



# LAND USE PERMIT APPLICATION 2018

## Lot of Record Dwelling

Return Application  
Materials to:

**Brandon McMullen**  
Planning Director  
Voice: (541) 573-6655

[Brandon.mcmullen@co.harney.or.us](mailto:Brandon.mcmullen@co.harney.or.us)

at

## Harney County Planning Department

450 N. Buena Vista  
Burns, OR 97720  
Fax: (541) 573-2762

Visit us at  
[www.co.harney.or.us](http://www.co.harney.or.us)

## PLANNING COMMISSION MEETINGS ARE HELD

Harney County Courthouse  
Circuit Court Room  
3<sup>rd</sup> Wednesday of each month,  
7:00 PM

Get the latest version!  
Application Revision Date:

2018

## 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 a member of the Planning Staff 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

A member of the Planning Staff will contact the applicant again to review the submitted application within one week after all materials have been submitted if the application is incomplete. A member of the Planning Staff 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 thru Administrative Review by a member of the Planning Staff. Public comment is received and recommendations are made to the decision making body.

### 4. Decision Making Body Approval or Denial

The decision-making body either approves or denies, or moves the application to the Planning Commission for further review.

### 5. Provision for an Appeal

An appeal is provided for *if* the applicant and/or a 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 Planning Commission, Harney County Court, LUBA or the Oregon State Court of Appeals.



Project Application #: 18- \_\_\_\_\_

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

Final Decision or Public Hearing Date: \_\_\_\_\_

## **Harney County Planning** **Land Use Permit Application 2018**

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.**

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### **Section 1: Contact Information**

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**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: \_\_\_\_\_

## 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:<br>(Alphabetically Listed)                 | Fee(s):           | Public<br>Comment<br>Period                                                                                                                                                                                                                                                                                                                                                                                                                         | Open<br>Record<br>Hearing | Decision<br>Made By | 1 <sup>st</sup> and 2 <sup>nd</sup><br>Level<br>Appeal |
| <input checked="" type="checkbox"/>                                   | <b>Lot of Record Dwelling</b>                                   | -**               | 20 + days                                                                                                                                                                                                                                                                                                                                                                                                                                           | -                         | PD                  | CC and<br>LUBA                                         |
| <input checked="" type="checkbox"/>                                   | <b>Site Plan Review</b> (required for <u>all</u> applications): | <b>\$35.00</b>    | <p><u>Key for Abbreviations used above:</u><br/> <b>PD</b> - Planning Director, <b>PC</b> - Planning Commission, <b>CC</b> - County Court, <b>LUBA</b> - Land Use Board of Appeals</p> <p>° It should be noted that appeals above LUBA would go to the Oregon Court of Appeals and possibly the Oregon Supreme Court</p> <p>° <b>Application Fees are NON REFUNDABLE.</b> Waivers may be granted by the Planning Director upon special request.</p> |                           |                     |                                                        |
| <input checked="" type="checkbox"/>                                   | <b>County Clerk Recording Fee of Findings and Decision:</b>     | <b>\$131.00</b>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                           |                     |                                                        |
| <input checked="" type="checkbox"/>                                   | <b>** Rural Addressing:</b> When constructing a home.           | <b>\$50.00/ea</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                           |                     |                                                        |
| <b>TOTAL FEE</b>                                                      |                                                                 | <b>\$216.00</b>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                           |                     |                                                        |
| ***(see below for Additional Costs to be billed and paid separately): |                                                                 |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                           |                     |                                                        |

\*\*\***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:** There is a non-refundable fee when appealing to the Harney County Court of \$250.00 **NOT All Sections** of this Land Use Permit Application **may** be applicable to every type of application. Sections 1-3, p. 2-6 and Sections 11-12, p. 15-17 are required for every application.

## Section 3: Property Information

Complete this section.

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

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

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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.

