



MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185 Fax (541)473-5140

File Number: 2020-09-012
Application Fee: \$350
Date Received: 9-22-2020
Date Deemed Complete: 9-21-2020

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Sherwin Koehn
Address: 450 Douglas rd.
City/State/Zip: Ontario OR 97914
Phone: 541 519 3789
Email: kosa7019@gmail.com

APPLICANT INFORMATION Check box if same

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

PROPERTY INFORMATION

Township: 17S Range: 47E Section: 5 Tax Lot: 900 Ref #: 6539 Acres: 77.3 Zoning: agriculture
Address: 450 Douglas rd. Ontario OR 97914
Current use: Farming Use of surrounding properties: North Dry land Desert
Proposed use: Residential Permitted subject to section: MCC 6-6-8-1 and 6-6-8-2
Water source: Well and Owyhee Irrigation Sewage disposal method: Private Septic
Are the wetlands/water waterways on your property? No Yes (description): South across canal
Do you own neighboring property? No Yes (description): South and East
Name of road providing access: Power rd.

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____
or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: _____
Current Deed #: 17-2775 Date Filed: 7-11-2017

*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.

SIGNATURES:

Property Owner(s): Shurwin Koch Date: 8-29/20

Property Owner(s): Kristin Koch Date: 8-29/20

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

DETAILED SPECIFIC WRITTEN REQUEST

I am intending on having 2 partitions. Each lot will be 7.5 acres.
 They will be sold as home sites.

(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 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:

Land above Onyhee canal on Power rd. is poor farm land and could be suited for residential.

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

2 Home sites

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

Two Residential lots 4 to 10 people

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

I own property to South and East

North is Desert

West Treasury Valley Farms Farm land no houses

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: Impact 4 to 6 more vehicles on roadway

Fire & Police Protection:

Should be low impact with 2 home sites

Sewer & Water:

Private sewer and water well

Electrical & Telephone:

Two homes will use approximately 2000 kwh per month

Solid Waste Disposal: Ontario Sanitary services Power Rd.

I called and asked them.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?

Two view lots will bring in solid middle class people.

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 is not fish habitat in area

The home sites will have trees planted which will be beneficial for birds.

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?

The adjoining property is desert and waste ground should be low nuisance.

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?

View lots should bring in people that care about their houses and yards

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 will be two access points off power rd. One on each side of where lot meets Power road. I talked to Karl and got a letter stating no foreseeable negative traffic impact.

The size of driveways will be average size.

There will be no need of an easement.

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

Standard waste and storage sites probably dumpsters

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

Seven acre lots should help minimize glare along with shade trees. Closest house is a quarter mile away

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?

Land to North is desert grazing in spring two homes will have a low noise threshold.

Land to East West and South Hayfields waste ground and corn-fields home site will have low noise and traffic impacted

**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: Land above Owyhee canal is poorer and this

property is isolated by the canal making the farm ability more difficult

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? _____

The proposed dwellings are isolated East and South by Canal and North is no farming done.

To the West is a big dry weedy lot then farm ground. All farm trucks and equipment go out on Grove two miles to the North.

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: The size of tract and shape and soil make it unsuitable for farm.

