

**PROPOSAL FOR NON FARM DWELLING ON THE PROPERTY 1433
HWY 201 ADRIAN OREGON**

WE WOULD LIKE TO SPLIT OFF TWO ACRES FOR A SINGLE FAMILY HOME ON JOHN AND LISA'S ADRIAN PROPERTY. THESE TWO ACRES WE PLAN TO SPLIT OFF HAVE NO WATER RIGHTS, DOES NOT AND WILL NOT SUPPORT AN AGRICULTURE CROP DUE TO BAD SOIL AND TERRAIN. THE PROPOSED LOT HAS FRONTAL ACCESS TO HIGHWAY 201 AND DIRECT ACCESS AS WELL. THE PROPOSED PROPERTY WILL NOT IMPEAD OR EFFECT ANY SURROUNDING FARMS OR FARMING PRACTICES. NO WATER RIGHT WILL BE DISTURBED. THE PROPOSED LOT WILL HAVE ITS OWN WELL AND SEPTIC TANK FOR THE HOUSE.

TO WHOM IT MAY CONCERN:

THIS LETTER GIVES YOU PERMMISSION TO ENTER 1433
HWY 201 ADRIAN OREGON TO VIEW THE PREPOSED NON
FARM DWELLING SITE PROPOSED FOR MASON AND ABBY
MICHAELIS.

A handwritten signature in cursive script that reads "Lisa Davis". The signature is written in black ink and is positioned above the printed name.

LISA OR JOHN DAVIS



MALHEUR COUNTY PLANNING DEPARTMENT

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

File Number: 2020-08-023
Application Fee: \$350
Date Received: 8-27-2020
Date Deemed Complete: 9-27-2020

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: John & Lisa Davis
Address: 1433 Hwy 201
City/State/Zip: Adrian, Or. 97901
Phone: 208-250-0235
Email: lraedavis1@yahoo.com

APPLICANT INFORMATION Check box if same

Name: Mason & Abby Michaelis
Address: 1433 Hwy 201
City/State/Zip: Adrian, Or. 97901
Phone: 208-599-3311
Email: abbyd-01@yahoo.com

PROPERTY INFORMATION

Township: 22 Range: 46 Section: 23 Tax Lot: 500 Ref #: 116036 Acres: 44.5 Zoning: 116036
Address: 1433 Hwy 201 Adrian, Or. 97901
Current use: Single family home/ranch Use of surrounding properties: Farmland
Proposed use: Non Farm partition Permitted subject to section: _____
Water source: well Sewage disposal method: septic tank
Are the wetlands/water waterways on your property? No Yes (description): _____
Do you own neighboring property? No Yes (description): _____
Name of road providing access: Hwy 201

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____
or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: _____
Current Deed #: _____ Date Filed: _____

*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): Lisa Davis Date: 9-11-20

Property Owner(s): _____ Date: _____

Applicant(s): Mr. Michel Date: 9/7/20

Applicant(s): Edy Michaelis Date: 9/7/20

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

<p>Legal Parcel Deed/Land Use Action: _____</p> <p>Previous Map and Tax Lot: _____</p> <p>Past Land Use Actions: If yes, list file #(s) _____</p> <p>_____</p> <p>Subject to previous conditions? _____</p> <p>Assessor Property Class: _____ Zoning: _____</p> <p>Water Resources: Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? Describe (include setback distances): _____</p> <p><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</p> <p><i>(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)</i></p> <p>Access: County or ODOT approach permit on file? <input type="checkbox"/> NO <input type="checkbox"/> YES, # _____</p> <p>Address: Address exists and has been verified to be correct? Address needs to be assigned after approval?</p> <p>Fire District: _____</p>	<p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p>
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CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN REQUEST

We would like to split off two acres for a single family home on John & Lisals Adrian property. These two acres have no water rights, does not and will not support agricultural crop due to bad soil and terrain. The proposed lot will have its own well and septic tank.

