

**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: Bryon & Rebecca Clark

Phone: 541-216-0859

Address: 44025 Heppner Spray Hwy City: Spray State: OR Zip: 97874

**DEED HOLDER OF THE SUBJECT PROPERTY:**

Name: Bryon & Rebecca Clark

Phone: 541-216-0859

Address: 2051 6<sup>th</sup> Ave West (& 2081 6th Ave West) City: Vale State: OR Zip: 97918

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

Name: Chancey Child

Phone: 541-216-0392

Address: 2081 6th Ave West City: Vale State: OR Zip: 97918

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

From the intersection of A Street and Main Street, Vale, head North on U.S. Highway 26 for 6.5 miles; turn left onto 6<sup>th</sup> Ave West for 1.5 miles; the destination is on the left before South Road E.

**3. SPECIFIC DESCRIPTION OF PROPERTY:**

T 17 S R 44 E Sec(s). 27

**ASSESSOR'S MAP NO.(S):** 17S4427

**TAX LOT NO.(S):** 200

**COMPUTER REFERENCE NO.(S):** 13128

**SIZE OF PARCEL:** 154.78 ACRES

4. **GENERAL DESCRIPTION OF PROPERTY:**

**Current Use:** Approximately 80% is cultivated and irrigated. Approximately 20% is sage and grass rangeland with low hills.

**Topography:** The property is sage and grass rangeland with low hills with no distinct topographical features.

**Does it front as a public road?**  Yes  No

**Name of road:** 6<sup>th</sup> Avenue West

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

**Does it front a private road?**  Yes  No

**Name of road:** N/A

**What buildings are on the property?** There are two homes on the subject property. Permanent structures are a 2377-square foot Residential House Built in 1947 at 2051 6<sup>th</sup> Ave W, a 2200 square foot Residential House Built about 1995 at 2081 6<sup>th</sup> Ave W, several outbuildings, and a storage bin.

**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?** Corral/pins, pivot;

5. **Cite the section in the land use and development ordinance under which you are applying for a conditional use permit:** MCC 6-3A-3, 6-6-8-1, and 6-6-8-2

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

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

Next door to the North across 6<sup>th</sup> Ave West are two residential homes with surrounding farmland; next door to the West is a residential home with farmland; next door to the East and South are farmland..

**Identify the current uses of adjacent property:** Farmland;

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:
- Describe farm practices (not just the use) on surrounding lands devoted to farm or forest use:** Most surrounding lands are farm cultivated with flood irrigation, wheel lines, and pivot lines.
  - Explain why the proposed use (non-farm dwelling) will not force a significant change in those practices:** The separation of an existing residential dwelling has no foreseeable effect on the surrounding land.
  - 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:** About 80% is cultivated farm ground with water rights. The remaining 20% of ground is sage and grassland (range).
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.

- 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”.
- List the broad types of farm uses (i.e. irrigated or non-irrigated crops, pasture, range, etc.) within the study area.  
Most surrounding lands are farm cultivated with flood irrigation, wheel lines, and pivot lines.
- List the number of existing dwellings within the study area. (Mark location of existing dwellings on the study area map)

Primary Farm Dwellings 15 Accessory Farm Dwellings 1


Non-Farm Dwellings: 11 Hardship Dwellings: 1

- d. List the number of potential dwellings within the study area:
1. Potential Farm Dwellings 12
  2. Potential Non-Farm Dwellings 12
  3. Potential "Lot of Record" Dwellings 2
10. On those parcels where you conclude no potential dwelling(s) will be sited, describe why?  
Some are prime farm ground; some have poor topography; some are range land which do not appeal to homeowners;
11. Describe what the study area looks like now and what the study area will look like if all potential development occurs.  
The separation of an existing residential non-farm dwelling has no foreseeable effect on the study area.
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, no significant changes will occur and should have no effect on the existing farms in the area.
14. Describe dwelling development trends in the study area since 1993:  
There has been little to no significant changes since 1993 and the area has remained basically the same.

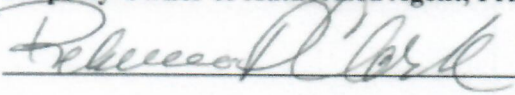
FEE: A non-refundable fee, as specified in the most recent "Malheur County Code, Section 1-6-5, must accompany this application. Make all checks payable to the Malheur County Planning Department.