• 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? _____

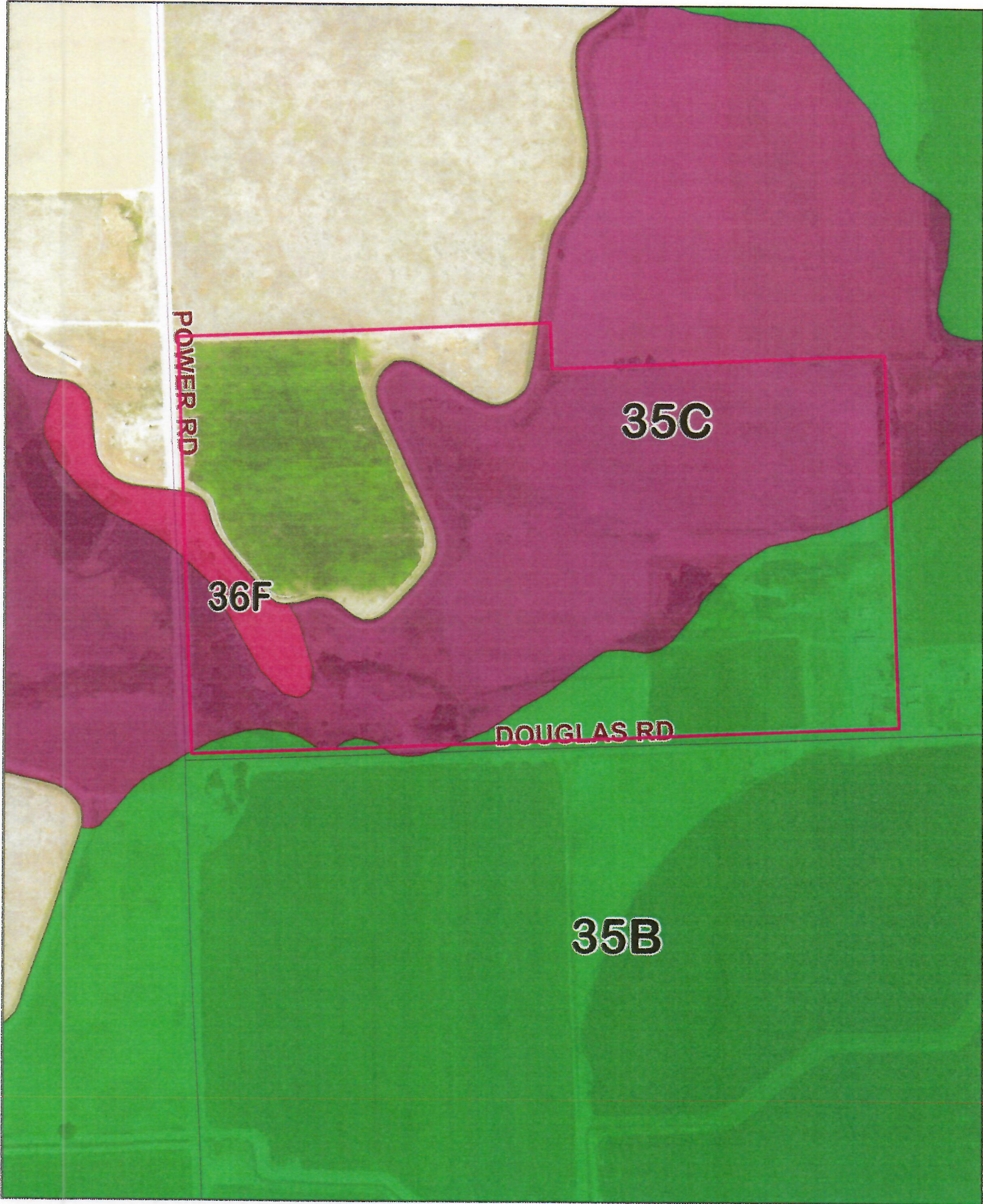
The two parcel will make up the whole field that is cut up by the canal.

- 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? Land is above canal low quality soil and is buffered by canal Desert and waste land all around.

