map. Other mapping fees may also apply (See HCZO Section 9.050 for Filing Fee Schedule).

Appeals: County Court decisions are appealable to the Land Use Board of Appeals. Contact Kelly Burgess at 503-373-1265 for more information.

******Recording Fee:** The order/findings for amendments typically do not have a set number of pages. A fee of \$36.00 for the first page and \$5.00 for every page after will be assessed at the appropriate time.

Section 3: Property Information

Complete this section.

1. Location of Property (Provide directions you would give someone to get to the property):	
2. Has the Property or dwelling received a Rural Address ? <i>If so, what is it?</i>	<input type="checkbox"/> No <input type="checkbox"/> Yes: _____
3. Assessor's Account Number(s) for the Property:	Parcel 1: _____ Parcel 2: _____ Parcel 3: _____
4. Assessor's Tax Lot Number(s) for the Property:	Parcel 1: _____ Parcel 2: _____ Parcel 3: _____
5. Legal Description of Property: Township: _____ Range: _____ Section: _____ Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A". (Obtain the legal description from either the Planning Department or Tax Assessor's Office)	
6. Current Zoning Classification:	<input type="checkbox"/> EFRU-1 (Exclusive Farm & Range Use) <input type="checkbox"/> EFRU-2 (Exclusive Farm & Range Use) <input type="checkbox"/> FU (Forest Use) <input type="checkbox"/> OTHER _____
7. Current Use of Property:	
8. Surrounding Uses of Property:	
9. Size of Property: (acres)	
10. Does the Property reside in a Floodplain ? <i>If the Property is in a Floodplain (Zone Ax) you will need to complete a Floodplain Development Permit before building.</i>	No: _____ Yes: _____ Zone: _____ Panel Number: _____ Will building permits eventually be applied for on this project? <input type="checkbox"/> Yes <input type="checkbox"/> No
11. Is the property located in Wetlands as listed on the National Wetlands Inventory maps?	<input type="checkbox"/> No <input type="checkbox"/> Yes

<p>12. What road provides Access to the Property? (Note: Applicants must present evidence of legal access to any subject parcel proposed for development prior to the issuance of building permits and/or land use permits. (HCZO 4.120))</p>	
<p>13. Will the Property need an Access Permit onto a County Road or State Highway? (<i>If so</i> call Eric Drushella, County Road master, 541-573-6232, or ODOT, 541-889-9115).</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, <i>if so</i> please contact the proper authority and provide that documentation with this application.</p>
<p>14. Are there any Easements that provide the MAIN ACCESS for the Property OR adjacent properties?</p>	<p><input type="checkbox"/> Yes, <i>if so</i> please provide the documentation with this application. <input type="checkbox"/> No</p>
<p>15. Does the Applicant hold Title to the Property? <i>If not</i>, what is your interest in the Property?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No _____</p>
<p>16. What type of Water Use/Rights is present on this Property? Describe type of Water Use - domestic wells, surface water rights, etc. (Contact Tony Rutherford, Watermaster, OWRD, County Courthouse, 541-573-2591.)</p>	<p><input type="checkbox"/> No water uses/rights present. <input type="checkbox"/> Yes, there are water uses/rights. Check those that apply and list the number of each: <input type="checkbox"/> Stock Wells (No. _____) <input type="checkbox"/> Domestic Wells (No. _____) <input type="checkbox"/> Irrigation Wells (No. _____)</p>
<p>17. What is the Environmental Health of this Property? (For example: are there any dumpsites, pollutants, etc. which makes this Property environmentally unhealthy?)</p>	<p><input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor, <i>if so</i>, please explain:</p>
<p>18. Are there any Natural Hazards found on the Property? (Examples of natural hazards are natural floodways and steep slopes. <i>If</i> your proposal for development of a dwelling is on a slope greater than 12%, compliance with the standards under HCZO 4.070 is required.)</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, <i>if so</i>, please explain:</p>
<p>19. Are there any Archeological Sites on this Property? (<i>If</i> during construction, remains are uncovered please contact the Harney County Planning Department immediately.)</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, <i>if so</i>, please describe:</p>

20. Is the Property considered a **Legal Lot of Record**? This means that the parcel or lot was created according to required procedures. Mark which description applies and provide documentation (i.e. Property Deed Card – Assessor’s Office):

- A lot in an existing, duly recorded **subdivision**; or,
- A parcel in an existing, duly recorded major or minor land **partition**; or,
- An existing unit of land for which a **survey** has been duly filed which conformed to all applicable regulations at the time of filing, or,
- Any unit of land **created PRIOR to zoning** and partitioning regulations by deed or metes and bounds description, and recorded with the Harney County Clerk, provided, however that contiguous units of land so created under the same ownership and not conforming to the minimum property size of the underlying zone shall be considered one (1) lot of record.
- The **Property does not meet any of the above** descriptions.

