

**Before the Planning Commission**

**Planning Department File No. 2021-02-026**

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

Planning Commission Meeting Date: March 25, 2021

- 1. APPLICANT:** Verle Unruh  
401 Juniper Rd  
Ontario, OR 97914
- 2. OWNER OF RECORD:** Verle Unruh  
401 Juniper Rd  
Ontario, OR 97914
- 3. PROPOSED ACTION:** Conditional Use approval for commercial activity in conjunction with farm use for the purposes of operating a meat processing facility.
- 4. PROPERTY IDENTIFICATION:** Tax Lot 7600, T16S, R47E, Sec. 20; Assessors Map 16S47E; Malheur County Reference #18558.
- 5. PROPERTY LOCATION AND DIRECTIONS:** Going North of Stanton Blvd, from Ontario, take Hyline Rd for about 6.6 miles at the intersection of Juniper Rd and Hyline Rd; go about 1/2 mile West on Juniper Rd, in Ontario, OR.
- 6. ZONING:** Exclusive Farm Use and Exclusive Range Use (C-A1/C-A2).
- 7. PARCEL SIZE:** The parcel is 155.50 acres.
- 8. PARCEL USE:** Current home site with a few accessory buildings. 74 irrigated acres, used for row crops.
- 9. SURROUNDING USE:** Adjoining properties are being farmed, with farm dwellings. The properties to the West and South are just dry land. The closest home site is more than 1,100 ft. north from the proposed location.
- 10. ACCESS:** Juniper Rd, and private driveway to property. (Letter Attached)
- 11. SANITATION REQUIREMENTS:** A DEQ approved sanitation system would be required.
- 12. FIRE PROTECTION:** The parcel is within the Payette Rural Fire Protection District.

(Letter Attached).

**13. NATURAL HAZARDS:** None.

**14. WATER RIGHTS:** The property does have water rights for 74 acres through Owyhee Irrigation District (letter attached).

**15. SOIL TYPE:** The soils on the property are class II-IV and VIII; with only soils class IV on the site of the proposed project.

**16. ZONING HISTORY:** There is a single family dwelling, built prior to 1980 and a shop built in 2015 (#2015-04-021) and a grain silo built in 2018 (#2018-09-005). 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

**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.

**Finding: Letter notice was sent to adjoining landowners on March 2, 2021 and published in the Argus Observer on March 2, 2021. No opposing comments were received; 2 supporting letters were included with the application (Exhibits 5 & 6).**

- D. Availability of services and utilities.

**Finding: The parcel is located within the Payette 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.

**Finding: The proposed meat processing plant 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.

**Finding: The proposed meat processing 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.

**Finding: The proposed buildings are more than 300' 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.

**Finding: The proposed project will consist of 2 structures: a 60' x 40' processing building with a 60' x 20' storage area, lean-off the main structure, complete with a gravel yard, shrubs and trees. 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.

**Finding: The subject parcel has access from Juniper Rd via a private driveway through the property. Juniper Rd is County maintained paved road and the approach has adequate visibility from both directions. No culverts are required (Letter attached). This criterion is met.**

4. Visual screening of outdoor waste and storage areas.

**Finding: The proposed development is for a meat processing facility. The location of the building cannot be seen from the entry side or from any other properties due to the natural hill blockage. Outdoor waste will be minimal and all disposal materials will receive denaturant and be hauled to the landfill.**

**This criterion is met.**

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

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

**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 (1-2) will not force a significant change to the use. This criterion is met.**

## **OTHER FINDINGS OF FACT**

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

## **CONDITIONS OF APPROVAL**

1. Adequate firebreaks shall be constructed and maintained to minimize danger from potential wildfire and the access road shall be brought up to the International Fire Code standards.
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.
4. Slaughter and processing waste must be disposed of by a method approved by DEQ or the Malheur County Environmental Health Department.
5. Must meet all applicable USDA and ODA licensing requirements.

## **EXHIBITS**

1. Letter from Owyhee Irrigation District
2. Letter from Rural Road District #3

3. Letter from Malheur County Roadmaster
4. Letter from Weiser Area Rural Fire District
5. Letter of support from Brad McIntyre Farms Inc
6. Letter of support from Colby Jantz
7. Letter from Malheur County Building Official
8. Letter from Oregon State Firemarshal

### **CONCLUSION**

Based upon the foregoing finding of fact, the Malheur County Planning Commission makes the following conclusion and decision:

Substantial evidence exists in the record to support the conclusion that the application meets the general and specific criteria established in the Malheur County Code and Oregon Revised Statutes for a non-farm dwelling and non-farm partition in an exclusive farm use zone.

### **ORDER**

This application for a conditional use permit is approved.

### **APPEALS**

The appellate body for appeals from the final decision of the Planning Commission is the County Court. To file an appeal an appellant must file a completed notice of appeal on a form prescribed by the Planning Department with a \$200.00 appeal fee with the Planning Department not later than 5:00pm on the tenth day following the mailing of written notice of the decision. Notice of appeals may not be received by fax or email. The notice must include a statement raising any issue relied upon for the appeal with sufficient specificity to afford the County Court an adequate opportunity to respond to and resolve each issue. All appeals from the Planning Commission's final decision shall be based on the record of the hearing made before the Commission. Therefore, no additional information or testimony not included in the record of the hearing before the Planning Commission may be brought before the appellate body. The appellant must pay for the transcription of the hearing appealed from and submit the transcript to the Planning Department within ten (10) days after the date of notice of appeal is filed or ten days after the hearing tape is mailed or given to the appellant, whichever is later.

  
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Planning Commission Chair  
Kathy Clarich

4-5-2021  
Date