



MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: _____

Application Fee: _____

Date Received: _____

Date Deemed Complete: _____

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Weston Wettstein

Address: 141 SW 3rd Street

City/State/Zip: Ontario, OR 97914

Phone: 208-739-3968

Email: _____

APPLICANT INFORMATION ☒ Check box if same

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

PROPERTY INFORMATION

Township: 18S Range: 46E Section: 10 Tax Lot: 400 Ref #: 6667 Acres: 28.15 Zoning: C-A1/A2

Address: TBD Foothill Drive, Ontario, OR 97914

Current use: currently just a sagebrush hillside

Use of surrounding properties: residential/farming/ranching

Proposed use: residential

Permitted subject to section: MCC 6-6-7; 6-6-8-1

Water source: well

Sewage disposal method: onsite

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

Do you own neighboring property? ☒ No ☐ Yes (description): _____

Name of road providing access: Foothill Drive

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____

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

Current Deed #: 2008-313 Date Filed: 01/15/2008

**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): WESTON VETSTEIN Date: 9/15/22

Property Owner(s): _____ Date: _____

Applicant(s): _____ Date: _____

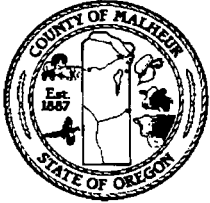
Applicant(s): _____ Date: _____

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	<input type="checkbox"/> NO <input type="checkbox"/> YES
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

Subject to previous conditions?	<input type="checkbox"/> NO <input type="checkbox"/> YES
Assessor Property Class: _____ Zoning: _____	
Water Resources: 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	
<i>(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)</i>	
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?	<input type="checkbox"/> NO <input type="checkbox"/> YES
Address needs to be assigned after approval?	<input type="checkbox"/> NO <input type="checkbox"/> YES
Fire District: _____	



MALHEUR COUNTY PLANNING DEPARTMENT

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Phone (541)473-5185

CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN REQUEST

Property was partitioned from parent parcel pursuant to 6-6-8-2. The approval for the non-farm dwelling expired in April 2011. The purpose of this application is for re-approval for the non-farm dwelling.

(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				
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:

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:
The proposed use is for a non-farm dwelling. The operational characteristics will be consistent with all non-farm dwelling.

Describe the number of people/employees/customers associated with the proposed use:
The proposed use is for a non-farm dwelling. The number of people associated with the use will be typical of any dwelling.

-
3. What are the existing developments and viewpoints of property owners in the surrounding area?
Below Foothill and to the east are mixed uses; dairy, small hay, grain acreages, rural residential sites, and a feedlot. Above Foothill east are predominately rural residential sites to the top of the hill, then additional small farms. To the west, above and below Foothill, are small cattle operations, hay, grain, and dairy operation.
 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 proposed use is for a single dwelling. This will not have a significant burden on public roads. (see attached).

Fire & Police Protection: The proposed use is for a single dwelling. This will not have a significant burden on fire or police protection (see letter from Ontario Rural Fire).

Sewer & Water: The proposed dwelling will have it's own well and onsite wastewater system. There will be no burden on public sewer and water.

Electrical & Telephone: The proposed use is for a single dwelling. This will not have a significant impact on electrical or telephone.

Solid Waste Disposal: The proposed dwelling will be served by Ontario Sanitary Service for solid waste disposal. One dwelling will not impact this operation.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
This use will require no irrigation water, will not contribute to the inventory of crops or annuals and therefore will not affect farm commodity prices. The additional traffic will be insignificant. Therefore, there will be no negative effect on the stability of the community's social and economic characteristics.
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.
The proposed dwelling is not located within any habitat that is deemed critical or sensitive in the fish and wildlife habitat protection plan for Malheur County.
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 proposed dwelling is on top of a hill and well out of site of any other dwellings. There will be no overshadowing of any other property. The parcel is currently 37.51 acres.
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 use is a non-farm dwelling. The proposed dwelling is located at the top of a hill and is not visible from any public access right-of-way.
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 proposed dwelling would be accessed from an existing County road, Foothill Drive.
The driveway travels up a steep embankment. All requirements from all Road Districts and Fire Departments will be adhered to.