21. Provide a **description of proposal**:

Section 4: Facilities and Services to Serve Project

Complete this section.

All facilities and services provided in Harney County are listed below. Please indicate who will provide each facility/service (either public or private) by providing name, address, and phone. For example, *if* a private domestic well were providing the drinking water, the provider would be the property owner.

Facilities and Services	Name of Provider, Address and Phone
22. Potable (drinking) Water:	<input type="checkbox"/> Private Property Owner, <input type="checkbox"/> Other _____
23. Sanitary Sewage Disposal:	<input type="checkbox"/> Private Property Owner, <input type="checkbox"/> Other _____
24. Electrical Services:	<input type="checkbox"/> Harney Electric Co-op, <input type="checkbox"/> Idaho Power <input type="checkbox"/> Oregon Trail Electric Co-op, <input type="checkbox"/> Other _____
25. Solid Waste (trash):	<input type="checkbox"/> C & B Sanitary, <input type="checkbox"/> Landfill: _____
26. County Roads:	Harney County Road Department , 266 S. Date, Burns, OR 97720, 541-573-6232
27. Law Enforcement:	Harney County Sheriffs Department , 485 N. Court, Burns, OR 97720, 541-573-6156
28. Structural Fire Protection:	(Currently there is no Rural Fire District in the County to provide structural Fire Protection.)
29. Public Schools:	
30. Telephone:	<input type="checkbox"/> Centurytel - (800)-637-9843, <input type="checkbox"/> Other _____

31. Will there be any **undue impacts** on public facilities and services as a result of this land use proposal? (Attach additional pages *if necessary*.)

- No
 Yes, *if so*, please explain:

NOTE: "Undue impacts" are when the public facilities or services mentioned above will be adversely impacted or reach a point where they can no longer provide adequate levels of service to the general public.

Section 5: Comprehensive Plan Exception/Amendment

Complete this section. The criteria for an exception to a statewide planning goal is listed under OAR 660-004-0000. Criteria in the Harney County Comprehensive Plan must also be addressed. This criteria is listed under chapter 8.3 (5). Please answer the following questions as completely as possible. If you require more space to answer the questions, please attach your answers to this application and label them as exhibits (e.g., "see exhibit C").

<p>32. Is the proposed use in conformance with both the land use map and goals and policies of the "Harney County Comprehensive Plan", or do you believe there is a mistake in the Plan, or have conditions substantially changed since the Plan was adopted?</p>	<p>Explain:</p>
<p>33. Is there a demonstrated Public Need for the proposed use?</p>	<p>Explain:</p>
<p>34. Are there no other appropriately zoned and available lands that could be used to satisfy the public need?</p>	<p>Explain:</p>
<p>35. Is the particular property better suited to meet the public need than other potential properties?</p>	<p>Explain:</p>

36. If requesting to apply a new zoning/plan designation to the subject parcel/tract, please list the desired Comprehensive Plan designation and explain why this particular designation is requested.

- EFRU-1 (Agriculture, 160 Acre Min.)
- EFRU-2 (Agriculture, 80 Acre Min.)
- FU (Forest Use)
- C-1 (Commercial & Industrial)
- R-1 (Rural Residential)
- R-2 (Rural Recreational)
- R-3 (Unincorporated Community Boundary Expansion, e.g., Riley RCA)
- LU (Limited Use Combining Zoning Overlay)
- Proposal of a new mapping designation : _____

Please explain your proposal for the newly proposed designation as selected above :

Section 6: Statewide Planning Goal Exception

The criteria for an exception to a statewide planning goal is listed under OAR 660-004-0000 as listed below. In order for an application for an exception to be complete, ALL of the criteria listed under the type of exception selected by the applicant needs to be addressed. Please answer the following questions as completely as possible. Please attach your answers to this application and label them as exhibits (e.g., "see exhibit C").

- | | |
|--|---|
| <p>37. An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals. Goal Exceptions fall into three categories: Physically Developed; Irrevocably Committed; or Reasons.</p> | <p>Please check the category under which this proposal is being requested.</p> <p><input type="checkbox"/> Physically Developed</p> <p><input type="checkbox"/> Irrevocably Committed</p> <p><input type="checkbox"/> Reasons</p> |
|--|---|

Indicate which type of goal exception is being proposed in your supporting documentation and include findings for the **review criteria listed below** and any additional referenced criteria. These are directly from Oregon Administrative Rule and are available at http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_004.html. Oregon Revised Statute criteria are available at <http://landru.leg.state.or.us/ors/>

a. Exception Requirements for Land Physically Developed to Other Uses

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.
- (2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

b. Exception Requirements for Land Irrevocably Committed to Other Uses

- (1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:
 - (a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;
 - (b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;
 - (c) An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.
- (2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:
 - (a) The characteristics of the exception area;
 - (b) The characteristics of the adjacent lands;

