MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185

File Number: 2026-08-012
Application Fee: $350.00
Date Received: 8/18/2026
Date Deemed Complete: _____

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Robert & Susan Milner Revocable Trust
Address: 1195 Ruby Farm Way
City/State/Zip: Manteca, CA 95337
Phone: 209-479-3228
Email: milnerfarm57@gmail.com

APPLICANT INFORMATION ☐ *Check box if same*

Name: _____
Address: _____
City/State/Zip: _____
Phone: _____
Email: _____

PROPERTY INFORMATION

Township: 18S Range: 46E Section: 02 Tax Lot: 1600 Ref #: 7471 Acres: 82.09 Zoning: C-A1
Address: 737 Foothill Drive, ONTARIO, OR 97914
Current use: Single Family Residential & Agricultural
Use of surrounding properties: Mixed, Agriculture; Redidential
Proposed use: Single Family Residential & Agricultural
Permitted subject to section: 6-6-8-1; 6-6-8-2
Water source: Existing potable water well
Sewage disposal method: individual site septic system
Are the wetlands/water waterways on your property? ○ No ◉ Yes (description): South boundary is Malheur River
Do you own neighboring property? ○ No ◉ Yes (description): TL1601, Ref. #20436, part of this application
Name of road providing access: Foothill Drive is accessed via an existing private driveway
Application also affects: Tax Lot: 1601 Ref. #20436 Acres: 5.99 Ac Zoning: C-A1

LEGAL PARCEL STATUS

Partition: Parcels 1 and 3, Partition Plat #11-03 Subdivision: N/A
or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: 02/02/2011
Current Deed #: 2026-01782 Date Filed: 05/18/2026

**The deed and a map showing the property described in the deed(s) must accompany this application.*

**Additional descriptive maps and pictures may be attached.*

EXHIBIT # 1

SIGNATURES:

Property Owner(s): Robert W. Miller, trustee Date: 8-13-26

Property Owner(s): Barbara W Miller, Trustee Date: 8-13-26

Applicant(s): _____ Date: _____

Applicant(s): _____ Date: _____

PLEASE NOTE: Before this application will be processed, you must supply all requested information and forms, and address all listed or referenced criteria. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel Deed/Land Use Action: _____ **Previous Map and Tax Lot:** _____	☐NO ☐YES
Past Land Use Actions: If yes, list file #(s) _____ _____ _____	☐NO ☐YES
Subject to previous conditions? **Assessor Property Class:** _____ **Zoning:** _____	☐NO ☐YES
Water Resources: Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? Describe (include setback distances): _____ ☐ Fish bearing ☐ Non fish bearing ☐ Seasonal Creek ☐ Irrigation ditch ☐ Wetland ☐ Pond/Lake ☐ Not identified *(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)*	☐NO ☐YES
Access: County or ODOT approach permit on file? ☐ NO ☐ YES, # _____	
Address: Address exists and has been verified to be correct? Address needs to be assigned after approval?	☐NO ☐YES ☐NO ☐YES
Fire District: _____	

MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918 **Phone (541)473-5185**

CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN REQUEST

This application is to request a partition plot of lands zoned for agriculture. There is an existing single family dwelling on the property, which is being split off from the ag lands. The desired result will be to have the dwelling on its own lands, separate from the actively farmed area. No farmed/ag lands will be removed from production.