(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	55 ft.	32 ft.	10 ft.	1760 ft.
Accessory Structure				
Agricultural Structure	35 ft.	48 ft.	12 ft.	1680 ft.
Other				

Solid Waste Disposal: A&S disposal

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

We would only hope to add to the community in a positive way

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 would be no interference with fish and wildlife 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?

The proposed plot is far enough away from neighbor dwellings so as not to disturb or be a 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?

We are hoping to only add and improve the appearance of the ranch and neighborhood with a farmhouse dwelling.

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 would be no needed changes to the roadway as explained in the ODOT District 14 letter.

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

ADS disposal provides their own dumpsters

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

We will be sure to avoid any outdoor lighting going beyond our property limits.

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 plot will not take away any irrigation or farmland. Alfalfa/Grass fields are within 0.25 miles of the proposed plot but will not be effected. The dwelling would only enhance the production of the ranch.

**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:

Our goal is to only enhance the use of the ranch and rural lands. The proposed plot is very compatible with farm uses because it in no way uses any water rights or good growing soil.

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 partition will not interfere with farming practices on adjacent lands. The plot is of no-use farm wise.

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?

The parcel is the minimum size required to split off so that there will be no interference with adjacent agricultural uses.

- 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? Yes the proposed parcel is

located on predominantly low productivity soils. Soil map reference provided

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 is on low productivity soil.

- the watersheds: No watersheds on proposed partition

- fish and wildlife habitat: No significant fish or wildlife habitat

- soil and slope stability: very stable and low productivity soil

- air and water quality: will not affect the air or water quality or have a significant impact on it

- outdoor recreation areas: The partition is not close to any outdoor recreation areas.

5. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling? The proposed partition will be created for a single family dwelling

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:

The proposed plot will only enhance the use of the ranch and will not take away any water rights or farmland.

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

The proposed use is residential

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

Two people, Mason & Abby Michaelis

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

Farms and ranches make up the majority of the surrounding areas, keeping businesses and properties family run.

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: Will use pre-existing road and Hwy 201

Fire & Police Protection: one house in the Adrian Rural fire district

Sewer & Water: will have its own well and septic

Electrical & Telephone:

6. 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? It's all class 8 soil. The entire new parcel is all class 8 soil.

B. What are the types and numbers of existing dwellings that have been identified within the study area?

Primary Farm dwellings	<u>10</u>	Non-farm dwellings	<u>2</u>
Farm hand/labor dwellings	<u>5</u>	Hardship dwellings	<u>2</u>

C. What are the types of farm use occurring in the study area (row crops, pasture, range land, feed crops)? _____

There are flood irrigated pasture, flood irrigated crops, BLM rangeland, pivot irrigated crops, and non irrigated dry land.

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

Lot of Record dwellings	<u>3</u>	Non-farm dwellings	<u>5</u>
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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? 10

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

Those partials are BLM lots and one is Idaho/Oregon utilities.

G. What dwelling development trends have been identified within the study area since 1993? Within

One mile radius study area lot 10950 added an extra house as part of a hardship. 10977 tore down an old house and was replaced by a new one in the same location. 10946 was split off of 10948 to form a non farm dwelling with a house and barn.

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

All surrounding areas consist of farm and rangeland with a few farm and non farm dwellings.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs?

The study area is mostly family farms where one family owns more than one parcel. Houses are spread out. If you put a house on all potential plots, the landscape of the study area does not change dramatically. Houses will still be spread out and normal farming practices would continue.

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?

No, the proposed dwelling will not materially alter the stability of the overall land use pattern. The soil quality and placement of the proposed partial will not destabilize or impede normal production practices.

