

## **Type I & Type II Conditional Use Permit**

### **Conditional Use Permit Definition:**

“Regulatory permit issued to a landowner by a local government entity regulating land use and relating to a particular kind of use of a particular site”. (<http://www.communitybenefits.org>)

### **Purpose of Conditional Use Permit:**

Some types of land use activities may not be compatible with existing or planned improvements in an area and for this reason, the County needs to exercise discretion in deciding the matter. This is accomplished by the Conditional Use Permit (CUP), a land use decision process that allows the County to determine if the proposed use is feasible for the surrounding lands. Since the Conditional Use Permit is a discretionary matter, it may be in your best interest to speak with a private land use planner, surveyor or title company for guidance in preparing the application materials.

### **Applicable Regulation**

Lake County Zoning Ordinance Article(s): 2 Exclusive Farm Use Zone, 3 Agriculture Use Zone, 4 Rural Center Zone, 5 Forest Use Zone, 6 Rural Residential Zone, 7 Farm Residential Zone, 8 Suburban Residential Zone, 9 Commercial Zone, 10 Light Industrial Zone, Heavy Industrial Zone, 24 Conditional Uses

### **Processing Procedures: Type I and Type II Conditional Uses**

Conditional Uses set forth by this Ordinance may be classified as either Type I or Type II Conditional Uses and process as set forth hereinafter. If such a classification is not set forth for a specific Zone, all Conditional Uses therein shall be processed in accordance with the Type II requirements.

#### **Type I Conditional Uses**

The County Planning Director shall, within 5 working days after the receipt of a “completed” application for a Type I Conditional Use, provide written notice of such application to the owners of property within 250 feet of the exterior boundaries of the subject property, excluding public streets and ways, other person or parties to which notice is required by this Ordinance, any other local ordinance, or by State and/or federal regulation, and to any persons or parties specifically requesting such notice. Such notice shall provide for a minimum of 10 days, but not more than 20 days, for response regarding the subject proposal. If no objection is received within the stated response period, the Planning Director may take action on the subject application for approval, approval with conditions and/or modification, or denial, “or” may refer the application to the Planning Commission for public hearing. If one or more objections are received (in writing) within said response period, the Planning Director “shall” refer said application to the Commission for public hearing.

#### **Type II Conditional Uses**

An application for a Type II Conditional Use shall be subject to review by the Planning Commission in accordance with the public hearing requirements set forth by Subsection “C” of this Section.

Subsection “C”: Public Hearing Requirements, Recess of Hearing and Notification of Action.

**Type I and Type II Conditional Use**

A-1, Exclusive Farm Use  
A-2, Agriculture Use  
A-3, Rural Center Zone  
F-1, Forest Use Zone  
R-1, Rural Residential Zone  
R-2, Farm Residential Zone  
R-3, Suburban Residential Zone

**Type II Conditional Use**

C-1, Commercial Use Zone  
M-1, Light Industrial Use Zone  
M-2, Heavy Industrial Use Zone

**Above information was taken from the Lake County Zoning Ordinance, unless otherwise stated.**

**Application**

- Get application from the Planning Department in the Lake County Court house, online at the County website: [www.lakecountyor.org](http://www.lakecountyor.org). OR call Jennifer Stephens 541.947.6032.
  - Click on DEPARTMENT INDEX on the left side of the page
  - Click on LAND USE/PLANNING
  - Scroll down until you get to the section labeled FORMS
  - Click on either TYPE I OR TYPE II CONDITIONAL USE PERMIT