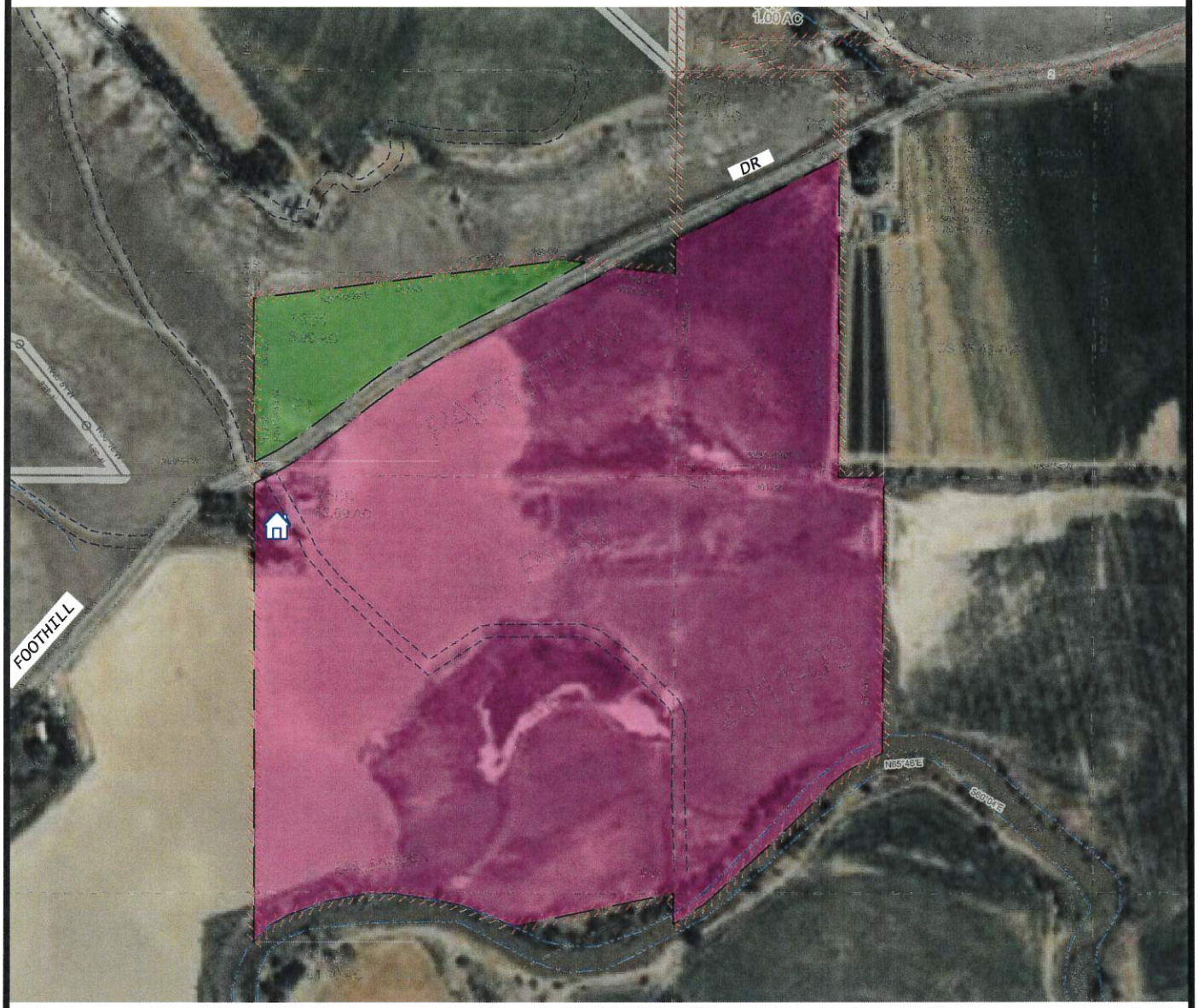
(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	**Length**	**Width**	**Height**	**Square Footage**
Dwelling				
Driveway				
Accessory Structure				
Agricultural Structure				
Other				
EXISTING				
Dwelling				
Accessory Structure				
Agricultural Structure				
Other				

CONDITIONAL USE PERMIT - DEED MAP

REF. #7471/TL1600 & REF. #20436/TL1601 (MAP #18S46E02)
WITHIN SECTION 2
TOWNSHIP 18 SOUTH, RANGE 46 EAST, W.M.
MALHEUR COUNTY, OREGON



EXISTING TL1600/REF. #7471
EXISTING TL1601/REF. #20436
EXISTING HOME LOCATION

RELEVENT CONVEYANCES:
INST. #2011-0319 (PARTITION PLAT 11-03
INST. #2026-1782 (MILNER, TL1601)

