

COVER LETTER RE: NAGAKI FARMS LAND PARTITION

Property Address: 156 Ivy Road

To Whom It May Concern,

This cover letter and following materials are for a requested partition for agricultural lands within Malheur County. The property in question is currently owned by Jerry Nagaki and has been farmed by the Nagaki family for several years. After many years of farming in the area, the Nagaki's are looking forward to retirement and are currently under contract to sell this farmland. The land will continue to be used for agricultural production. This request is to simply split off that portion of land where the existing dwelling and outbuildings reside on the property. These areas are mostly unsuitable for agricultural production due to the existing structures and layout of the property. There are no changes proposed with this application. By partitioning off this property it will allow Mr. Nagaki to sell the existing home to his employee and their family that currently live in the home.

We appreciate the opportunity to provide this application for your review and look forward to working with you as we move towards its approval. If you have any questions please do not hesitate to email or call at any time.

Thank you,

A handwritten signature in blue ink that reads 'JP Wagoner'.

Jarom Wagoner
Principal, JP Wagoner Planning
(208) 761-2914



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: Jerry Nagaki
 Address: 5020 Pioneer Road
 City/State/Zip: Ontario, OR 97914
 Phone: _____
 Email: nagakifarms@yahoo.com

APPLICANT INFORMATION Check box if same

Name: Jarom Wagoner, JP Wagoner Planning
 Address: 11846 Linden Road
 City/State/Zip: Caldwell, ID 83605
 Phone: 208-761-2914
 Email: jpwagonerplanning@gmail.com

PROPERTY INFORMATION

Township: 16S Range: 47E Section: 23 Tax Lot: 9800 Ref #: 6323 Acres: 154.1 Zoning: CA-1
 Address: 156 Ivy Road, Ontario, OR

Current use: Single Family Residential & Agricultural Use of surrounding properties: Agricultural
 Proposed use: Single Family Residential & Agricultural Permitted subject to section: 6-6-8-2
 Water source: On-Site Existing Well Sewage disposal method: Septic

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

Do you own neighboring property? No Yes (description): Property directly to the west, and others in the area.

Name of road providing access: Ivy Road

LEGAL PARCEL STATUS

Partition: N/A Subdivision: N/A
 or Most Recent Pre- 09/04/1974 Deed #: 26463 Date Filed: 2/10/1961
 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): Jerry Rouse Date: 5-25-21

Property Owner(s): _____ Date: _____

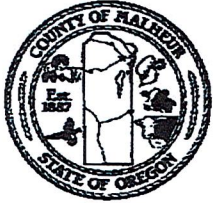
Applicant(s): [Signature] Date: 5-25-21

Applicant(s): _____ Date: _____

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: _____ Previous Map and Tax Lot: _____ Past Land Use Actions: If yes, list file #(s) _____ _____</p>	<p><input type="checkbox"/> NO <input type="checkbox"/> YES</p>
<p>Subject to previous conditions? Assessor Property Class: _____ Zoning: _____</p>	<p><input type="checkbox"/> NO <input type="checkbox"/> YES</p>
<p>Water Resources: Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? 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.)</p>	<p><input type="checkbox"/> NO <input type="checkbox"/> YES</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><input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES</p>
<p>Fire District: _____</p>	



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 application is to request a partition split of agricultural land. The current owner, Jerry Nagaki, is in process of retiring and is selling his respective farm parcels. This request is to simply split off a 2 acre portion of the property where the current resident resides so that Mr .Nagaki may sell it to his employee and his family, whom have lived in the house for some time. There will be no change to either property as a part of this partition.

(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	50'	30'	20'	1,500
Accessory Structure	20'	30'	15'	600
Agricultural Structure				
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:
There will be no change to the existing property. The residence currently exists with people living in the home. The split will simply allow the current owner to sale the home and property to his existing employee who lives in the home.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:
The property will continue to be used as a single family residence with no business operations or changes.

3. Taking Describe the number of people/employees/customers associated with the proposed use:
The only people associated with the use is the family that currently resides in the home.