Start new

Perimeter

2,026 ft

Area

2.56 ac

North

3D



Camera: 1611 ft 49°35'07"N 111°

North Alkali Creek





SHED

PAN

PAN



BARN

HOUSE

PROPOSED NON-FARM DWELLING 2 + ACERS
SEPTIC

NEW HOUSE

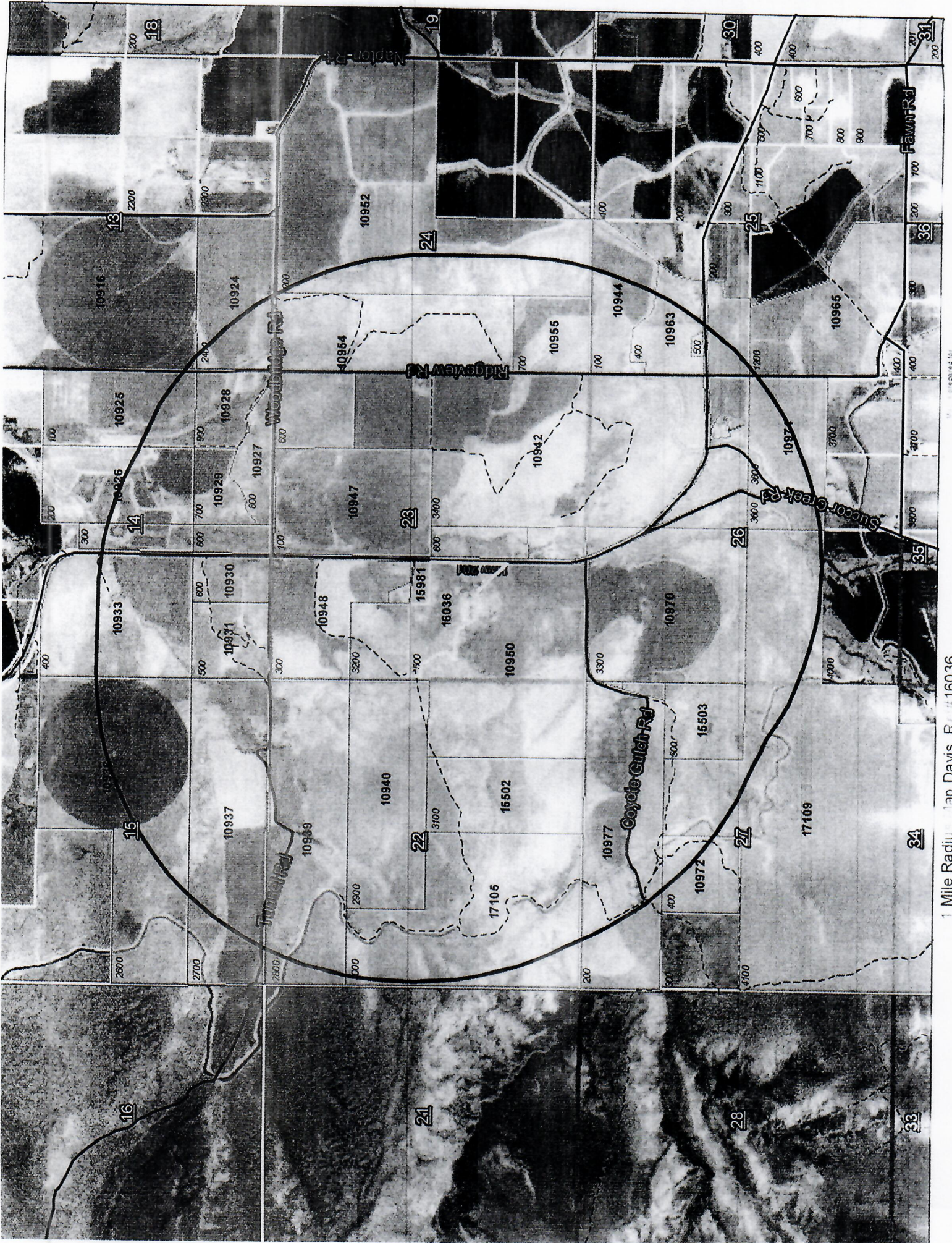
WELL

LANE

N ↑

← Hwy 201 →





1 Mile Radius Map Davis_R #16036

Map prepared to:
show purposes only