4. In what ways will the proposed partition avoid conflict with and have no significant adverse impact on:

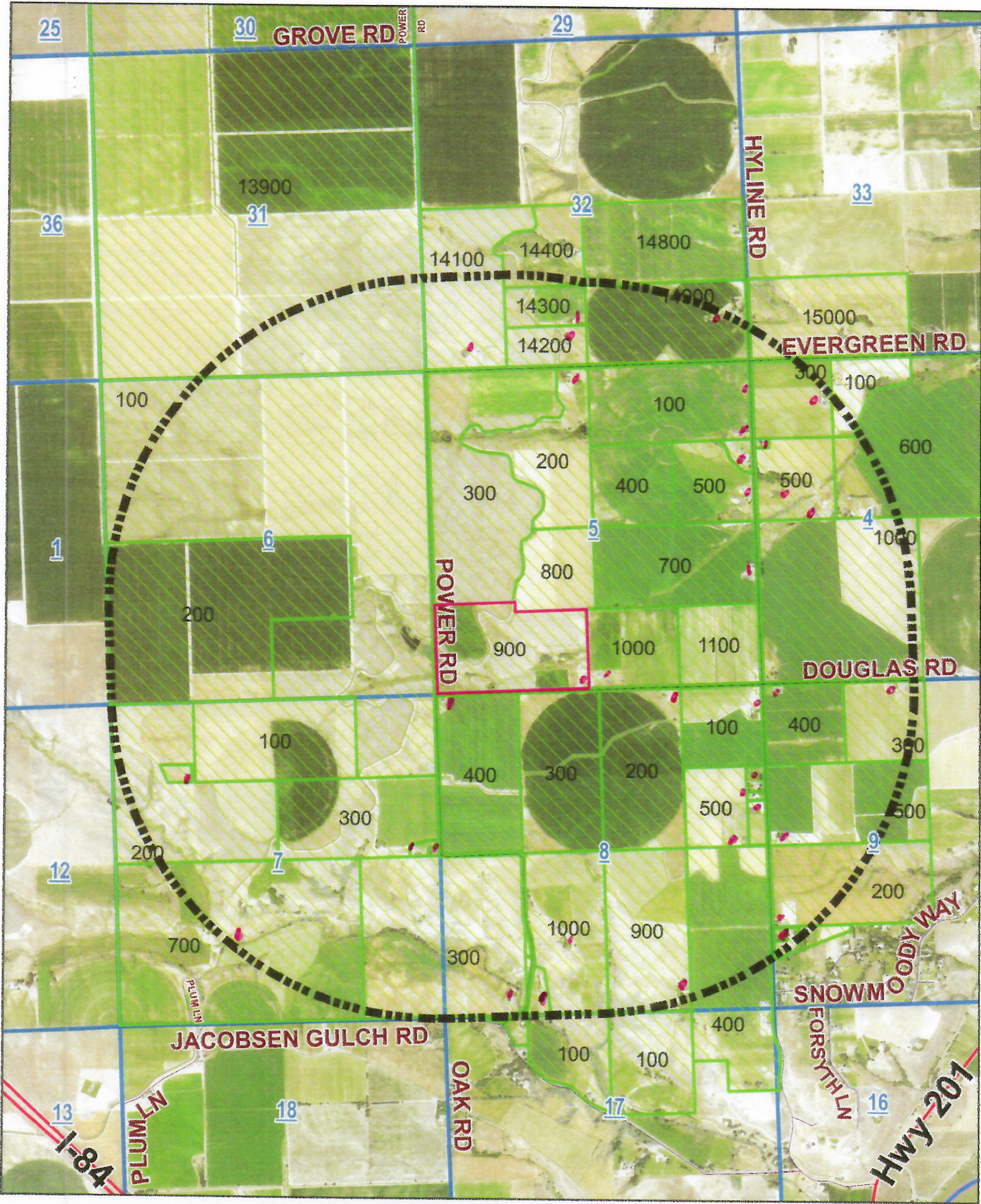
- the quality of farm or range land: Because of topographic location partition will not impact farming
- the watersheds: The property is across the canal from Coyote gulch and is higher in elevation
- fish and wildlife habitat: I have provided wildlife habitat across the canal in coyote gulch. The distance and impact of two homes will not adversely impact it.