3. What are the existing developments and viewpoints of property owners in the surrounding area?
All of the properties in the immediate vicinity are in agricultural production.

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: There will be no impact to the roads as the use already exists.

Fire & Police Protection: There will be no impact to fire and police as the use already exists.

Sewer & Water: There will be no impact to sewer and water as the use already exists.

Electrical & Telephone: There will be no impact to electrical and telephone as the use already exists.

Sever

Solid Waste Disposal: There will be no impact to solid waste disposal as the use already exists.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
The proposed use will have no negative affects on the community. If anything, it will have a positive affect on the community's characteristics as it will allow the existing renters to procure ownership of the homes in which they live, instilling a greater sense of community for them.

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 are no traditional fish and wildlife habitats in the vicinity of the property.

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?
There will be no impact as there is no proposed changes to the property with this application.

Demor

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?
As there are no proposed changes, there are no proposed changes to the existing landscaping. The property is currently landscaped with grass and a garden area. These will remain.

Demor

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 are no proposed changes to any access points on the property. It will continue to be used for residential purposes.

Demor

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

There are no proposed screening for the outdoor areas as they will continue to be used for residential purposes only.

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

There are no proposed changes to the existing lighting. The main lighting that is viewable from the road would be from the front porch of the home, which has minimal glare beyond its immediate vicinity.

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 use will not have a negative impact to any of the existing farm practices in the area. There is no proposed changes with this application and the existing farming on the remainder of the property will continue.

The area is surrounded with different agricultural uses. The majority of the farmground in the area is currently growing wheat.

NON-RESOURCE DWELLING – Malheur County Code (MCC) 6-6-8-1

1. Describe how the proposed dwelling is compatible with farm uses and is consistent with ORS 215.243:

The dwelling currently exists and there will not be any new structures with this application. It is compatible and consistent as it is located on land unsuitable for farming as it has been established as a residence for many years and not in agricultural production.

2. Demonstrate that the dwelling will not interfere seriously with accepted farming practices on adjacent lands:

The existing dwelling is not located adjacent to neighboring farm lands and is surrounded by farm lands of the same owner.

3. Demonstrate that the dwelling will 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:

The existing dwelling is located on land that would be considered unsuitable for agricultural production as it has existed for some time. It includes access roads and driveways and similar which would not lend to productive farming practices.

4. 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? The types of soils, as shown on the soil map, are 25A

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

Primary Farm dwellings	12	Non-farm dwellings	_____
Farm hand/labor dwellings	8	Hardship dwellings	_____

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

The majority of the area is used for row crops, with much of that being planted in wheat.

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

Lot of Record dwellings 85 Non-farm dwellings _____

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? 80

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? This is either due to the configuration of the site and the surrounding topography or due to the existing farming practices occurring on-site.

G. What dwelling development trends have been identified within the study area since 1993? There has been limited dwelling development in the area since 1993 as the vast majority of the area continues to be used strictly for agricultural production.

H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now? The findings of fact are that due to the intense agricultural use that continues to permeate the

area, the land use pattern has remained essentially unchanged. This application does not intend to change that in any way as the proposed dwelling already exists and there are no planned changes with the dwelling.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? Due to the large parcel sizes of the majority of the parcels within the study area, if all potential development occurs, it would have limited impact on the area as a whole. There are areas that have smaller parcels, and those areas would see a somewhat negative impact.

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? Due to the fact that the dwelling currently exists, it should have no impact on the overall land use pattern as well as no impacts on any of the farming practices in the area. Approval of this request also should not have any negative affects on other future proposals in the area as it currently exists and is not adding to the aggregate number of dwellings in the area.

NON-RESOURCE DWELLING – Malheur County Code (MCC) 6-6-8-2

1. Describe how the creation of proposed partition(s) is compatible with farm uses and is consistent with ORS 215.243: As the proposed partition will not change the characteristics of the area, since the residence already exists it will continue to be compatible with the existing farm uses in the area.