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21. Projected timeline of proposal: (*If applying for a Conditional Use Permit it should be noted that if there is no substantial development begun within 1 year from the date of approval, an extension must be written and approved by the Harney County Planning Commission before the permit expires [the 1 year anniversary date]. There is a limit to one extension.*)

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22. 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                                                                                                                                                |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23. Potable (drinking) Water:   | <input type="checkbox"/> Private Property Owner, <input type="checkbox"/> Other _____                                                                                              |
| 24. Sanitary Sewage Disposal:   | <input type="checkbox"/> Private Property Owner, <input type="checkbox"/> Other _____                                                                                              |
| 25. Electrical Services:        | <input type="checkbox"/> Harney Electric Co-op, <input type="checkbox"/> Idaho Power<br><input type="checkbox"/> Oregon Trail Electric Co-op, <input type="checkbox"/> Other _____ |
| 26. Solid Waste (trash):        | <input type="checkbox"/> C & B Sanitary, <input type="checkbox"/> Landfill: _____                                                                                                  |
| 27. County Roads:               | <b>Harney County Road Department</b> , 266 S. Date, Burns, OR 97720, 541-573-6232                                                                                                  |
| 28. Law Enforcement:            | <b>Harney County Sheriffs Department</b> , 485 N. Court, Burns, OR 97720, 541-573-6156                                                                                             |
| 29. Structural Fire Protection: | (Currently there is no Rural Fire District in the County to provide structural Fire Protection.)                                                                                   |
| 30. Public Schools:             |                                                                                                                                                                                    |
| 31. Telephone:                  | <input type="checkbox"/> Centurytel - (800)-637-9843, <input type="checkbox"/> Other _____                                                                                         |

32. 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: Lot of Record Dwelling

Complete this section.

|                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>33. Was the lot or parcel on which the dwelling will be established lawfully created, acquired and <b>owned continuously by the present owner:</b></p> <p>a. Since <b>prior to January 1, 1985;</b> or</p> <p>b. <b>By devise</b> or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.</p> | <p><input type="checkbox"/> Yes, <i>if so</i> please explain in detail. (Use separate sheet: Label it <i>Section 5:33</i> and provide legal documents.)</p> <p><input type="checkbox"/> No</p> |
| <p>34. Does the tract on which the dwelling will be sited <b>include a dwelling?</b></p>                                                                                                                                                                                                                                                                                 | <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p>                                                                                                                         |
| <p>35. Was the lot or parcel on which the dwelling will be sited <b>part of a tract on November 4, 1993?</b> <i>If so,</i> no other dwelling may exist on another lot or parcel that was part of that tract.</p>                                                                                                                                                         | <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p>                                                                                                                         |
| <p>36. Does the proposed dwelling comply with the provisions of the Harney County Comprehensive Plan and land use regulations and any other relevant provisions of law?</p>                                                                                                                                                                                              | <p><input type="checkbox"/> Yes, <i>if so</i> please explain in detail. (Use separate sheet: Label it <i>Section 5:36.</i>)</p> <p><input type="checkbox"/> No</p>                             |
| <p>37. Does the parcel lie within <b>Big Game Habitat</b> as designated in the Harney County Comprehensive Plan? <i>If so,</i> the siting of the dwelling shall be consistent with the Comprehensive Plan and land use regulations providing protection to the big game habitat resource.</p>                                                                            | <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p>                                                                                                                         |
| <p>38. Is the parcel part of a tract? <i>If so,</i> the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.</p>                                                                                                                                                                                                   | <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p>                                                                                                                         |



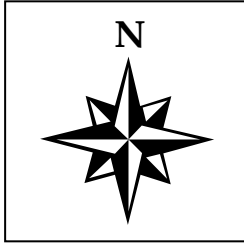
## Section 6: Required Application Materials

Complete this section.