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

The proposed dwelling is located at the top of a large hill and is not visible from any County public right-of-way. The proposed use is for a single family dwelling. The dwelling will use Ontario Sanitary Service as their solid waste disposal service. Typical residential waste practices will be used.

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

The proposed dwelling is located at the top of a large hill and is not visible from any County public right-of-way. No lights will be directed off the property.

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?

This use will require no irrigation water, will not contribute to the inventory of crops or animals and therefore will not affect farm commodity prices. The proposed dwelling is located on the top of large hill and is not used for farming nor is it feasible to use for farming as it is too steep to farm. Additionally, this property does not have water rights. Overall, the property is not feasible to farm, the traffic impact will be insignificant, and the proposed dwelling will be well outside of sight from any County public right-of-way. Therefore, there will be no significant increase in the cost of, no will this proposed dwelling force a significant change to, accepted farm practices on surrounding lands.

Last Updated 01/26/2020

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:
Above Foothill east are predominantly rural residential sites to the top of the hill, then additional small farm. west, above and below Foothill are small cattle places, hay, grain, and dairy.
2. Demonstrate that the dwelling will not interfere seriously with accepted farming practices on adjacent lands:
The non-farm dwelling will be located on a parcel that is non-irrigated and unsuitable for farming. The parcel is also across Foothill and across an irrigation canal from any farm activity
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:
slope is too steep; non-irrigated. Not fenced. Not used for grazing. No timber on site.
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? class 8 soil, too steep for mechanical work on an annual basis would lead to erosion.
 - B. What are the types and numbers of existing dwellings that have been identified within the study area?

Primary Farm dwellings	9	Non-farm dwellings	24
Farm hand/labor dwellings	2	Hardship dwellings	
 - C. What are the types of farm use occurring in the study area (row crops, pasture, range land, feed crops)?
Uses include irrigated fields for hay and patures, and row crop fields for corn, alfalfa seed.

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

Lot of Record dwellings ----- Non-farm dwellings 24

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? This if limited to parcels which haven't completed a partition. Maybe 5.

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? Not,
appropriately zoned, or buildings already exist

G. What dwelling development trends have been identified within the study area since 1993? 738
Foothill Drive was built in 1995.

