

**STAFF REPORT**

**Planning Department File No. 2020-04-014**

**CONDITIONAL USE APPLICATION  
FOR  
COMMERCIAL ACTIVITY IN CONJUNCTION WITH FARM USE**

Planning Commission Meeting Date: May 28, 2020

- 1. APPLICANT:** Lisa Kittel & Ryan Thomas  
1751 Syringa Rd  
Adrian, OR 97901
- OWNER OF RECORD:** Lisa Diane Kittel  
1751 Syringa Rd  
Adrian, OR 97901
- 2. PROPOSED ACTION:** Conditional Use approval for commercial activity in conjunction with farm use for the purposes of operating a mare motel.
- 3. PROPERTY IDENTIFICATION:** Tax Lot 1000, T22S, R46E, Sec. 03; Assessors Map 22S46E03; Malheur County Reference #10850.
- 4. PROPERTY LOCATION AND DIRECTIONS:** Going South on Syringa Rd, past Redtop Rd intersection, about a half mile to the private driveway. The proposed development site is on the right, after the cornfield.
- 5. ZONING:** Exclusive Farm Use (C-A1).
- 6. PARCEL SIZE:** The parcel is 40.00 acres.
- 7. PARCEL USE:** Current home site with a few accessory buildings. 18 acres of alfalfa.
- 8. SURROUNDING USE:** All the adjoining properties are being farmed. There are no dwellings, except on one property directly south, with the home site more than ½ mile south of the property line.
- 9. ACCESS:** Syringa Rd, and private driveway to property. (Letter Attached)
- 10. SANITATION REQUIREMENTS:** A DEQ approved sanitation system would be required.
- 11. FIRE PROTECTION:** The parcel is within the Adrian Rural Fire Protection District. (Letter Attached).

**12. NATURAL HAZARDS:** None.

**13. WATER RIGHTS:** The property does have water rights for 25 acres through Riverside Irrigation District.

**14. SOIL TYPE:** The soils on the property are class I and III; with only soils class III on the parcel for the proposed project.

**15. ZONING HISTORY:** There is a single family dwelling, built in 1895 and several accessory buildings, all built in 1992. No other known zoning history.

#### **GENERAL CONDITIONAL USE CRITERIA**

**MCC 6-6-7 - GENERAL CRITERIA TO EVALUATE SUITABILITY:** In considering the suitability of proposed conditional uses, the Planning Commission shall base its decision upon the following criteria:

A. Comprehensive Plan goals and policies, as applicable.

B. Specific plan recommendations

**Proposed Finding: MCC 6-6-7 regulates the conditional use process for a commercial activity in conjunction with farm use, as identified as a conditional use in MCC 6-3A-3 (J).**

C. Existing development and viewpoints of property owners in the surrounding area.

**Proposed Finding: Letter notice was sent to adjoining landowners on May 7, 2020 and published in the Argus Observer on May 12, 2020. No comments were received.**

D. Availability of services and utilities.

**Proposed Finding: The parcel is located within the Adrian Rural Fire Protection District. All services and utilities are available. The proposal does not include a public restroom at this time.**

E. The effect of the proposed use on the stability of the community's social and economic characteristics.

**Proposed Finding: The proposed mare motel will have no negative effect on the farming/ranching practices that would interfere with the stability of the community's social and economic characteristics.**

F. It does 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.

**Proposed Finding: The proposed mare motel is not located in an area that contains fish or wildlife deemed critical or sensitive, and will not interfere with traditional fish and wildlife.**

G. General Criteria

1. Increasing setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances.

**Proposed Finding: The proposed buildings are 180' from the closest property line. No homes are visible from the site. There is no expected significant addition to noise, odor or lighting nuisances. This criterion is met.**

2. Landscaping improvements for the visual benefits of the subject site and for the improved appearance of the neighborhood and County.

**Proposed Finding: The proposed project will thrive on visual appearance to appeal to customers and advertisement. There will be trees planted on the south side of the pole barn to provide summer shade. Flowering vines and shrubs will be planted along the east fence of the outdoor arena. This criterion is met.**

3. Location and size of driveway access points and right-of-way widening and improvement for present and future traffic circulation and safety.

**Proposed Finding: The subject parcel has access from Syringa Rd via a private driveway/easement through the neighboring property. Syringa Rd is County maintained and the approach has proper visibility from both directions. (Letter attached). This criterion is met.**

4. Visual screening of outdoor waste and storage areas.

**Proposed Finding: The proposed development is for a mare motel. Manure generated will be composted on site and used for the hay fields and gardens. Waste will be contained in dumpsters with regular pick-ups and potential container size upgrade, as needed, with Ontario Sanitary. Storage will be in the sheds and shop already existing on the property. This criterion is met.**

5. Control and focusing of outdoor lighting to avoid glare being directed beyond property limits.

**Proposed Finding: Control of outdoor lighting will not be necessary. Lights**

**over horse stalls will be on timers and will turn off by 10 pm. Both proposed buildings have at least 1 open side, no lighting will be necessary on the exterior of the buildings. This criterion is met.**

6. Special criteria listed below, as applicable:

H. Allowance of Certain Uses: A use allowed under Section 6-3A-3 of this Title shall be approved only where it is found that the use will not:

1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
2. Significantly increase cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. (Ord. 86, 12-7-1993)

**Proposed Finding: The entire study area is devoted to farming practices. Due to the size of the proposed project in relation to the size of the owner's property, this will not significantly increase the cost of the accepted farm practices on the surrounding land devoted to farm use. The anticipated number of employees (1) and weekly customers (2-3) will not force a significant change to the use. This criterion is met.**

## **OTHER PROPOSED FINDINGS OF FACT**

The applicant has submitted additional proposed findings of fact in the conditional use application.

## **PROPOSED CONDITIONS OF APPROVAL**

1. Adequate firebreaks shall be constructed and maintained to minimize danger from potential wildfire.
2. If a public restroom will be added for customer use, it will have to be constructed to meet all Building Code requirements and proper permitting must be obtained.
3. This approval is valid for two years from the date of this order. Substantial action must be taken within this time period or the approval will lapse.

## **EXHIBITS**

1. Letter from Adrian Rural Fire District
2. Letter from County Roadmaster
3. Letter from County Building Official