

I am Jon Auw, a Realtor working at Coldwell Banker Classic Properties.

I have a client that has hired me to sell a parcel of land just East of Vale Oregon. Tax Lot #1900 is a vacant parcel consisting of 19 acres. This lot is mostly rocky and steep, but there is a portion in the NW corner that is suitable for a dwelling. I am proposing this EFU lot be granted a Conditional Use Permit so a non farm dwelling can be established and a family can make use of this property. In my opinion, a rural dwelling would be the highest and best use of this land.

**MALHEUR COUNTY PLANNING DEPARTMENT**

**CONDITIONAL USE PERMIT APPLICATION  
For Non-Farm Dwelling  
In the EFU, ERU or EFFU Zones**

A conditional use is an activity which is basically similar to the uses permitted in a zone but which may not be entirely compatible with the permitted uses. An application for a non-farm dwelling requires review to ensure that the proposed dwelling complies with non-resource dwelling criteria and may be made compatible with the permitted uses in the zone or other adjacent permitted uses which may be adversely affected.

**1. APPLICANT:**

Name: JON AUW Phone: (208) 880-4144  
Address: 375 Evergreen rd City: OMAHUO State: OR Zip: 97914

**DEED HOLDER OF THE SUBJECT PROPERTY:**

Name: ROY LONG Phone: 541-212-9389  
Address: PO BOX 387 City: OSTATO State: OR Zip: 97914

**CONTRACT PURCHASER OR LESSEE OF THE SUBJECT PROPERTY:**

Name: N/A Phone: N/A  
Address: N/A City: N/A State: N/A Zip: N/A

**2. SPECIFIC DIRECTIONS TO SUBJECT PROPERTY:**

From Vale Oregon city limit, 1600' East on  
South Side of HWY 20-26

**3. SPECIFIC DESCRIPTION OF PROPERTY:**

T 18S R 45E Sec(s). 20

ASSESSOR'S MAP NO.(S) 18S4520D

TAX LOT NO.(S): 1900

COMPUTER REFERENCE NO.(S): 14109

SIZE OF PARENT PARCEL: 19 acres

4. GENERAL DESCRIPTION OF PROPERTY:

Current Use: VACANT  
\_\_\_\_\_  
\_\_\_\_\_

Topography: Mostly steep  
\_\_\_\_\_  
\_\_\_\_\_

Does it front as a public road?  Yes  No

Name of road: HWY 20-26

● Attach a letter from the appropriate road district or State Highway Division

Does it front a private road?  Yes  No

Name of road: na

What buildings are on the property? 10x12 old cement bunker style  
\_\_\_\_\_  
\_\_\_\_\_

Does the property have water rights attached to it?  Yes  No

● Attach a letter from the appropriate irrigation district addressing water rights

Means of water supply: well

Means of sewage disposal: septic

Is the parcel located within a rural fire protection district?  Yes  No

● Attach a letter from the appropriate fire protection district regarding the availability of fire protection for the parcel

What other improvements are on the property? boundry fence  
\_\_\_\_\_  
\_\_\_\_\_

5. Cite the section in the land use and development ordinance under which you are applying for a conditional use permit: MCC - 6-6-8-1  
\_\_\_\_\_  
\_\_\_\_\_

6. **GENERAL DESCRIPTION OF ADJOINING PROPERTY:**

Identify any buildings or structures on the adjacent property and give their approximate distance from your property lines:

To NW corner and across Hwy 20-26 is the old mushroom plant.

To west of NW corner are some geothermal buildings and a billboard.

Identify the current uses of adjacent property: Vacant

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7. **PROVIDE PLOT PLAN (See attached example)**

**NON-FARM DWELLING CRITERIA**

8. **Effect on nearby resource lands standard:** The dwelling or activities associated with the dwelling will not force a significant change in, or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm use:

a. **Describe farm practices (not just the use) on surrounding lands devoted to farm or forest use:** The ERU Lands to the East and South have not been used for any farming practices, mostly VACANT

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b. **Explain why the proposed use (non-farm dwelling) will not force a significant change in those practices:** As the adjacent lands are too steep or vacant, a non-farm dwelling will have no impact on their practices.