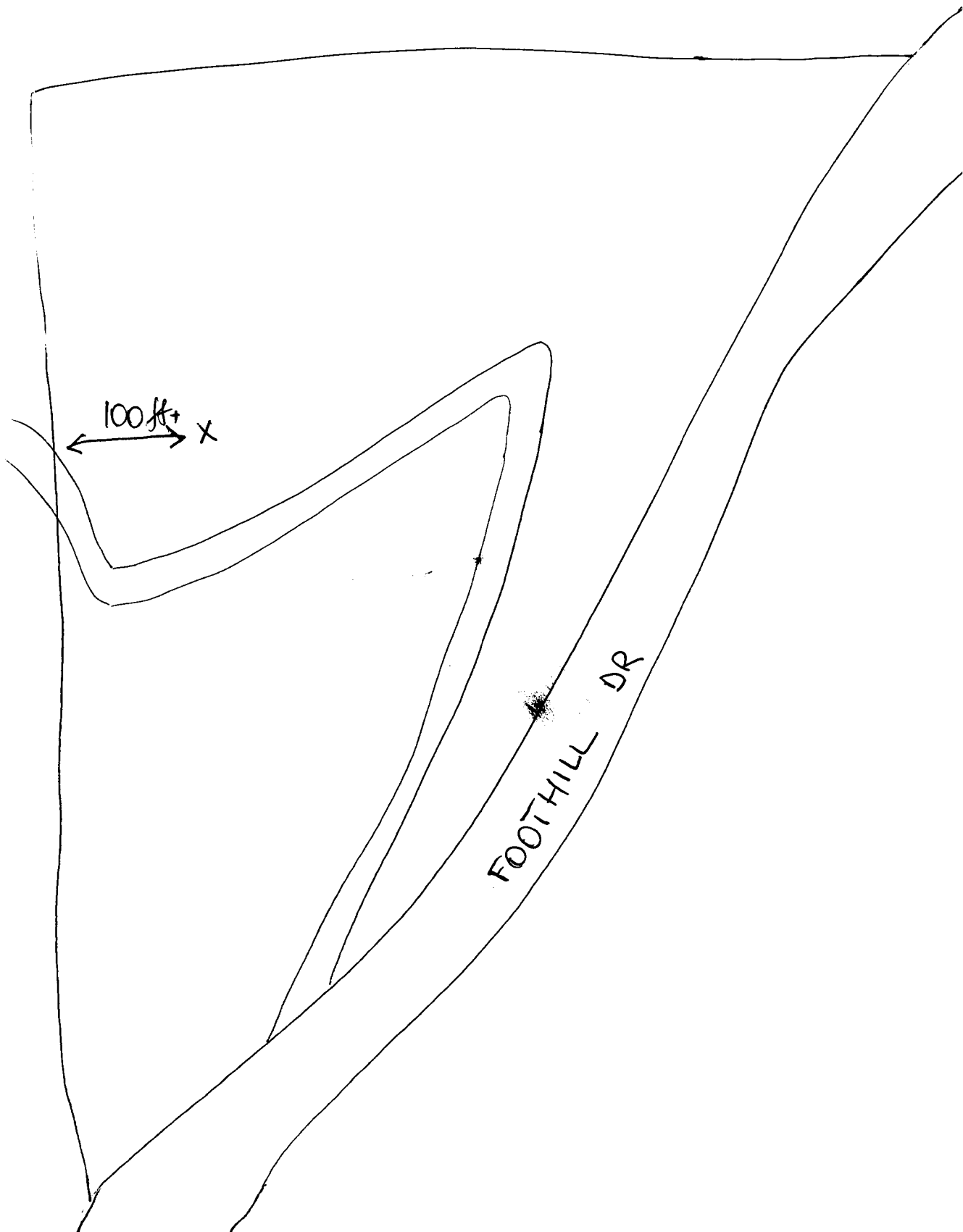
H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now? The surrounding area has not had a lot of development since 1995. The potential for new development is minimal due to property size and being already developed.