N
0 500
SCALE: 1 INCH = 500 FEET

OWNER:
ROBERT & SUSAN MILNER REV. TRUST
737 FOOTHILL DR.
ONTARIO, OR 97914
209-479-3228

PREPARED BY:
ATLAS LAND SURVEYING
202 NE 9TH STREET
FRUITLAND, ID 83619
208-452-6462
August 2026

AmeriTitle

THIS SPACE RESERVED FOR RECORDER'S USE

MALHEUR COUNTY, OR	**2026-1782**
D-ST WD	**05/18/2026 09:53:05 AM**
Cnt=1 Pgs=2	**$97.00**

I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Gayle V. Trotter - County Clerk

After recording return to:
AmeriTitle
81 S Oregon St
Ontario, OR 97914

Until a change is requested all tax statements shall be
sent to the following address:
Robert W. Milner and Susan W. Milner, as Trustees of the Robert W. Milner and Susan W. Milner 2002 RevocableTrust
1195 Ruby Farm Way
Manteca, CA 95337
File No. 1075441

STATUTORY WARRANTY DEED

Dale M Herr and Lora J Herr,

Grantor(s), hereby convey and warrant to

Robert W. Milner and Susan W. Milner, as Trustees of the Robert W. Milner and Susan W. Milner 2002 RevocableTrust ,

Grantee(s), the following described real property in the County of Malheur and State of Oregon free of encumbrances except as specifically set forth herein:

Land in Malheur County, Oregon as follows:

In Twp. 18 S., R. 46. E., W.M.:
Sec. 2: A portion of land in the NW1/4 more particularly described as follows:

Parcel No. 1 of Partition Plat No. 11-03, recorded February 2, 2011 as Instrument No. 2011- 0319, records of Malheur County, Oregon.

The true and actual consideration for this conveyance is $105,000.00.
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

Real property taxes due, if any, but not yet payable

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated: 5/14/26

Dale M Herr

Lora J Herr

State of Oregon } ss
County of Malheur}

On this 14 day of May, 2026, before me, Codilyn Ingram, a Notary Public in and for said state, personally appeared Dale M. Herr and Lora J. Herr, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Oregon
Residing at: Weiser, ID
Commission Expires: August 28, 2027

OFFICIAL STAMP
CODILYN INGRAM
NOTARY PUBLIC-OREGON
COMMISSION NO. 1040456A
MY COMMISSION EXPIRES AUGUST 28, 2027

CONDITIONAL USE CRITERIA – Malheur County Code (MCC) CHAPTER 6-6-7

1. The proposal must be consistent with the goals and objectives of the Comprehensive Plan and MCC.

2. Taking into account location, size, design and operational characteristics of the proposed use, describe how your proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses:

There will be no change to the existing properties, other than to isolate the single family dwelling onto non-farmable ground.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:

The main lands will continue to be used for agricultural production.

The existing dwelling and accessory structures will continue to be used as a single family residence and accessory structures with no business/industrial operations or changes.

Describe the number of people/employees/customers associated with the proposed use:

The proposed use will accommodate a single family...2-6 people.

3. What are the existing developments and viewpoints of property owners in the surrounding area?

There are no existing developments. This proposal is typical of other proposals in the area, where an agricultural parcel with a home is partitioned to separate the home/dwelling from ag lands. Surrounding property owners are typically agreeable to proposals of this type.

4. The proposed use cannot exceed or significantly burden public facilities and services available to the area. Please describe the impact the proposed use will have on the following public facilities and services and provide letters from the appropriate entities:

Roads: The use already exists, and direct access is made to Foothill Road. No additional load/ burden is anticipated.

Fire & Police Protection: The use already exists and will add no new/additional load/burden to fire/police protection

Sewer & Water: No new additional load/burden will occur as the use is already existing.

Electrical & Telephone: No new additional load/burden will occur as the use is already existing.

Solid Waste Disposal: No new additional load/burden will occur as the use is already existing.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
The proposed use will have no negative effect on the community. It will continue to be occupied by residents, so it would be beneficial to have the dwelling isolated on its own parcel. Otherwise, it might fall into disrepair if not occupied. Ag lands will continue to be utilized as is currently practiced.