- soil and slope stability: The slope on property is minimal and soil is hard making it disgusting to farm.
- air and water quality: Two home will have minimal impact on air and water.
- outdoor recreation areas: No recreation in area

5. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling? No



SOIL MAP
Koehn_Ref# 6539

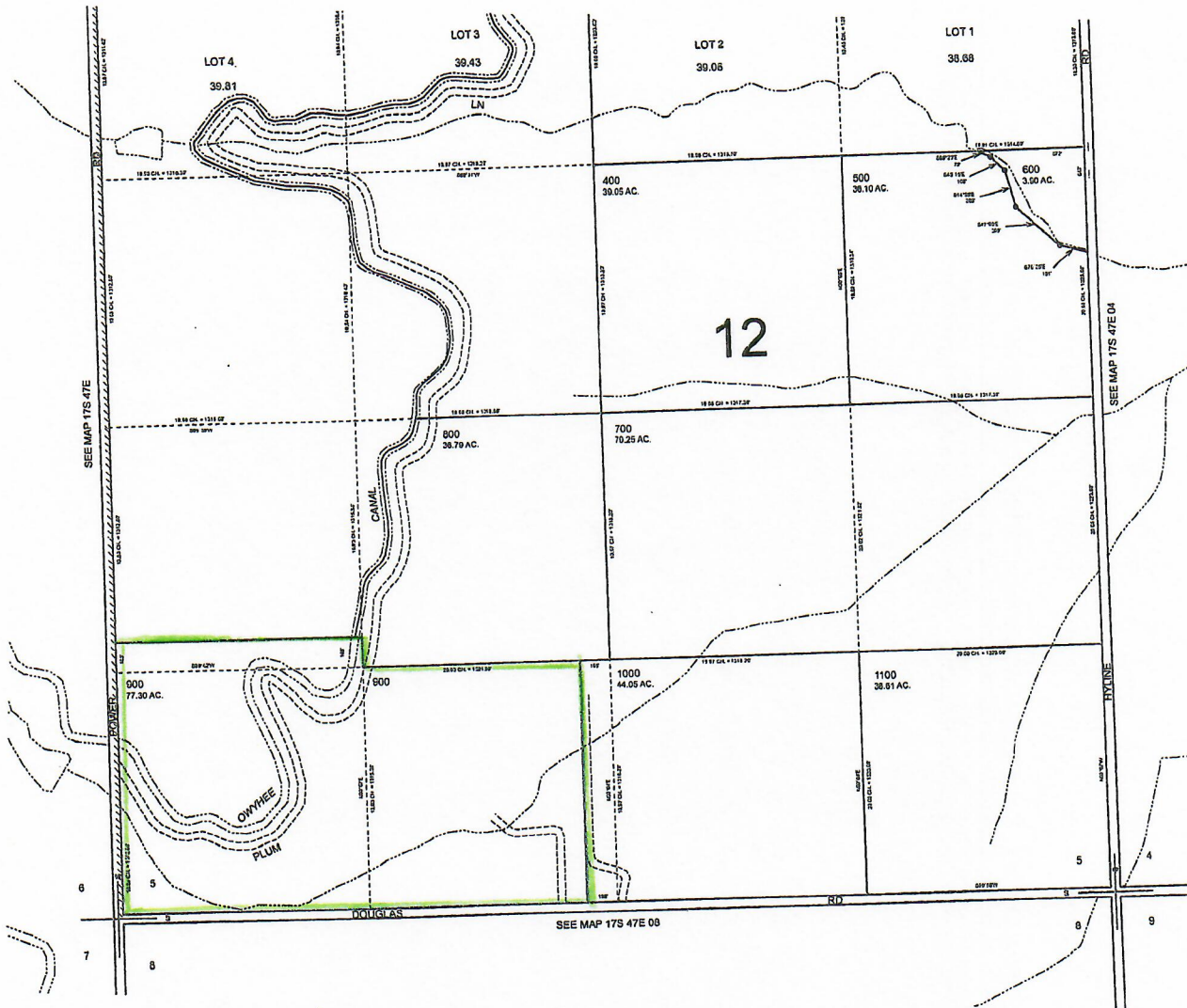
Map is prepared for assessment purposes only



