

CITY OF HALFWAY

**APPLICATION FOR CONDITIONAL USE PERMIT**

Date Received: \_\_\_\_\_

Date Approved: \_\_\_\_\_

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

Land Use Zone: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

(If different from landowner, attach written authorization to represent landowner)

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

Physical Street Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name of Land Owner: \_\_\_\_\_

Land Involved: \_\_\_\_\_ (acres, sq. feet) in section: \_\_\_\_\_ of township: \_\_\_\_\_ E., Range: \_\_\_\_\_ E.  
WM., Tax Lot: \_\_\_\_\_; Assessor's Map No.: \_\_\_\_\_ with frontage on (street name):  
\_\_\_\_\_

Refer to Section 150.035(B), 150.036(B), and 150.037(B) of the City of Halfway Land Use and Development Ordinance for requirements and for types of conditional uses allowed in various zones.

Type of Conditional Use being requested: \_\_\_\_\_

Attached hereto is:

- (1) A presentation of facts and reasons, which establish need, appropriateness and purpose of the request.
- (2) Either the assessor's map, parcel map, or site plan drawn to scale showing area of request.
- (3) List of names and addresses of owners of property within 300 feet of the subject property lines

Submitted herewith is an application of \$275.00

Applicant's Signature: \_\_\_\_\_

Additional Information: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CITY OF HALFWAY

I, \_\_\_\_\_ (*circle one*: Landowner, Agent\*, Representative of Government Unit) swear that the details and information contained in the above application and attachments thereto are true and correct to the best of my knowledge.

\*NOTE: If agent, attach written authorization to represent landowner or contract purchaser.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

I, \_\_\_\_\_, City Recorder/Manager, attest that the forgoing application and attachments thereto were received by me on the \_\_\_\_ day of \_\_\_\_\_ from \_\_\_\_\_ accompanied by a fee of \$275.00

\_\_\_\_\_  
Signature of City Recorder/Manager

\_\_\_\_\_  
Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return to:  
City of Halfway, 155B E. Record Street, P.O. Box 738, Halfway, OR. 97834 or  
[HalfwayCity@gmail.com](mailto:HalfwayCity@gmail.com)

CITY OF HALFWAY

**CONDITIONAL USE PERMIT PROCEDURE**

**Step One:**

A completed signed application shall be submitted to the City Recorder/Manager, including

- 1) A presentation of facts and reasons, which establish need, purpose, and appropriateness according to the standards for conditional uses as defined in Section

**Halfway -Land Usage and Development**

Section 150.067 Signs In Commercial Zone

Any signs erected or to be erected in Commercial or Industrial zones shall be reviewed and approved by the City Council and shall meet the standards outlined below. A sign application may be picked up at city hall.

- a. Principal signs. A principal sign advertising the business may be a combination of freestanding.
- b. flush-mounted or projecting signs. Freestanding and projecting sign areas are computed by totaling both sides of the signs.
- b. Sign area. The amount of area of the sign is computed on a basis of one square foot of sign for each lineal foot of frontage the property or business has on the public right-of-way in the city. In the case of multiple businesses within the same building, the amount of frontage of the business within the building will be the determining factor. In the case of a corner lot, the sign size facing each street shall be limited to the amount of lineal frontage on each street. In no case shall the total signage exceed 200 square feet for each business.
- c. Prohibited signs. The following signs are prohibited in the city.
  1. Any flashing, moving, animated, blinking, or rotating signs whose illumination changes with time or which is designed in a manner to simulate motion. Time and temperature reader boards are excluded.
  2. The sign would extend, such as a roof sign, above the roof line of the building to which it is to be attached. Halfway - Land Usage
  3. The Building or Zoning Official determines a sign to be in violation of ORS 810.230 which applies to signs creating confusion with or interfering with the effectiveness of traffic or signals.
  4. The sign is placed on, affixed to or painted on a motor vehicle, vehicle, or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this chapter.
  5. The sign is a private sign placed on, painted on, or affixed to a utility pole, tree, or rock.
  6. The sign would bear or contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend the public morals or decency.

7. Projecting or freestanding signs which would project into the public right-of-way.
8. The sign advertises goods or services not available on the premises.

## Halfway -Land Usage and Development Land Use Zones

### Section 150.035 Residential Zone "R"

Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R" Residential Zone shall comply with the following regulations.