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

**Contact County Assessor Dept - for a copy of these**

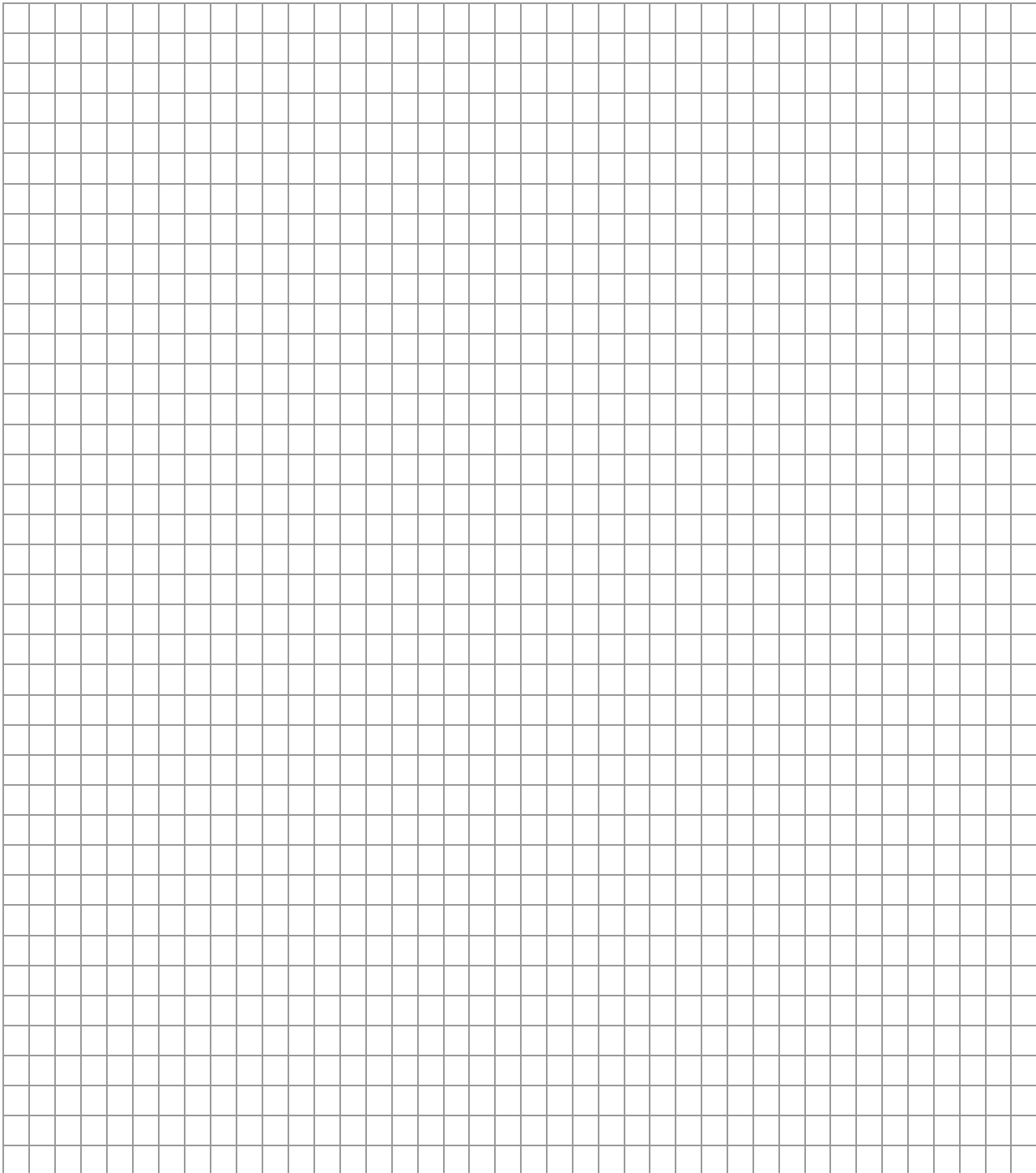


**Exhibit B**  
**Site Plan**

Owner/Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_



## Section 12: 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: \_\_\_\_\_