2. Will the proposed partition(s) interfere seriously with accepted farming practices on adjacent lands and what conditions exist to avoid this problem? There will be no interference with adjacent farm lands. The residence already exists on the property, and has for some time. The family that currently lives in the home will continue to do so, but now they will have the pride of ownership rather than as renters.

3. Demonstrate that the proposed partition(s) will not materially alter the stability of the overall land use pattern of the area: Due to the fact that no new residences are being proposed with this application it will not stimulate any additional residential growth in the area.

4. Will the proposed partition(s) 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? Yes, the partition is being kept as minimal as possible so as to accommodate the existing agricultural production on the surrounding property.

- 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 partitioned property contains the existing home, driveway, and parking areas and any other minimal areas to meet the required parcel size requirements.

5. In what ways will the proposed partition avoid conflict with and have no significant adverse impact on:

- the quality of farm or range land: Due to the fact that there is no proposed change to the property there will be no significant impacts.

- the watersheds: Due to the fact that there is no proposed change to the property there will be no significant impacts.

- fish and wildlife habitat: Due to the fact that there is no proposed change to the property there will be no significant impacts.

- soil and slope stability: Due to the fact that there is no proposed change to the property there will be no significant impacts.

- air and water quality: Due to the fact that there is no proposed change to the property there will be no significant impacts.

- outdoor recreation areas: Due to the fact that there is no proposed change to the property there will be no significant impacts.

6. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling?
Yes, the proposed partition is for an existing dwelling. There are no proposed changes to the dwelling.

BOOK 117 PAGE 604
-010786-

KNOW ALL MEN BY THESE PRESENTS, That Thomas Burns and Florence Burns, husband and wife,
grantors,
in consideration of Ten and no/100 Dollars,
to them paid by Nagaki Farms, Inc., an Oregon corporation
do hereby grant, bargain, sell and convey unto the said grantee, its successors, grantee,
here and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Malheur and State of Oregon, bounded and described as follows, to-wit:

In Twp. 16 S., R. 47 E.W.M., Malheur County, Oregon
Sec. 23: E $\frac{1}{2}$ NW $\frac{1}{2}$



To Have and to Hold the above described and granted premises unto the said grantee, its
successors, heirs and assigns forever.

And they the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, subject to the effect of the property being located within the Payette-Oregon Slope Irrigation District and Rural Road Assessment District No. 3

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness their hands and seals this 10th day of February, 1961

Thomas Burns (SEAL)

Florence Burns (SEAL)

(SEAL)

(SEAL)

STATE OF OREGON,
County of Malheur } ss.

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Thomas Burns and Florence Burns, husband and wife, who are

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Mac [Signature]
Notary Public for Oregon
My commission expires 2/10/62