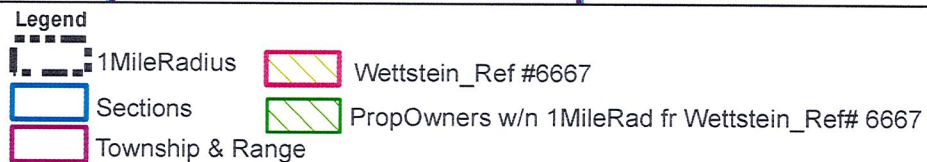
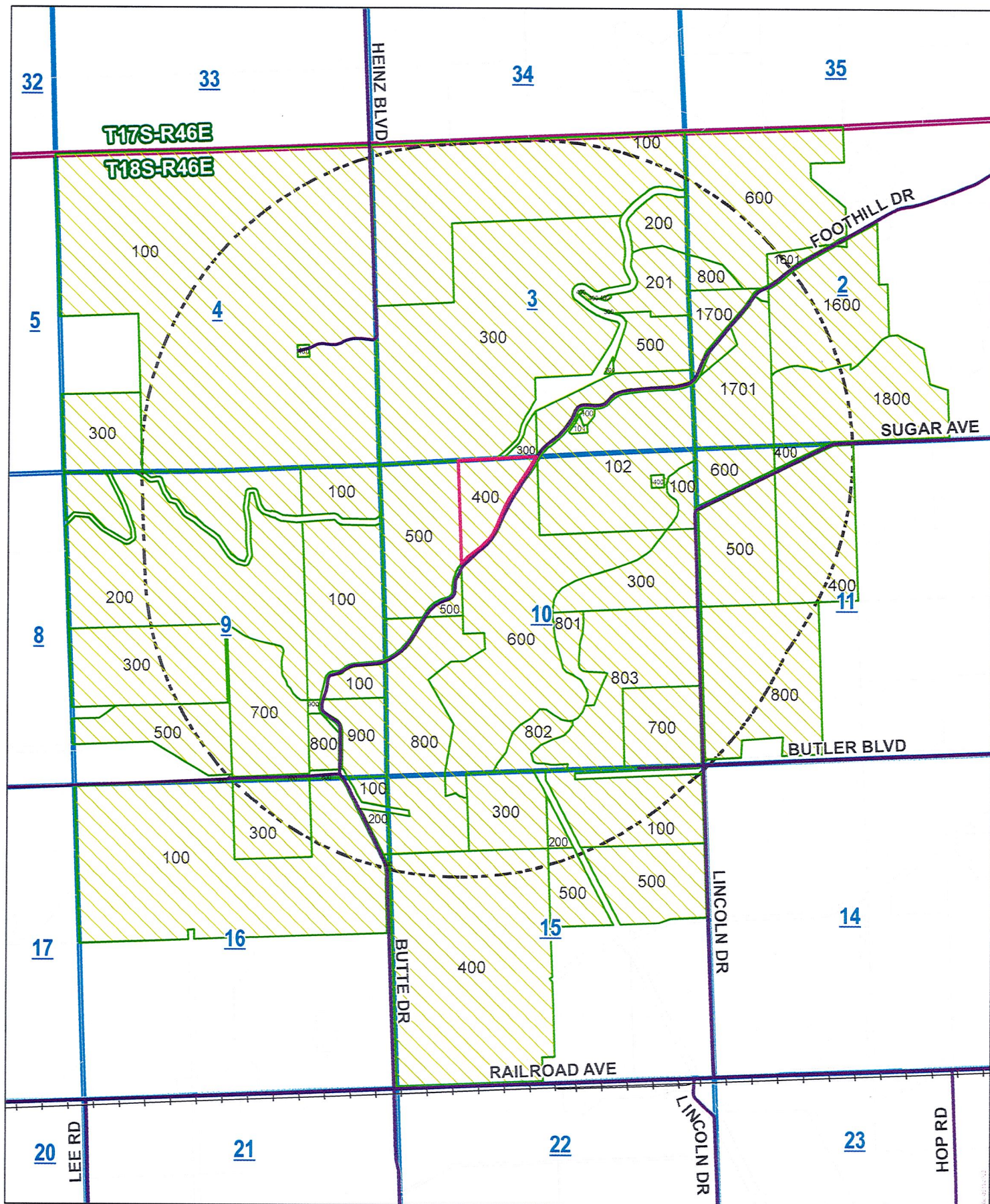
I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? The area will look very similar to what it looks like today. The additions of homes may improve the appearance through residential husbandry.

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? This use will require no irrigation water, will not contribute to the inventory of crops or animals and therefore will not affect farming commodity prices; will contribute to perhaps 3 cars to Foothill traffic count.