I (We), Bryan Clark Rebecca Clark  
(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:   
Rebecca Clark

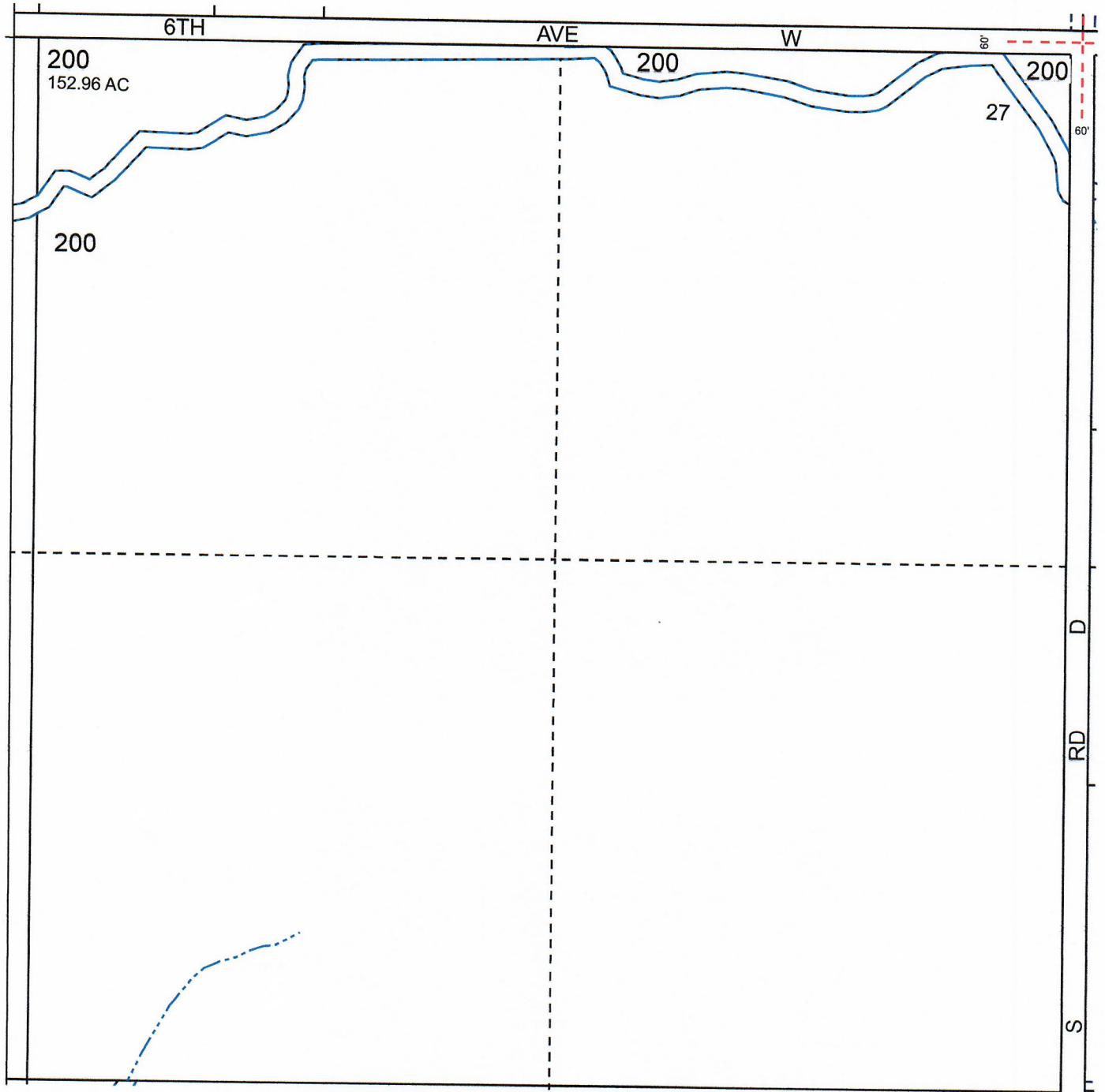
PROPERTY OWNER OR AUTHORIZED AGENT MUST ALSO SIGN:

Rebecca Clark  
Property Owner or Authorized Agent, Print  
Signed:   
Date: 2-25-20