WARRANTY DEED

Thomas Burns, et ux

26463

STATE OF OREGON,

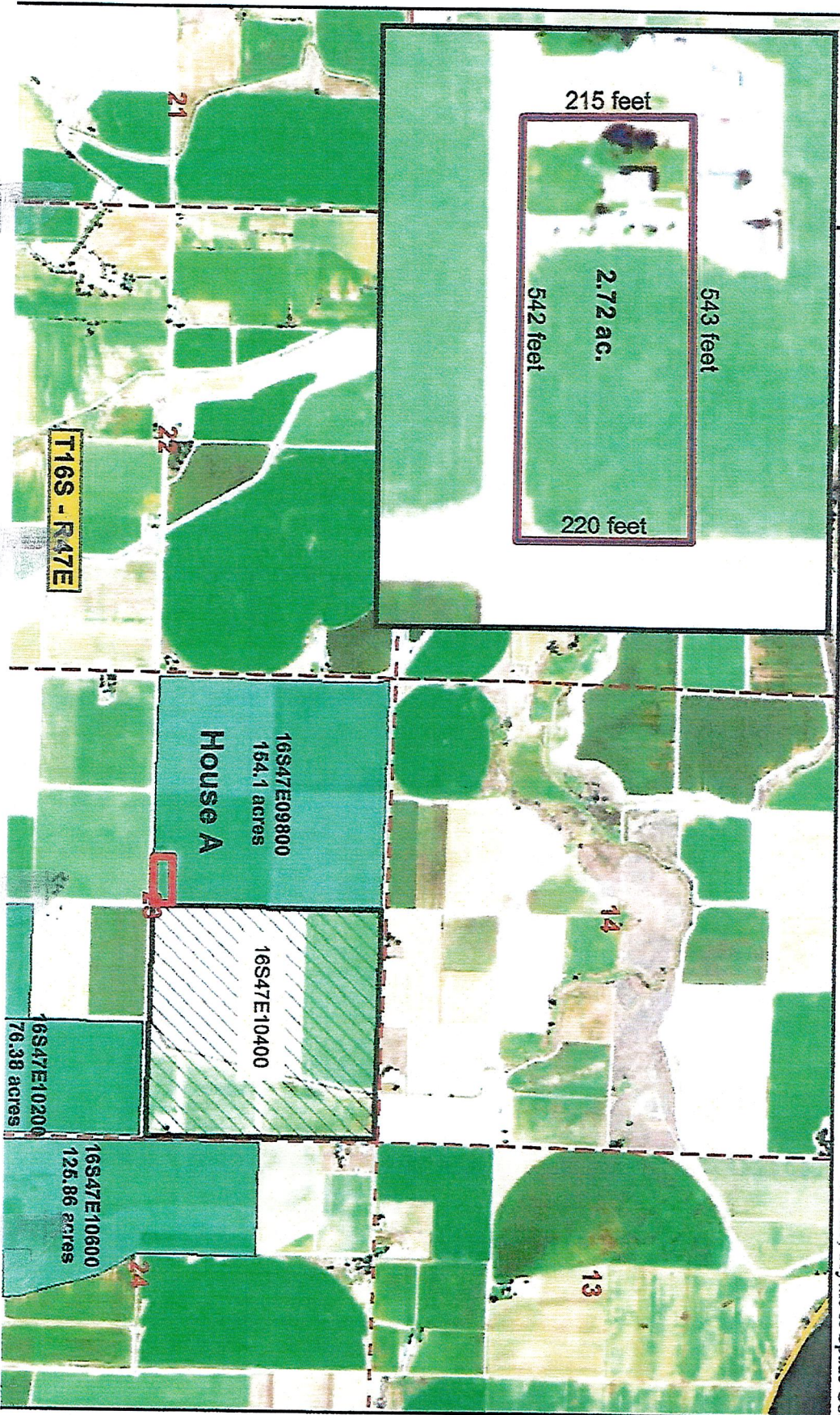
County of Malheur } ss.

I certify that the within instrument was received for record on the 14 day of February, 1961.

Updated: 2/25/2021

© 2021, Seythe & Spade Co.