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- (c) The relationship between the exception area and the lands adjacent to it; and*
- (d) The other relevant factors set forth in OAR 660-004-0028(6).*
- (3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:**
 - (a) Farm use as defined in ORS 215.203;*
 - (b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and*
 - (c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).*
- (4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.**
- (5) Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.**
- (6) Findings of fact for a committed exception shall address the following factors:**
 - (a) Existing adjacent uses;*
 - (b) Existing public facilities and services (water and sewer lines, etc.);*
 - (c) Parcel size and ownership patterns of the exception area and adjacent lands:*
 - (i) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;*
 - (ii) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.*
 - (d) Neighborhood and regional characteristics;*
 - (e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines,*

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easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;

(f) Physical development according to OAR 660-004-0025; and

(g) Other relevant factors.

(7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.

(8) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:

(a) Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and

(b) Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations.

c. Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

(2) Rural Residential Development: For rural residential development the reasons cannot be based on market demand for housing, except as provided for in this section of this rule, assumed continuation of past urban and rural population distributions, or housing types and cost characteristics. A county must show why, based on the economic analysis in the plan, there are reasons for the type and density of housing planned which require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic activity in the area.

(3) Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts include, but are not limited to, the following:

(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports; or

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(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts". The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map, or their location otherwise described, and keyed to the appropriate findings.

(4) For the expansion of an unincorporated community defined under OAR 660-022-0010, or for an urban unincorporated community pursuant to OAR 660-022-0040(2), The exception requirements of subsections (2)(b), (c) and (d) of this rule are modified to also include the following:

(a) Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land;

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(b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:

(A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or

(B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or

(C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.

Note: As stated previously, an application for a Comprehensive Plan Amendment/Exception must meet all of the above criteria along with any applicable state regulations/rules. It is recommended that the applicant provide any information they feel necessary to meet the above criteria; please attach any such additional information to this application and label them as exhibits (e.g., “see exhibit C”).

Section 7: Required Application Materials

Complete this section.

38. These materials are to be submitted with the application: The proceeding page is to be used as a base for the site plan. This site plan will **show what is or will be on the property**. Additional material may be requested.

<input checked="" type="checkbox"/>	Materials to be submitted for ALL types of Applications:
<input type="checkbox"/>	a) Completed Application form .
<input type="checkbox"/>	b) Applicable Application fees .
<input type="checkbox"/>	c) Site Plan Marked Exhibit B (see proceeding page) to include:
<input type="checkbox"/>	• North Arrow
<input type="checkbox"/>	• Site area showing Property boundaries and dimensions
<input type="checkbox"/>	• Proposed and existing structures with dimensions to nearest Property lines.
<input type="checkbox"/>	• Location of existing wells and water rights .
<input type="checkbox"/>	• Location of existing septic systems (i.e. tanks, drain fields)
<input type="checkbox"/>	• Widths and names of roads adjacent to the site as well as existing roads, which provide direct access to the Property.
<input type="checkbox"/>	• Existing access points (driveways, lanes, etc.)
<input type="checkbox"/>	• Easements and rights-of-ways
<input type="checkbox"/>	• Existing utility lines (above and below ground)
<input type="checkbox"/>	• Approximate location of any unusual topographical features
<input type="checkbox"/>	• Major geographic features
<input type="checkbox"/>	• Location of all creeks, streams, ponds, springs and other drainage ways.
<input type="checkbox"/>	d) Quick Print showing property details.
<input type="checkbox"/>	e) Property Deed Card - property history.
<input type="checkbox"/>	f) The Deed of the Property in question.
<input type="checkbox"/>	g) Tax Map - Assessor's map of the Property.

Contact County Assessor Dept - for a copy of these

Section 8: Certification

Complete this section.

I/We, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. It is further understood that the signing of this application *if* for a dwelling will preclude any lawsuits related to the by-products (i.e. noise, dust, odor, etc.) of farming operations.

ALL Property Owners with any interest in the properties being affected by this Land Use Permit Application must sign and date this form. *If* more room is needed signing the reverse side of this page is appropriate.

X

Signature of Applicant

Date

Printed Name of Applicant

X

Signature of Property Owner

Date

Printed Name of Property Owner

X

Signature of Property Owner

Date

Printed Name of Property Owner

ADDITIONAL NOTICE to interested parties

Is there anyone else besides the property owner and adjacent property owners who would like to receive notice of this application during its' review period and notice of decision? (Realtor, perspective buyer, etc.) *If so*, provide name and mailing address:

Name: _____

Name: _____

Mailing Address: _____

Mailing Address: _____