**EXHIBIT "A"**  
Parcel before Partition

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

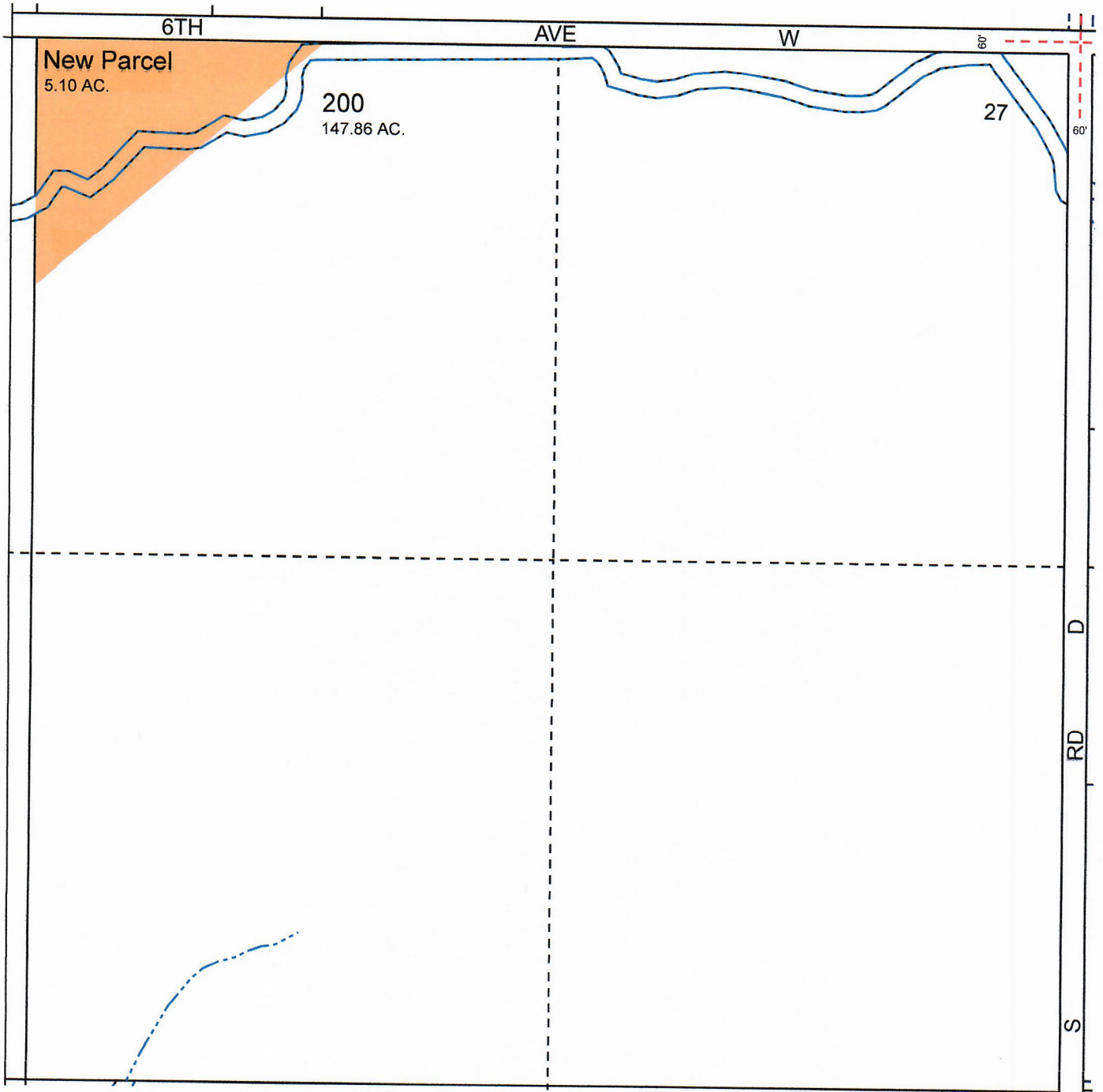
TAX LOT 200, MAP 17S44E27  
MALHEUR COUNTY, OREGON