House Location Nagaki Farms



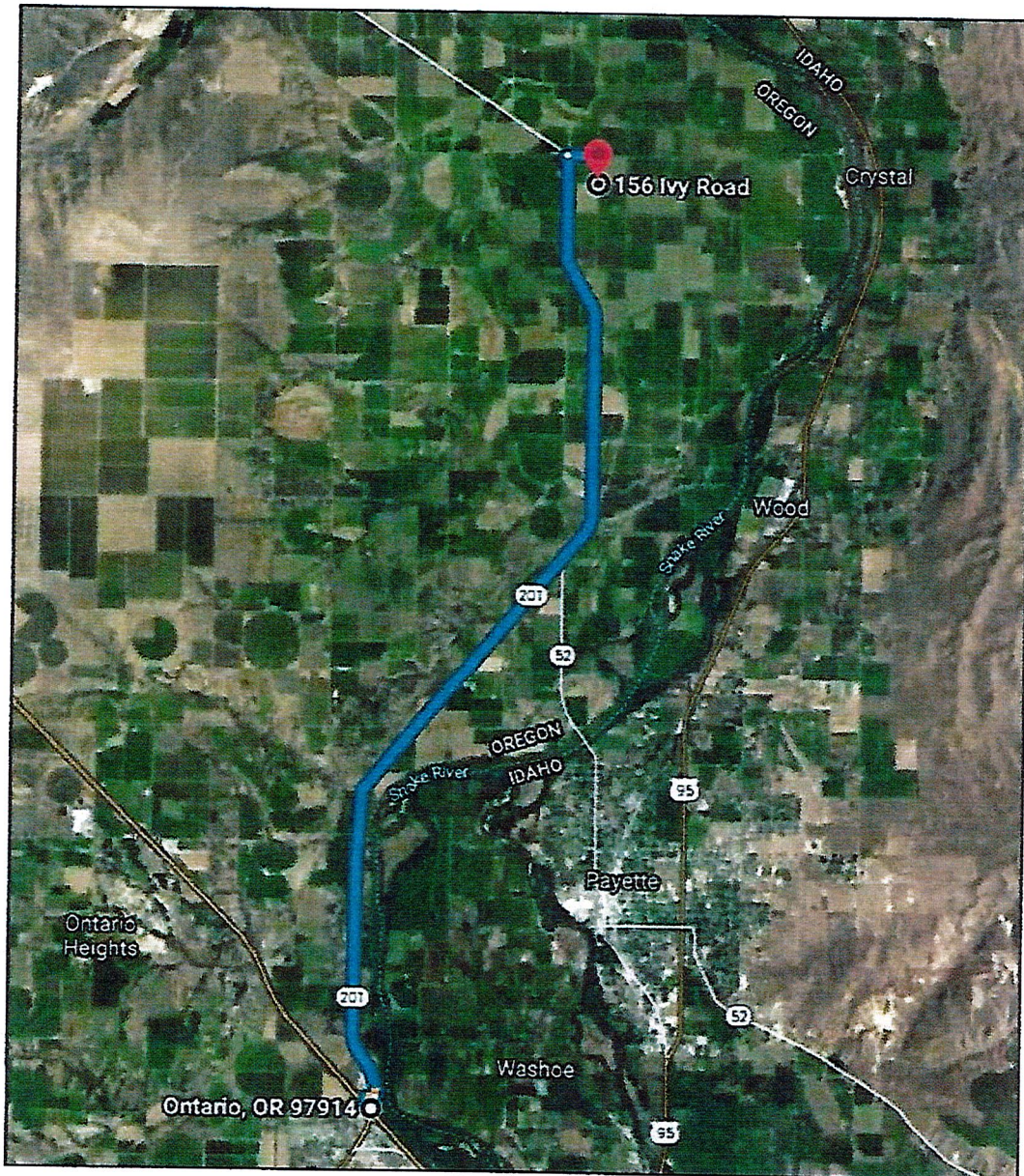
Directions to 156 Ivy Road:

From I-84 Exit 74 in Ontario, Oregon,

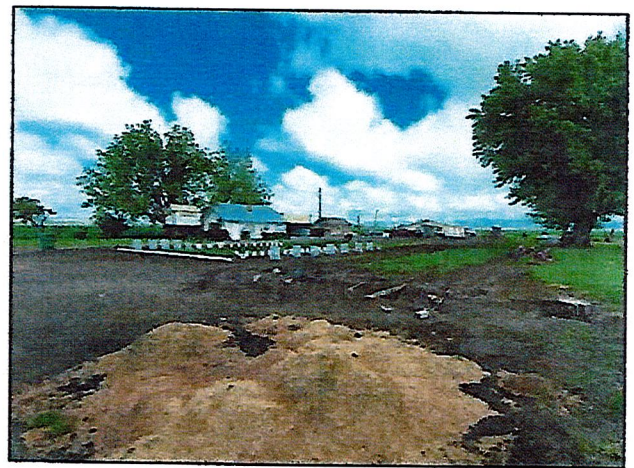
Head North on Hwy 201 (Olds Ferry-Ontario Hwy) for 9.7 miles