Legend
 Sections
 1MileRadius
 PropOwners w/n 1MileRad from Koehn
 Koehn_Ref# 6539

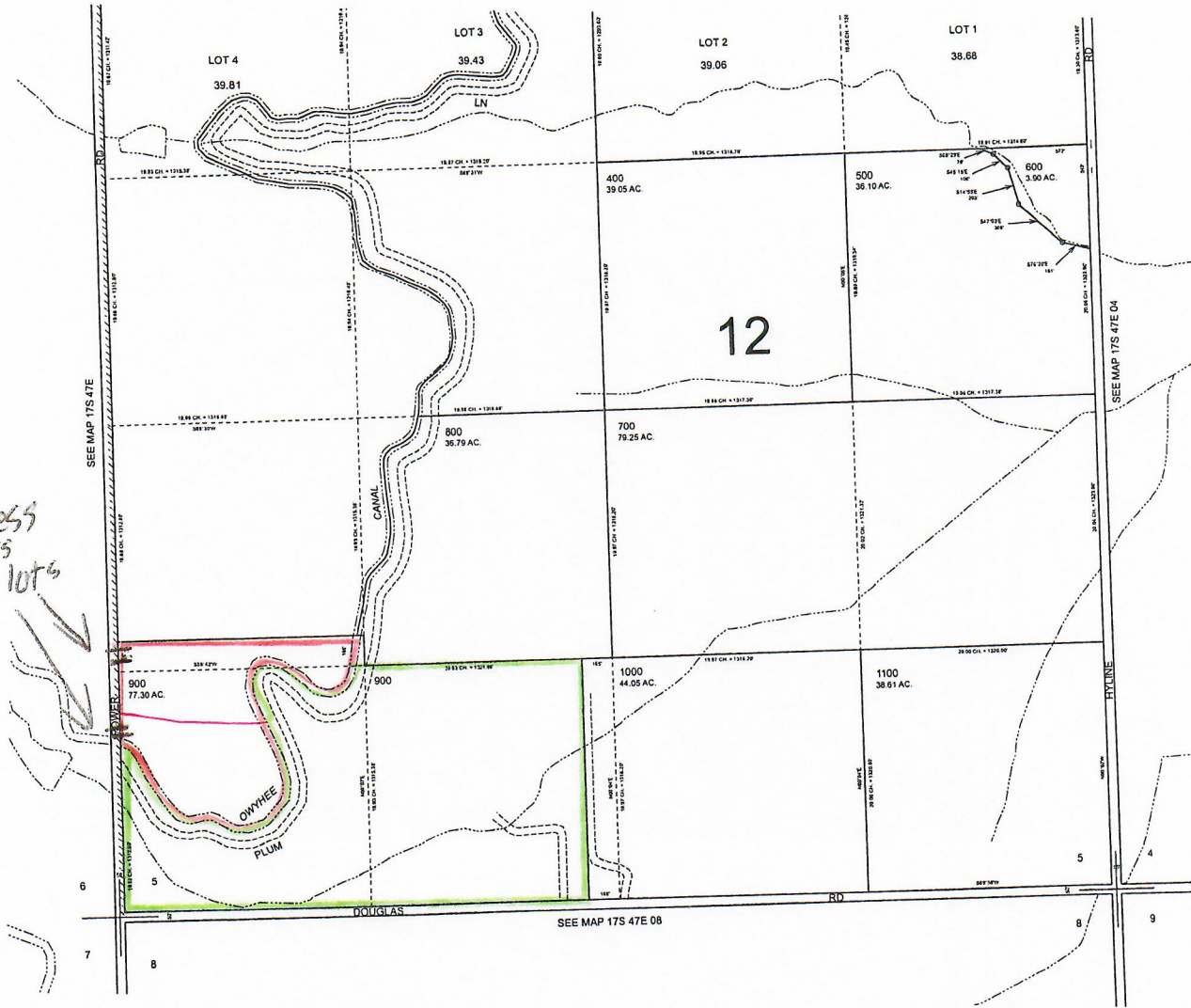
1Mile Radius Map

Map is prepared for assessment purposes only



Original Lot lines

Access points for 2 lots



Proposed new lines

THIS SPACE RESERVED FOR RECORDER'S USE

MALHEUR COUNTY, OR 2017-2775
DST WD 07/13/2017 04:52:00 PM
Cnt=1 Pgs=2 \$57.00
I, Deborah R. DeLong, County Clerk for Malheur County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records.
Deborah R. DeLong - County Clerk

After recording return to:
Malheur County Title Company, Inc.
81 South Oregon Street
Ontario, OR 97914

Until a change is requested all tax statements shall be sent
to the following address:

Sherwin A. Koehn & Krista A. Koehn
1850 SW 3RD AVE.
FRUITLAND, ID 83619

File No.: 32110 E
Date: July 7, 2017

STATUTORY WARRANTY DEED

JACQUELINE LEE RULE aka JACKIE RULE, aka JACQUELINE RULE, Grantor, conveys
and warrants to, SHERWIN A. KOEHN AND KRISTA A. KOEHN, husband and wife, Grantee,
the following described real property free of liens and encumbrances, except as specifically set
forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION.

Account No.: 6539 Code No.: 12 Map No.: 17475 Tax Lot No.:900
Account No.: 6540 Code No.: 12 Map No.: 17475 Tax Lot No.:1000

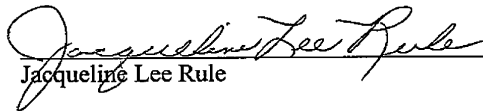
This property is free from liens and encumbrances, EXCEPT:

Current general taxes, easements, restrictions and rights of way, if any, affecting title, which may appear in the
public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is \$510,830.66 (Here comply with requirements of ORS 93.030)

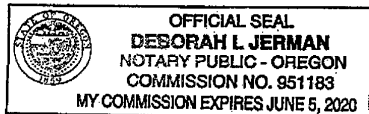
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS ORS 195.300, 195.301 AND 195.305
TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17,
CHAPTER 855, OREGON LAWS 2009, AND 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND
SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 11 day of July, 2017.


Jacqueline Lee Rule

STATE Of OREGON County of Malheur)ss

On July 11, 2017, personally appeared before me, Jacqueline Lee Rule, who acknowledged
to me that she executed the same as her voluntary act and deed.



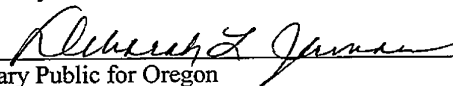

Notary Public for Oregon
My Commission Expires: 6-5-20

EXHIBIT 'A'

TITLE A (Tax Lot 900)

Land in Malheur County, Oregon, described as follows:
In Township 17 South, Range 47 East of the Willamette Meridian:
Section 5: SW1/4 SW1/4, SE1/4 SW1/4 and the S1/2 S1/2 S1/2 NW1/4 SW1/4,
EXCEPTING THEREFROM the E1/2 E1/2 E1/2 of the said SE1/4 SW1/4.

TITLE B (Tax Lot 1000)

Land in Malheur County, Oregon, described as follows:
In Township 17 South, Range 47 East of the Willamette Meridian:
Section 5: SW1/4 SE1/4 and the E1/2 E1/2 E1/2 SE1/4 SW1/4.