#### A. Regulations.

1. Be reasonably free of objectionable odor, noise, glare, heat, vibration or other adverse effect on the neighboring property.
2. Reflective products or products that glare, will not be used for roofing, skirting, fencing, or other uses unless treated to prevent reflection or glare. These products must be approved by the City Recorder and Ordinance Officer.

#### B. Permitted uses.

1. Single-family dwellings.
2. Duplexes, two unit dwellings.
3. Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall not be located within the required setback areas. Accessory uses are those which are clearly incidental and subordinate to the primary use of the main building.
4. Name plates and signs. One non-illuminated nameplate not to exceed one and one-half square feet in area placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet pertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood or community center.
5. Residential homes.
6. Utilities facilities necessary for public service.

C. Conditional Uses. Permitted with approval of the City Council in accordance with Section 150.080.

1. Churches.
2. Mobile home parks.

3. Schools and libraries.
4. Home occupations.
5. Lodge for civic or fraternal organization carrying on no commercial activity.
6. Triplexes, three-family dwellings, and four-plexes, four-family dwellings.
7. Necessary public utilities and public services, city and county service buildings.
8. Short Term Rental facilities meeting the provisions of Section 150.055.
9. Bed and breakfast facilities meeting the provisions of Section of 150.065.
10. Boarding house.
11. Residential facilities.
12. Golf course or other outdoor recreation.
13. Wireless telecommunication facilities. See Section 150.068.
14. Parks, playgrounds, or community centers owned and operated by a public agency or non-profit community organization.
15. Recreational vehicles for residential use.

D. Height. Buildings, structures, or portions thereof shall not be erected to exceed a height of two stories or 28 feet at grade of front door, or whichever is less.

E. Area Requirements.

1. Front yard. There shall be a front yard of not less than ten feet in depth. With a set-back of no less than 5 feet, with clear vision access regulations maintained in accordance with this ordinance
2. Side yard. On interior lots, there shall be a side yard on each side of the main building and each side yard shall have a width of not less than five feet from the drip-line. On corner lots the interior side yards shall have a width of not less than five feet from the drip-line but the side of yard on the street side of such corner lots shall not be less than ten feet in width.
3. Rear yard. There shall be a rear yard of not less than five feet from the drip-line in depth.
4. Lot area. In the "R" Zone the minimum lot or parcel size shall be as follows.
  - a. Single, two family, and mobile home dwellings: 5,000 square feet.
  - b. Multiple family dwellings: 5,000 square feet for two dwellings units plus.
    1. 1,000 square feet for each additional one-bedroom dwelling unit.
    2. 1,350 square feet for each additional two-bedroom dwelling unit.

3. 1,600 square feet for each additional three-bedroom dwelling unit.

4. 1,800 square feet for each additional four-bedroom dwelling unit.

c. All uses shall have adequate area to meet the property line setback requirements and the off street parking space requirements of this chapter.

d. All uses shall have a frontage on the street of a minimum of 25 feet.

F. Parking regulations.

a. Dwellings. Two parking spaces shall be provided on the lot for each dwelling unit.

b. Uses other than dwellings. See Section 150.056. Halfway - Land Usage

G. Sanitation Regulations. Before any dwelling is occupied, it must be connected to an approved subsurface disposal system and, ultimately, to the city sewer system at such time as the city sewer system becomes available to the property on which the dwelling is located.

Section 150.036 Commercial-Residential Zone "CR"

Buildings and structures hereafter erected, structurally altered, enlarged or moved or land hereafter used in the "CR" Commercial-Residential Zone shall comply with the following regulations.

A. Regulations

a. Be reasonably free of objectionable odor, noise, glare, heat, vibration or other adverse effect on neighboring property.

b. Reflective products, or products that glare, will not be used for roofing, skirting, fencing, or other uses unless treated to prevent reflection or glare. These products must be approved by the City Recorder and Ordinance Officer.

B. Permitted Uses

a. Residential uses listed in Section 150.035 (B).

b. Retail trade and service establishments in which the operation takes place solely within an enclosed building.

c. Public buildings, structures and services.

d. Retail trade establishments, personal and business services in which the operation takes place solely within an enclosed building and the owner, operator, or lessee of the business lives in an apartment on the premises.

e. Existing residential uses are the time of adoption of this chapter.

f. Utilities facilities necessary for public service.

g. Any commercial use according to this section shall be reasonably free of objectionable odor, noise, glare, heat, vibration or other effect on neighboring property.

