

To whom it may concern:

We are submitting this application for a conditional use permit to be able to partition 2 pieces of land from our property. We would like to build a home for our family on the land and current zoning laws require more land than we have.

Currently, we have 81 acres that are zoned both farm and range land. We would like to partition off 2, 2 acre parcels. We will build our home on one now and have the other piece to keep for our daughter in the future.

The upper parcel will border Snively Gulch Road and the lower parcel will have access from Emerald Slope Road.

We really love our land in Malheur County and are excited to be able to live there and improve the property.

Thank you for your time and consideration,

Vaughn & Jennifer Ellsworth

Email: [jenniferjoeb@gmail.com](mailto:jenniferjoeb@gmail.com)

Phone: 208-863-1804

Permission to enter

To whom it may concern:

This letter gives permission for members of the planning committee to enter the property, tax lot 800, to evaluate for the conditional use permit.

Vaughn & Jennifer Ellsworth

208-863-1804

[jenniferjoeb@gmail.com](mailto:jenniferjoeb@gmail.com)

Directions to Property:

From Adrian Oregon: on Succor Creek Highway, go south out of town 1/2 mile. Turn right onto Snively Gulch Road. There will be one gate at the bottom of the hill and another gate at the top of the hill where you will enter the property.



# MALHEUR COUNTY

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

File Number: \_\_\_\_\_  
 Application Fee: \_\_\_\_\_  
 Date Received: \_\_\_\_\_  
 Date Deemed Complete: \_\_\_\_\_

## CONDITIONAL USE APPLICATION

### LANDOWNER INFORMATION

Name: Vaughn & Jennifer Ellsworth  
 Address: 5452 N. Hickory Burr Pl  
 City/State/Zip: Boise, ID 83713  
 Phone: 208-863-1804  
 Email: jenniferjoeb@gmail.com

### APPLICANT INFORMATION

Check box if same

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

### PROPERTY INFORMATION

Township: 21 Range: 46 Section: 22 Tax Lot: 800 Ref #: 10679 Acres: 81 Zoning: C-A1 / C-A216

Address: \_\_\_\_\_  
 Current use: farming  
 Proposed use: farming, home  
 Water source: Owyhee Irrigation

Use of surrounding properties: farming/residential  
 Permitted subject to section: MCC 6-6-8-1 & MCC 6-6-8-2  
 Sewage disposal method: septic

Are the wetlands/water waterways on your property?  No  Yes (description): \_\_\_\_\_

Do you own neighboring property?  No  Yes (description): \_\_\_\_\_

Name of road providing access: Snively Gulch Road

### LEGAL PARCEL STATUS

Partition: 2, 2 acre parcels Subdivision: \_\_\_\_\_

or Most Recent Pre- 09/04/1974 Deed #: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Current Deed #: 16-1446 Date Filed: 04/29/2016

\*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): Vanessa S Elliott Date: September 8, 2020

Property Owner(s): Jennifer Glesner Date: 09/08/2020

Applicant(s): Vanessa S Elliott Date: September 8, 2020

Applicant(s): Jennifer Glesner Date: 09/08/2020

*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***

<b>Legal Parcel</b> Deed/Land Use Action: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Previous Map and Tax Lot:</b> _____	
<b>Past Land Use Actions:</b> If yes, list file #(s) _____ _____ _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
Subject to previous conditions?	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Assessor Property Class:</b> _____ <b>Zoning:</b> _____	
<b>Water Resources:</b> Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties?	<input type="checkbox"/> NO <input type="checkbox"/> YES
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.)	
<b>Access:</b> County or ODOT approach permit on file? <input type="checkbox"/> NO <input type="checkbox"/> YES, # _____	
<b>Address:</b> Address exists and has been verified to be correct?	<input type="checkbox"/> NO <input type="checkbox"/> YES
Address needs to be assigned after approval?	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Fire District:</b> _____	



**MALHEUR COUNTY** PLANNING DEPARTMENT  
 251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185 Fax (541)473-5140

**CONDITIONAL USE PERMIT**

**DETAILED SPECIFIC WRITTEN REQUEST**

This is for 2 proposed partitions. One for our immediate need of a single family dwelling for our family with a detached garage/shop, barn, green house for farm production and equipment. The more northern parcel will be held for future, development of a home for our daughter or parents if we have to take care of them.