6. Demonstrate that the proposed use will not interfere with traditional fish and wildlife use of habitats determined critical or sensitive in the fish and wildlife habitat protection plan for Malheur County.
There are no traditional fish and wildlife habitats in the vicinity of the property. The property does not fall within sage grouse core area and is outside of game winter range habitat.

7. How will the proposed use increase setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances during development and operation?
There will be no impacts as there are no proposed physical changes to the property with this application.

8. What are the proposed landscaping improvements for the visual benefit of the subject site and for the improved appearance of the neighborhood and County?
Since the existing dwelling will continue to be occupied, it will benefit the neighborhood and county by keeping the landscaping maintained and appealing to the eye.

9. The location and size of driveway access points and right of way widening and improvement for present and future traffic circulation consistent with the adopted County road standards or the standards of the appropriate road district and the access management standards of the Malheur County Transportation System Plan.
There are no proposed changes to any access points on the property. It will continue to be used for residential and ag purposes as currently utilized.

10. What is the proposed visual screening of the outdoor waste and storage areas?

There are no proposed screening improvements, as the use is not changing and will continue to operate as a single family, residential property and ag lands.

11. What efforts will be in place to control and focus the outdoor lighting to avoid glare being directed beyond property limits?

There are no proposed changes to the existing lighting. The main lighting that is viewable from the road would be from an existing pole mounted yard light, which has minimal glare beyond its immediate vicinity. No new/additional lighting is anticipated.

12. Demonstrate how the proposed use will not significantly increase the cost of, or force a significant change to, accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use.

Describe the agricultural uses (orchards, wheat, grazing, etc.) that are within 0.25 miles of the proposed development. How will the proposed development interact with surrounding agriculture uses?

The proposed use will not have a negative impact to any of the existing farm practices in the area. There are no proposed changes with this application and the existing farming on the remainder of the property will continue. The area is surrounded by different agricultural uses. The farm ground adjacent to the subject property is currently growing and rotating crops such as wheat, onions, alfalfa, corn, sugar beets. The current residents of the home also work on the adjacent ag lands, so they will continue to be able to monitor and maintain and continue with the existing farm/resource use.

NON-RESOURCE DWELLING and NON RESOURCE PARTITION –
Malheur County Code (MCC) 6-6-8-1 and (MCC) 6-6-8-2

1. Describe how the proposed dwelling and the creation of the proposed partition(s) is compatible with farm uses and is consistent with ORS 215.243: The dwelling currently exists and there will not be any new structures with this application. The proposed 1.5-1.7 acre partition is compatible and consistent as it is located on land unsuitable for farming. It has been established as a residence for at least 50 years .

2. Will the proposed dwelling and creation of the proposed partition(s) interfere seriously with accepted farming practices on adjacent lands and what conditions exist to avoid this problem? There will be no interference with adjacent farm lands. The residence already exists on the property and has for a significant period of time. The proposed 1.5-1.7 acre partition does not include any actively farmed ground, so no farm ground will be taken out of production.

3. Will the proposed dwelling/partition be situated on generally unsuitable land for the production of farm crops or livestock considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of tract:
   ☑ No, if yes:
   - Is the proposed parcel only as large as necessary to accommodate the use and provide any buffer area needed to ensure compatibility with adjacent agricultural uses? Yes. The proposed partition is contemplated to be approximately 1.5-1.7 acre in size. This will accommodate the existing agricultural production and no farm land will be lost in the proposed partition. The 1.5-1.7 acre partition will include the existing home, garage, accessory structures, driveway, appurtenances, and mature landscaping.

- Is the proposed parcel located on land with predominantly low productivity V-VII soils not suited for agricultural use and is large enough to accommodate the use and provide any buffer area needed to ensure compatibility with adjacent agricultural uses? How so? The soil type is 33B Turbyfill fine sandy loam. However, the existing dwelling is located on Class 6c lands (non-irrigated). The existing dwelling is on non-irrigated lands and includes the home, garage, driveway, appurtenances, and mature landscaping.