C. Conditional Uses. Permitted with the approval of the City Council in accordance with Section 150.080 of this chapter.

- a. Churches.
- b. Service commercial establishments in which some activities take place in an enclosed building.
- c. Agricultural support services including produce storage facilities.
- d. Commercial amusement.
- e. Single-family dwellings, duplexes, and apartments on second floor of structure above existing commercial uses on ground floor.
- f. Recreational Vehicle Park.
- g. Light industrial uses provided that all activities and operations except off street parking and loading take place wholly within an enclosed building and that it is not deemed to be incompatible with surrounding uses because of noise, odor, sight or other kinds of environmental pollution.
- h. Lodge for civic or fraternal organization.
- i. Mini storage units with the condition that the design and landscaping must be approved by the City Council prior to the construction of the buildings.
- j. Wireless telecommunication facilities. See Section 150.068.
- k. Recreational vehicles for residential use.

D. Height. Buildings, structures or portions thereto shall not be erected to exceed a height of two stories or 28 feet at grade of front door, or whichever is less.

E. Area Requirements. In the Commercial-Residential zone, setbacks shall be as follows.

- a. Front yard. There shall be a front yard of not less than ten feet in depth. With a set-back of no less than 5 feet, with clear vision access regulations maintained in accordance with this ordinance.
- b. Side yard. On interior lots, there shall be a side yard on each side of the main building and each side yard shall have a width of not less than five feet from the drip-line. On corner lots the interior side yards shall have a width of not less than five feet from the drip-line but the side yard on the street side of such corner lots shall not be less than ten feet in width.
- c. Rear yard. There shall be a rear yard no less than five feet from the drip-line in depth.
- d. Lot area. In the "CR" Zone the minimum of lot or parcel size shall be as follows:
  - 1. Single, two family and mobile home dwellings: 5,000 square feet.
  - 2. Commercial use, single family, two family, and mobile home dwellings: 4,000 square feet.
  - 3. Multiple family dwellings: 4,000 square feet for two dwellings units plus:

1. One thousand square feet for each additional one-bedroom dwelling unit.
2. One thousand three hundred fifty square feet for each additional two bedroom dwelling unit.
3. One thousand six hundred square feet for each additional three bedroom dwelling unit.
4. One thousand eight hundred square feet for each additional four bedroom dwelling unit.
5. All uses shall have adequate area to meet the property line setback requirements and the off street parking space requirements of this chapter.
6. All uses shall have a frontage on the street of a minimum of 25 feet.

F. Parking Regulations.

- a. Residential off-street parking. For residential uses, two parking spaces for each dwelling unit.
- b. Off-street parking. See Section 150.056.
- c. Parking area approval. Land used for parking areas, other than residential, in this zone shall be developed in accordance with a plan approved in writing by the City Council. The area must be surfaced with asphalt, concrete or other type of surfacing approved by the City Council and all parking spaces should be individually marked.

Section 150.037 Public Zone "P"

Conditional Uses. The following uses and their accessory uses are permitted when authorized.

A. Regulations

- a. Be reasonably free of objectionable odor, noise, glare, heat, vibration or other adverse effect on neighboring property.
- b. Reflective products, or products that glare, will not be used for roofing, skirting, fencing, or other uses unless treated to prevent reflection or glare. These products must be approved by the City Recorder and Ordinance Officer.

B. Conditional Uses

- a. Public reserve areas of natural, historical, or geological facilities. Halfway - Land Usage
- b. Public wildlife reserve or management area.
- c. Public or private schools.
- d. Public buildings and uses including community centers.
- e. Commercial, private, or public picnic or campground.



f. Utility facility. Facilities necessary for the health, safety, and welfare of residents.

g. Public or private golf courses.

h. Commercial recreation use, including marina, riding stable, resort type establishment, gun club, recreation camp, and dude ranch.

i. Public marina, recreation camp or resort.

j. Public picnic grounds, parks, playgrounds, campgrounds, fair grounds, or nature trails.

k. Single family dwelling, including a mobile home for administrative or maintenance personnel of approved uses.

C. Standards. In the "P" Zone, the following standards shall apply if determined to be in the best interest and welfare of residents.

a. The minimum lot size shall be the minimum necessary to accommodate the use determined by the City Council to be necessary for the protection of the public health and safety and natural resources.

b. Setback dimensions shall be the minimum necessary to accommodate the use determined by the City Council. (See minimum setback requirements as determined by this Ordinance in Residential uses and Commercial Residential uses).