*(Attach additional pages if necessary)*

**DETAILED STRUCTURAL INFORMATION**

**PROPOSED IMPROVEMENTS**

Structure/Development	Length	Width	Height	Square Footage
Dwelling				
Driveway				2500
Accessory Structure				
Agricultural Structure				greenhouse - 500
Other				barn - 2000
<b>EXISTING</b>				
Dwelling				
Accessory Structure				
Agricultural Structure				shed- 100
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:  
Our plan to build a home will be cohesive with the nearby residences. Having a home there will

allow us to better care for the land and animals that are currently on the property. We will be u

the current roadways with plans to improve the roads with gravel.

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

The proposed plan is for a home; there will be no hours of operation to consider.

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

none

3. What are the existing developments and viewpoints of property owners in the surrounding area?  
There is currently a vineyard on one adjoining property and a home on the other adjoining propert

it is our belief that the adjoining land owners will be pleased to have the land and animals unde

better and more constant care.

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: we plan to improve the roads with gravel and will help to maintain. We will not need any

help with the roads.

Fire & Police Protection: we will not need any police protection. We have already talked with the fire

dept, see attached letter, and we will not be any more of a burden to them.

Sewer & Water: we will have a well and septic

Electrical & Telephone: we will have solar panels and not require any electric or telephone services.

Solid Waste Disposal: we are going to contract with S&S disposal.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?  
The proposed request will have a positive influence on the community as we are already tied into communities 2040 plans. Adding our family to the community helps the school and will help the economics in the area as we plan to increase our farming operations that would add jobs to the ar
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.  
Our goals and current operations do not interfere with the wildlife habitat protection plan for Malheur County. The fences and restrictions that currently prevent only range cattle from moving  
Currently, there are vineyards, row crops, tree farms, pasture, range land, forage crops, irrigated crops.
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 vegetation and landscape plans will beautify the landscape and we will not be working outside the normal operating hours of the area. in addition the house will be placed in direction that wi  
effect the adjoining properties.
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?  
The proposed landscape improvements will increase standoff from range fires and eliminate noxious weeds that are in the area. Being able to be there and take care of the land will make the land  
better then its current state.
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.  
The locations of the the driveway access points will be located where the current access points and already at but will be improved with gravel, grade improvements, and erosion control to allow  
better accessibility then they currently offer. Current county road that crosses through  
property will be improved by land owner as that has been the historical trend.





**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: the current proposed dwelling is on land that is not good for current farm use and will only assist in making the land more profitable. both proposed partitions have not been previously farmed/irrigated and will not change the net acres being farmed.
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? no, and the fact that the land does not have access to the limited water.
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? \_\_\_\_\_

- 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 two lots are situated in area that have little to no agriculture productivity except for cheat grass. it also would not be close enough to the field to have any effect on farming capabilities.

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 only impact that the parcels will have is that it will allow to better take care of the land to allow for better farming and ranching practices that will enhance the current practices.

- the watersheds: As there is very few houses in this area and the type of land that it is it will have a affect on the watersheds.

- fish and wildlife habitat: a house in this area would not prevent any wildlife from their current habitat.

- soil and slope stability: the soil is a sandy silt and is on a slight slope. it would allow for good drainage and with the improvements of the current roads with gravel would be good for erosion control.

- air and water quality: it would have no effect on the current air and water quality

- outdoor recreation areas: no effect, it is private property and will be for our family.

5. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling? no. it is for a new dwelling.

3. 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? silty loam and sandy loam

This is for 2 proposed partitions. One for our immediate need of a single family dwelling for our family with a detached garage/shop, barn, green house for farm production and equipment. The more northern parcel will be held for future, development of a home for our

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

Primary Farm dwellings	<u>19</u>	Non-farm dwellings	<u>9</u>
Farm hand/labor dwellings	<u>0</u>	Hardship dwellings	<u>0</u>

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

Currently, there are vineyards, row crops, tree farms, pasture, range land, forage crops, irrigated crops.

daughter or parents if we have to take care of them.

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

Lot of Record dwellings	<u>0</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? 8

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? because current county laws limit the amount of dwellings due to zoning and amount of acres. All others

already contain a dwelling.

G. What dwelling development trends have been identified within the study area since 1993? due to current laws and regulations there have been very few homes built and many torn down due to farm

expansions and farmers not wanting to pay for older homes to be repaired as the will cost

more money then what they are worth. Also the consolidation of farms due to the ability of

farms being able to farm more ground as equipment gets bigger and more efficient.

H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now?  
the current existing land is used for agriculture farming and the rest is Bureau of Land

Management and State owned range land.

I. What are the findings of fact that describe what the study area would look like if all the potential development  
occurs? the potential development would not change the study area without changes to the

current rules and guidelines.

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? The proposed dwelling will only contribute to the  
the production and conservation of the land as it will allow us to be there more often.

# proposed plot plan



