

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: Justin & Heather Johnson Phone: 541-358-2366

Address: 2775 Copeland Road City: Harper State: OR Zip: 97906

DEED HOLDER OF THE SUBJECT PROPERTY:

Name: Justin & Heather Johnson Phone: 541-358-2366

Address: 2775 Copeland Road City: Harper State: OR Zip: 97906

CONTRACT PURCHASER OR LESSEE OF THE SUBJECT PROPERTY:

Name: _____ Phone: _____

Address: _____ City: _____ State: _____ Zip: _____

2. SPECIFIC DIRECTIONS TO SUBJECT PROPERTY:

from vale take Hwy 20 to Harper turn off on Harper road turn left on Copeland Road. travel 2.5 miles to 2775 Copeland Road. Proposed site is NNE of address appx. 300 yards to NW.

3. SPECIFIC DESCRIPTION OF PROPERTY:

T 205 R 4/e Sec(s). 13

ASSESSOR'S MAP NO.(S) 20541E (C-A1+)

TAX LOT NO.(S): 2800, 2900

COMPUTER REFERENCE NO.(S): 8808

SIZE OF PARENT PARCEL: 159.97 acres

4. GENERAL DESCRIPTION OF PROPERTY:

Current Use: The proposed site lies feral, with
no water rights currently.

Topography: The site is a hilltop, flat, and
sloped.

Does it front as a public road? Yes No

Name of road: _____

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

Does it front a private road? Yes No

Name of road: _____

What buildings are on the property? well house located on the
parcel.

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

(Not on proposed
partition,
North of pond)

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

Means of water supply: well Improved

Means of sewage disposal: 1,000 gallon concrete tank installed previously
(see attached)

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? Septic tank that
was installed on permit issued in 03/29/1989.
Powlines that provide service to the well house.

5. Cite the section in the land use and development ordinance under which you are applying for a conditional use permit: _____

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

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

There are corrals appx 600 feet from the proposed site, a house and shop appx 900ft, and an additional shop 1200-1500 feet away.

Identify the current uses of adjacent property: There is irrigated farm ground and dry ground adjacent.

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:**

Irrigated land use of Hay and crops production, irrigated range ground, Range ground.

b. **Explain why the proposed use (non-farm dwelling) will not force a significant change in those practices:**

The current land is not used for any current or future farm use. As it currently has no water rights. The parceling off would not cause a significant change to farming practices.

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:

The spot has a very rocky soil that is shallow. If water rights could be obtained it would incur significant expense in the pumping of water. This would make profits very difficult to obtain from this spot.

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 now 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.

Irrigated farm ground, Irrigated pasture, Rangeland, Dry ground.

c. List the number of existing dwellings within the study area. (Mark location of existing dwellings on the study area map)

Primary Farm Dwellings 8 Accessory Farm Dwellings _____

Non-Farm Dwellings: _____ Hardship Dwellings: 1

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

1. Potential Farm Dwellings 8
2. Potential Non-Farm Dwellings 1
3. Potential "Lot of Record" Dwellings

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

The parent parcels consist of class 4/5/6 soils or are next to water ways. The suitable areas are also in flood zones in some of the parcels

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

There would be little to no impact on the surrounding area except for the addition of a new dwelling.

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 it does not impact the ability for the farms/ranches in the area to expand operations. It has no impact on the operations other than adding additional people to the area to potentially help with work.

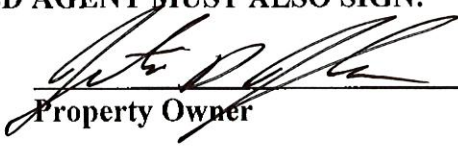
13. Describe dwelling development trends in the study area since 1993:
There has been one house built at
2848 Copeland rd, Harper, OR, 97906 as well as
shop/Barn.

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), Justin David Johnson
(print name in full)

I 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: 

PROPERTY OWNER OR AUTHORIZED AGENT MUST ALSO SIGN:

Property Owner
Date: 9-16-19

Plot Plan for 2 Acre parcel