D. Limitations on Conditional Use. In addition to the approval standards that may be attached to the approval of a conditional use as provided by the zoning ordinance, the following limitations shall apply to a conditional use in a "P" Zone.

a. The city may require establishment and maintenance of fire breaks, the use of fire resistant material in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce fire hazards or prevent the spread of fire to surrounding areas.

b. The city may limit changes in the natural grade level, or the alteration, removal or destruction of natural vegetation in order to prevent or minimize erosion, pollution, or degradation of the natural resources or features of the area.

c. An application for a conditional use in a "P" Zone shall be denied if, in the opinion of the city, the proposed use would exceed the carrying capacity of the area or would be detrimental to the natural resources or features of the area.

## **Halfway -Land Usage and Development**

### **CONDITIONAL USES 150.080 Authorization To Grant Or Deny Conditional Uses**

A. Authority of City Council. Conditional uses listed, and other uses not listed in this chapter may be permitted, enlarged, or otherwise altered upon receiving written authorization by the City Council in accordance with the standards and conditions in this article. In permitting a conditional use or the modification of a conditional use, the City Council may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the City Council considers necessary to protect the best interest of the surrounding property or the city as a whole.

B. Standards for conditional uses.

1. The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city.
2. Taking into account location, size, design, and operation characteristics, the proposal will have minimal adverse impact on the,
  - a. Livability
  - b. Value
  - c. Appropriate development of abutting properties and the surrounding an area compared to the impact of development that is permitted outright.
  - d. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.
  - e. The proposal will preserve assets of particular interest to the community.
  - f. The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

C. Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose conditions, which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following, however the City Council may impose additional conditions not listed below.

1. Increasing the required lot size or yard dimension.

2. Limiting the height, size, or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Requiring proper drainage and pest control.
10. Placing time limits on the use and requiring periodic reviews.
11. Protecting the scenic values.

D. Procedure for taking action on a conditional use application.

1. Application for conditional use. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Recorder. The City Council may require other drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties.

2. Public hearings on conditional use. Before the City Council may act on a request for a conditional use, it shall hold a public hearing following the notice procedures of Section 150.150 through 150.153.

3. Notification action. Within ten days after a decision has been rendered by the City Council with reference to a request for conditional use, the city shall provide the applicant with written notice of the decision of the Council.

4. Time limit on a permit for conditional use. An initial conditional use permit may be issued for a period not to exceed six (6) months. Should such conditional use permit be desired after the initial permit period, a written request for continuance must be submitted to the City Council for consideration. If approved, the initial permit will be extended for an additional six (6) months. Should such conditional use be desired after twelve (12) months, a written request for continuance must be submitted to the City Council for consideration. If approved, a new conditional use permit will be issued for the remainder of the calendar year and the following year (additional twelve (12) months). This process will continue each year of desired conditional use. After the initial twelve (12) months, a separate fee will be required for issuance of each permit.

E. Resubmittal. If a request is denied by the City Council, no new request for the same or a substantially similar proposal shall be filed within six months after the date of final denial. An application may be denied without prejudice and a waiver of the six-month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the City Council, on its own motion, may consider new evidence and waive the six-month restriction. Halfway - Land Usage

F. Final action. Except as provided for under ORS 227.178, the city shall take final action on conditional use permits and variances, including the resolution of all appeals to the

City Council under ORS 227.180, within 120 days from the date a complete application is submitted to the city. Within 30 days of the receipt of an application, the city will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the 30-day period. The 120-day time period will commence on the date the application is deemed complete.

#### G. Existing Land Uses

1. Land uses which lawfully existed at the time of the adoption of the minimum necessary to accommodate the use of this ordinance and which would be considered as conditional uses in this chapter shall be considered as existing conditional uses. This includes uses prior to June 9, 2005.
2. An expansion, enlargement, or change of use to another listed conditional use shall be required to be approved by the City Council in accordance with this section.

#### H. Revocation of conditional use permit.

1. Any conditional use permit shall be subject to denial or revocation by the City Council if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.
2. In order to consider revocation of a conditional use permit, the City Council shall hold a public hearing as prescribed under this section in order for the holder of a conditional use permit to show cause why the permit should not be revoked.
3. If the City Council finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made, revocation of the conditional use permit shall become effective ten days after the time specified.
4. Reapplication for a conditional use which has been revoked cannot be made within one year after the date of the City Council's action, except 39 Halfway - Land Usage and Development that the City Council may allow a new application to be considered if new evidence or a change in circumstances warrant it.