

STAFF REPORT

Planning Department File No. 2021-05-001

**CONDITIONAL USE APPLICATION
FOR
Variance from Setback Requirements**

Planning Commission Meeting Date: May 27, 2021

- 1. OWNER OF RECORD:** Rural Road Assessment Dist. #4
PO Box 248
Juntura, OR 97911
- 2. APPLICANT:** Rural Road Assessment Dist. #4
PO Box 248
Juntura, OR 97911
- 3. PROPOSED ACTION:** Applicants request variance approval to setback requirements on the southwesterly property line which abuts 5th Street.
- 4. PROPERTY IDENTIFICATION:** Tax Lot 1700, T21, R38E, Sec. 17DC, Map 21S38E17DC, Malheur County Reference Number 17004. Aka 5833 4th Street, Juntura, OR 97911.
- 5. PROPERTY LOCATION AND DIRECTIONS:** From Vale, head west on Hwy 20 for 55 miles. Property is on the left after Edith Street.
- 6. ZONING:** Rural Service Center (C-RSC).
- 7. PARCEL SIZE:** 1.26 acres.
- 8. PARCEL USE:** The parcel has an existing shop and office.
- 9. SURROUNDING USE:** The surrounding area is rangeland and rural service center.
- 10. ACCESS:** Off Edith Street.
- 11. SANITATION REQUIREMENTS:** No sanitation is required.
- 12. FIRE PROTECTION:** The proposed shop is not within a fire district.
- 13. NATURAL HAZARDS:** None known.

14. **WATER RIGHTS:** N/A.

15. **ZONING HISTORY:** A new machinery storage shed was approved in 2015. No other known zoning history.

I. VARIANCE CRITERIA

MCC 6-8-2: CIRCUMSTANCES FOR GRANTING VARIANCES: A variance may be granted only in the event that the circumstances in subsections A through D below have clearly been met.

- A. Exceptional or extraordinary circumstances apply to the property that do not generally apply to other properties in the same zone or vicinity, resulting from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Title have had no control; or

Proposed Finding: The parcel is exceptional in that the road ROW is so large in this very rural unincorporated town of Juntura. Typically, the road width in these areas are 60 feet wide. When the town of Juntura was plated, they were mapped at 80 foot wide. The applicant is asking for a variance to build a shop within setback, but not within the 80 foot right of way, and would meet the criteria as if the right of way was 60 feet.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess; and

Proposed Finding: As you can see in Exhibit 1, the ODOT complex already extends into the ROW setback. The applicant's proposal would not extend any farther in the ROW than ODOT.

- C. The variance would not be materially detrimental to the purpose of this Title, or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives on any County plan or policy; and

Proposed Finding: Juntura is an extremely rural area. An 80-foot ROW is unreasonable to the current and future uses in Juntura. Granting this variance will not be detrimental to any property in Juntura.

- D. The variance requested is the minimum variance that would alleviate the hardship.

Proposed Finding: The applicant is asking for a variance which would accommodate a 60-foot ROW, which is typical in Rural Service Centers within the County.

II. APPLICANT'S PROPOSED FINDINGS OF FACT

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

III. STAFF RECOMMENDATION:

The Malheur County Planning Department finds that the Applicant has met all applicable zoning rules and requirements and respectfully recommends that the Planning Commission approve the variance request 2021-05-001.

IV. PROPOSED CONDITIONS OF APPROVAL

1. No construction can occur within the current right of way.

V. EXHIBITS

1. Map
2. Email from ODOT