



MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: 2021-12-018
Application Fee: \$350.00
Date Received: 12/28/2021
Date Deemed Complete: _____

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Stoney B Schulthies
Address: 738 Enterprise Ave
City/State/Zip: Nyssa OR 97913
Phone: 208-941-1775
Email: stoneyschu76@gmail.com

APPLICANT INFORMATION Check box if same

Name: _____
Address: _____
City/State/Zip: _____
Phone: _____
Email: _____

PROPERTY INFORMATION

Township: 20 S Range: 46 E Section: 2 Tax Lot: 1000 Ref #: 9973 Acres: 158.04 Zoning: C-A1
Address: 738 ENTERPRISE AVE

Current use: 551 FARM USE/ZONED/IMP Use of surrounding properties: FARM
Proposed use: 471 TRACT/PRM F DSQ/IMP Permitted subject to section: MCC 6-6-8-1 & 6-6-8-2
Water source: WELL Sewage disposal method: SEPTIC & DRAINFIELD

Are the wetlands/water waterways on your property? No Yes (description): See attached Wetlands printout

Do you own neighboring property? No Yes (description): Tax 1100 on west side (east side of Heritage Drive)

Name of road providing access: FAIRVIEW DRIVE

LEGAL PARCEL STATUS

Partition: n/a Subdivision: n/a

or Most Recent Pre- 09/04/1974 Deed #: n/a Date Filed: n/a

Current Deed #: 2021-5157 Date Filed: 10/15/2021

*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): Stacy Schultz Date: 12-28-2021

Property Owner(s): _____ Date: _____

Applicant(s): Stacy Schultz Date: 12-28-2021

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

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



MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918

Phone (541)473-5185

CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN EQUEST

We wish to partition two (2) non-farm parcels each for non-farm dwellings. Both proposed parcels are vacant and are without future water rights. One parcel (#2) was formerly farmed but is no longer being farm due to a planned pivot line and farming changes. Parcel #2 slopes slightly and is no longer a desirable farm ground and would instead make an ideal home site. Both parcels will be at least 2 acres.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling			17'	3500
Driveway	2750'	20'		
Accessory Structure				
Agricultural Structure				
Other				
EXISTING				
Dwelling				1590
Accessory Structure				
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:
The proposal is to parcel out 2 parcels with approximately 2 acres. They would be consistent with the surrounding area with other homes in similar settings.

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

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

3. What are the existing developments and viewpoints of property owners in the surrounding area?
Both proposed parcels would be in harmony with existing developments and viewpoints in the surrounding area.
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: The new vacant parcels is accessible from an existing approach from Fairview Road. A portion of the approach contains an existing easement which will be extended to the new parcels.
Fire & Police Protection: Both parcels are within Nyssa Rural Fire District and the new home/partition is in the process of securing fire protection coverage through the requested letter from them.
Sewer & Water: The new vacant parcels will need a new well, septic, & drain field.
Electrical & Telephone: The new vacant parcels will need new electrical power and telephone development.

Solid Waste Disposal: Owner will contract with garbage removal or self-deliver to landfill.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
There are no foreseeable potential impacts but a possible addition of a family single residence availability which could add to the economic stability in the area.

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 known fish and wildlife critical habitats on the subject parcel; and there are no known potential impacts.

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 increase of activities or operation beyond the minimal use of a family dwelling and parcel. The new vacant parcels will be out of sight from the main county road.
Also, the closest existing dwellings are about 1/4-mile away from the new proposed home sites home site and there are no other existing dwellings within immediate proximity to be overshadowed

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?
There will be typical small residential landscaping not to exceed 0.5 acres surrounding the home and would not be easily visible.

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 new vacant parcel will be accessed from existing county road, Fairview Road, which is a minor collector. The landowner and or successors will abide by the recommendations from the County Road Department and Rural Fire Department.

**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 one new vacant parcel and proposed dwelling is had been farmed but is now longer a desirable production ground. Water right and irrigation plans are changing to pivot line. The other new vacant parcel and proposed dwelling is non-productive ground.

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? The new vacant parcel and proposed dwelling is no longer a desirable production ground because water right and irrigation plan changes. Any existing farm ground will be transferred to other desirable production ground.

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? Yes

- 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? No.

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 proposed parcels and dwellings will fall outside of new farming plans.

- the watersheds: See attached watershed map. Uphill and opposite of stream or drainage channels.

- fish and wildlife habitat: Uphill and opposite side stream channel.

- soil and slope stability: There are some high slopes with few low slope areas with potential dwelling sites.

- air and water quality: There are no known potential impacts on air and water quality.

- outdoor recreation areas: Snake River is nearby about a 1.5 miles.

- 5. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling? No. The existing dwelling is a home built in 1956 which is not considered a historical dwelling nor does it require historical preservation.

6. 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 subject property and surrounding area are a variety of soils class I, III, IV, VI, and VIII.

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

Primary Farm dwellings	<u>27</u>	Non-farm dwellings	<u>9</u>
Farm hand/labor dwellings	<u>5</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)? 90% row crops. 10% other non-productive ground.

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

Lot of Record dwellings	<u>3</u>	Non-farm dwellings	<u>1</u>
-------------------------	----------	--------------------	----------

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? 10

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? Most are zoned agricultural use only and below minimum parcel size.

G. What dwelling development trends have been identified within the study area since 1993? The surrounding area is largely used for farming. Building permits in the area have been little to none.

H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now? Current land use is focused on agricultural production with row crops and grazing with minimal housing and development. Current house are owned/occupied by owners/operators of surrounding production ground.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? Should the potential development occur, there would be minimal impact on production ground as potential home sites would presumably be placed on areas that have no production. Additionally, there should not be any net loss of land currently actively employed in farming activity.

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? There are no foreseeable impacts on the stability of production in the area. The new vacant parcel will be sited nearby an existing county road without changes or an significant increase to impacting the existing conditions nearby.