4. In what ways will the proposed partition avoid conflict with and have no significant adverse impact on:
   - the quality of farm or range land: The proposed partition will not impact adjacent farm land. The proposed 1.5-1.7 acre partition has no history of agricultural production.
   - the watersheds: Due to the fact that there is no proposed change to the property, there will be no significant impacts.
   - fish and wildlife habitat: Due to the fact that there is no proposed change to the property, there will be no significant impacts.
   - soil and slope stability: Due to the fact that there is no proposed change to the property, there will be no significant impacts.
   - air and water quality: Due to the fact that there is no proposed change to the property, there will be no significant impacts.
   - outdoor recreation areas: Due to the fact that there is no proposed change to the property, there will be no significant impacts.

5. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling? Yes, the proposed partition will be created for an existing dwelling. There are no proposed changes to the dwelling at this time.

NON-RESOURCE DWELLING – Malheur County Code (MCC) 6-6-8-1

1. Describe how the proposed dwelling is compatible with farm uses and is consistent with ORS 215.243:
The dwelling is contained on lands that are currently farmed and has a buffer area around the property that has been utilized since the house was built. It has been compatible with farm use in the past and will continue to be in the future.

2. Demonstrate that the dwelling will not interfere seriously with accepted farming practices on adjacent lands:
The dwelling is contained on lands that are currently farmed and has a buffer area around the property that has been utilized since the house was built. No changes are being made to this arrangement, so there will be no interference with adjacent lands.

3. Demonstrate that the dwelling will be situated on generally unsuitable land for the production of farm crops or livestock considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of tract:
The current dwelling is situated on Class 6c soil, not suitable for quality farm ground when un-irrigated, The site has less than 2% slopes and has no perceptible drainage problems or flooding. The tract is sufficiently sized to accommodate a well, septic area, and replacement area.

4. Demonstrate that the dwelling will not materially alter the stability of the overall land use pattern of the area, by conducting the **"Cumulative Impacts Analysis"**.
   A. What are the types of soils that have been identified within the study area?
   The area contains Class 2 (irrigated), thru Class 7s (nonirrigated) soils. See soil map and tables for complete list of soils.

   B. What are the types and numbers of existing dwellings that have been identified within the study area?
   Primary Farm dwellings _____ Non-farm dwellings _____
   Farm hand/labor dwellings _____ Hardship dwellings _____

   C. What are the types of farm use occurring in the study area (row crops, pasture, range land, feed crops)? _____
   The study area contains a mixture of dry range land and irrigated crop production. Lands in the study area are irrigated via furrows, center pivots, wheel lines, hand lines, and gated pipes. Primary crops are onion, potatoes, sugar beets, wheat, alfalfa, and corn.

D. What are the number of potential "lot of record" dwellings and non-farm dwellings within the study area?

Lot of Record dwellings _____ Non-farm dwellings _____

E. What are the number of parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings? _____

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? _____

The parcels are high class farm soils and heavily irrigated lands currently in farm production.

G. What dwelling development trends have been identified within the study area since 1993? There has been limited dwelling development in the area, as the vast majority of the area continues to be used for agricultural productions. This proposal is typical of other proposals in the area, where an agricultural parcel with a home is partitioned to separate the home/dwelling from ag lands. Surrounding property owners are typically agreeable to proposals of this type.

H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now?

The findings of fact are that due to the intense agricultural use that continues to permeate the area, the land use pattern has remained essentially unchanged. This application does not intend to change that in any way, as the dwelling already exists and there are no planned changes with the current dwelling.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? Due to the large parcel sizes of the majority of the parcels within the study area, if all potential development occurs, it would have limited impact on the area as a whole. There are areas that have smaller parcels, and those areas would see a negative impact.

J. Determine that the proposed dwelling will not materially alter the stability of the overall land use pattern of the study area. Does the cumulative impact of the existing and proposed non-farm dwelling and the potential new non-farm dwellings within the study area make it more difficult for the existing farms in the study area to continue operation due to diminished opportunities to expand, acquire water rights, purchase or lease farmland, such that the area will be destabilized, impeding normal production practices or crop and livestock due to increased population and associated activities? Due to the fact that the dwelling currently exists, it should have no impact on the overall land use pattern as well as no impacts on any of the farming practices in the area. Approval of this request also should not have any negative affects on future proposals in the area as it currently exists and is not adding to the aggregate number of dwellings in the area.