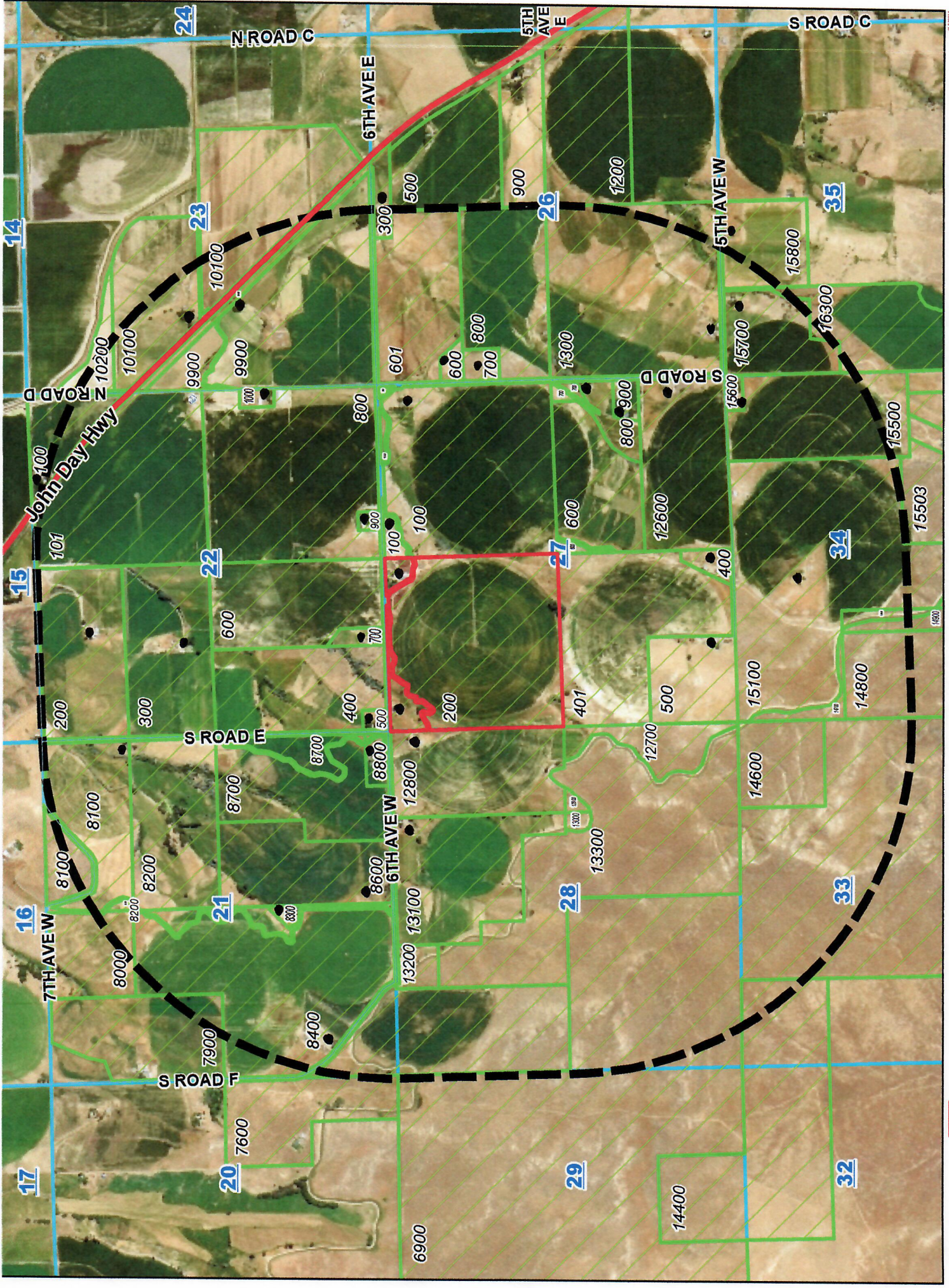


**EXHIBIT "B"**  
**Parcel after Partition**

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ASSESSMENT PURPOSE ONLY

TAX LOT 200, MAP 17S44E27  
MALHEUR COUNTY, OREGON





**Legend**

Clark\_Ref #13128

Property Owners within 1 mi radius fr Clark\_Ref13128

1 Mile Radius

**1 Mile Radius Map \_Clark\_13128**

Map is prepared for assessment purposes only