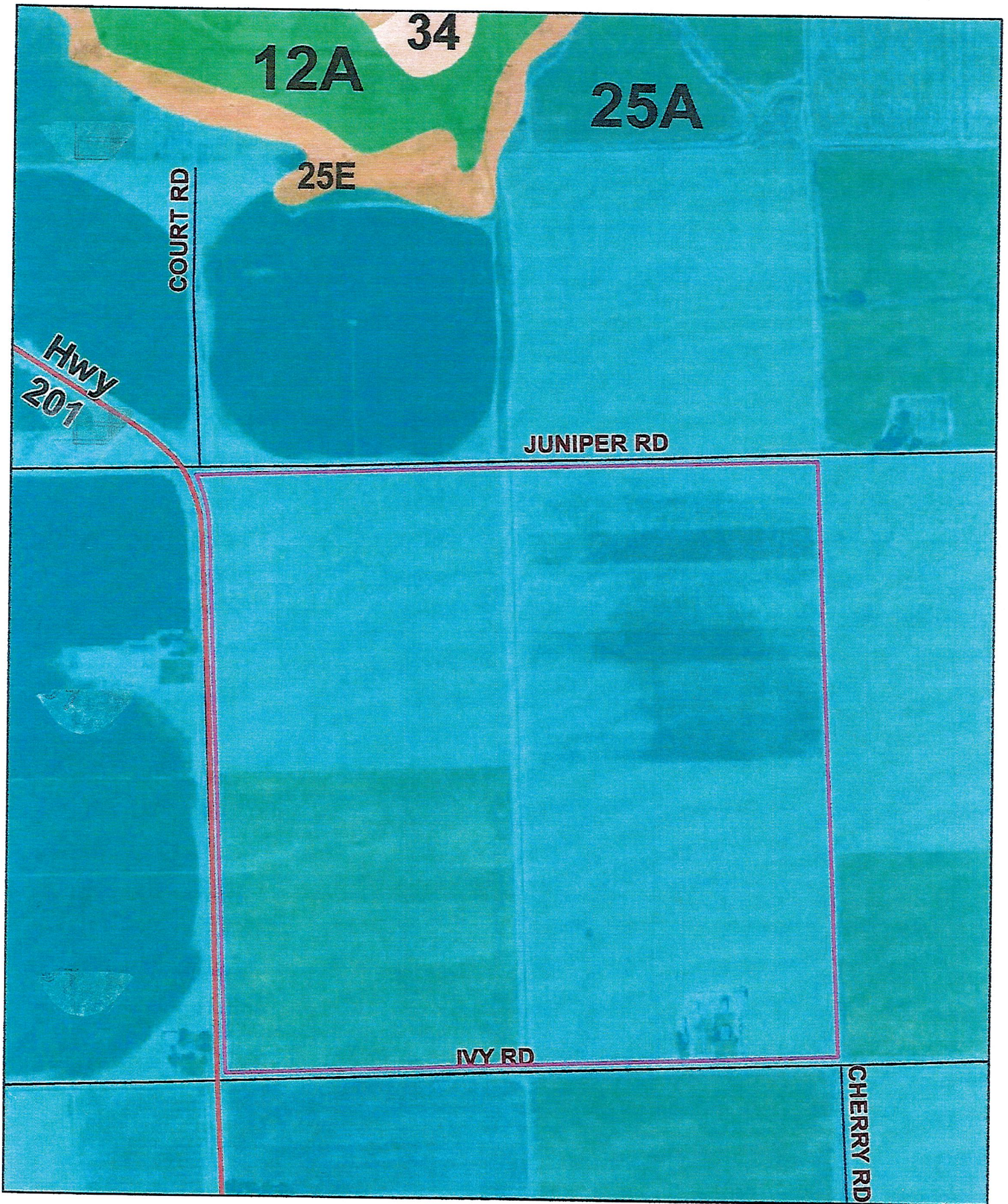
Turn East onto Ivy Road

Travel 0.4 miles and arrive at destination, 156 Ivy Road



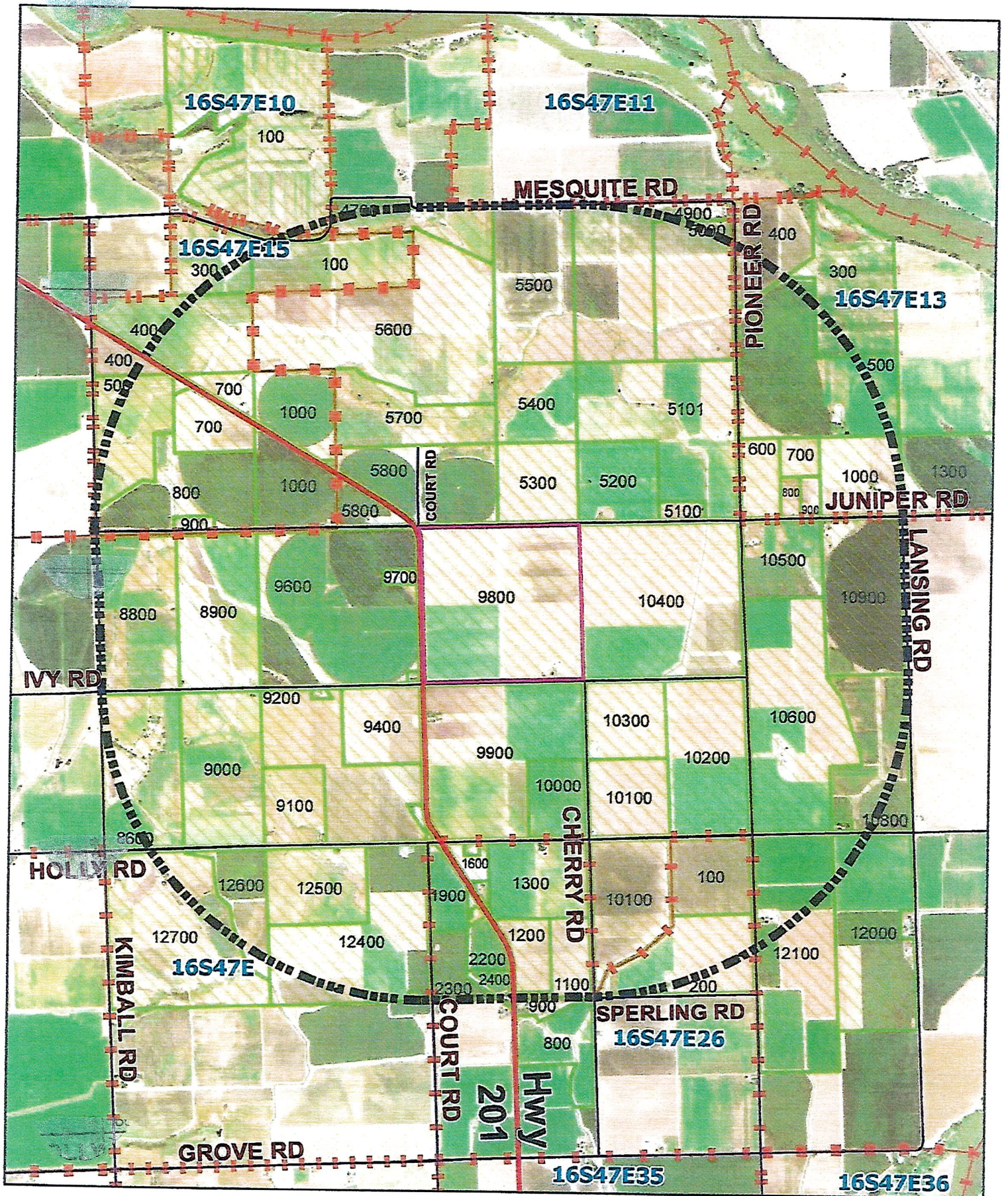
156 Ivy Road





Nagaki Farms_6323
SOIL MAP

Map is prepared for assessment purposes only



Legend

-  1MileRadius
-  MapIndex

-  Nagaki Farms_6323
-  PropOwners w/n 1MileRad from NagakiFarms_6323

Nagaki Farms_6323

1Mile Radius Map

Map is prepared for assessment purposes only