Last Updated 02/27/2020

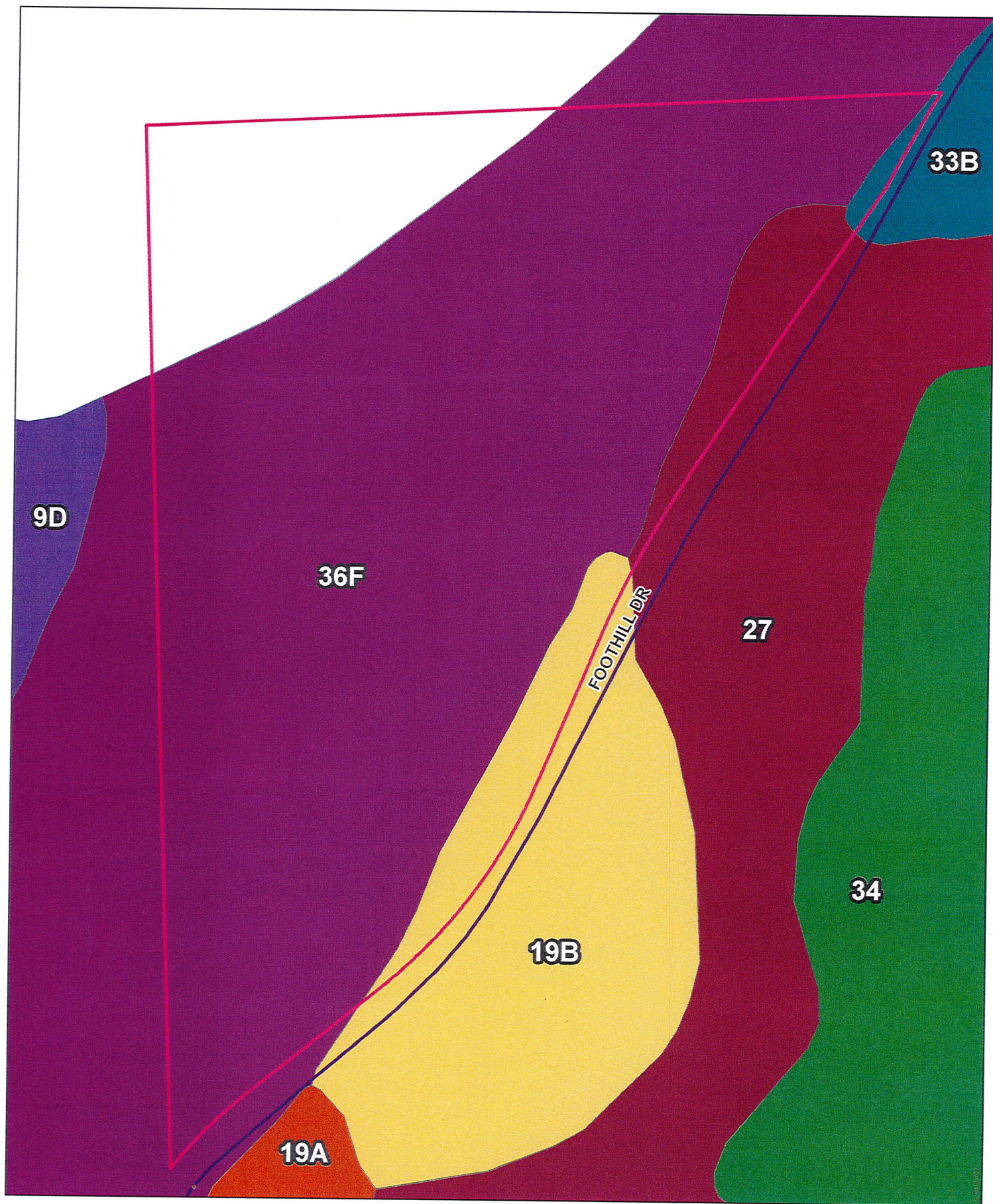
N ↑





Mile Radius Map

Map is prepared for assessment purposes only



Legend



Wettstein_Ref#6667

SOIL MAP

Map is prepared for assessment purposes only

9/26/22

SX

12:59

REAL PROPERTY

INQUIRY

A10100

REF # 2022 R 6667

Last Viewd

MAP# LOT# A NUM CODE PCL MCL AP VA ZONE PAR# %.xxxx REAL# PR
18S4610 400 15 470 470 2 C-A1+ ET ALS

OWNER WETTSTEIN, WESTON L

ET ALS

CNTRCT

Pg 1

ADDR

141 SW 3RD ST

CTY/ST ONTARIO, OR 97914

SC DEF SITU:

SITU:

HOME ID:

ACTION CDS MAPCODE 0015

YR AP 2018 APPR 24 KATHLEEN POZZI

ACRES 28.15 SPC ASM

RMV M5 VALUE TOTAL AV

LAND

NOTES

IMPROV

PHOTO# 478-13L

SUBTOT

+ ZONE C-A2

LESS EXEMPTIONS:

LESS VET EXEMPT:

NET VALUES:

1-KEY 2-IMP 3-LND 7-EOJ 8-CLR 9-BACK 10-FORWARD 17-JV/TL 22-SALES 23-TAX INQ