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c. A lot or parcel, or portion of a lot or parcel, being unsuitable for one farm use does not mean it is unsuitable for all farm uses. Explain how the proposed site for the dwelling is unsuitable for all farm uses:

IT HAS NO IRRIGATION WATER RIGHTS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. The “materially alter the stability” standard: The dwelling and/or partition will not materially alter the overall stability of the overall land use pattern of the area.

**Explanation:** Generally, the intent of the “materially alter” standard is to consider the cumulative impact of possible new non-farm dwellings and parcel, and new non-farm dwellings on existing lots and parcels in the area, and, if the application involves the creation of a new parcel for a non-farm dwelling, to also consider whether or not creation of the new parcel will lead to the creation of other non-farm parcels to the detriment of agricultural practices in the area.

a. Identify and attach a map of the study area that includes at least 2,000 acres. Lands zoned for rural residential or other urban or non-farm use may not be included in the study area.

If a study area of less than 2,000 acres is selected, attach findings of fact supported by substantial evidence, explaining why the selected area is representative of the land use pattern surrounding the subject parcel and why it is adequate to conduct the required “cumulative impact analysis”.

b. List the broad types of farm uses (i.e. irrigated or non-irrigated crops, pasture, range, etc.) within the study area.

DRY LEVEL vegetation is sparse and grazing is not feasible due to terrain being rocky and steep and lack of forage.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. List the number of existing dwellings within the study area. (Mark location of existing dwellings on the study area map) *using maps (www.mplhew.co.org/planning-department/gis-maps)*

Primary Farm Dwellings 8 Accessory Farm Dwellings 0

Non-Farm Dwellings: 1 Hardship Dwellings: 0

25 C-A1 dwellings  
13 C-A2 " "  
2 C-12 " "

d. List the number of potential dwellings within the study area:

1. Potential Farm Dwellings 1
2. Potential Non-Farm Dwellings 0
3. Potential "Lot of Record" Dwellings 0

10. On those parcels where you conclude no potential dwelling(s) will be sited, describe why?

PARCELS ALREADY HAVE ESTABLISHED  
DWELLINGS AND ARE NOT ELIGIBLE FOR  
ADDITIONAL SITES.

11. Describe what the study area looks like now and what the study area will look like if all potential development occurs.

NW corner of lot looks like a vacant lot,  
uncared for and weedy.  
IF NON FARM DWELLING OCCURS, IT WILL HAVE  
A HOME FOR A FAMILY TO LIVE IN.

12. Does the approval of potential non-farm and "lot of record" dwellings, together with existing non-farm dwellings within the study area, materially alter the stability of the overall land use pattern of the area? The stability of the land use pattern will be materially altered if the cumulative effect of the existing and potential non-farm dwellings will make it more difficult for the existing farms in the area to continue operation due to diminished opportunities to expand, the diminished opportunity to purchase or lease farmland such that the area will be destabilized and diminished opportunity to acquire water rights.

NO

13. Describe dwelling development trends in the study area since 1993:

Dwelling development trend are relatively slow  
compared to other Areas in Treasure Valley  
due mostly to economic factors.

**FEE:** A non-refundable fee, as specified in the most recent "Malheur County Code, Section 1-6-5, must accompany this application. Make all checks payable to the Malheur County Planning Department.

I (We), Jon Auw  
(print name in full)

am (are) the applicant(s) and hereby certify that the statements and information contained herein are, in all respects, true, complete and correct to the best of my (our) knowledge and belief.

Signed: Jon Auw  
OWNERS AGENT

**PROPERTY OWNER OR AUTHORIZED AGENT MUST ALSO SIGN**

Roy G. Williams  
Property Owner

Date: 3-7-19

MALIBU RIVER

OLD  
MUSHROOM  
PLANT

HWY 20/26

ALE

EXISTING  
BILLBOARD

well site

Proposed home site

SEPTIC SITE

FUTURE  
HOME DWELLING SITE  
LOCATED IN NW  
CORNER OF TAX LOT  
1900

SUBJECT  
19 ACRE  
PARCEL

