

Malheur County, Oregon

Planning Department

Application For:

**Crowley Ranch Airstrip - Conditional Use to
allow Modification/Alternation of an Existing Non-
Conforming Use**

Map & Tax Lots: T26S R39E, Tax Lot 200 & 201

Prepared For:

Owner/Applicant:

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Prepared By:

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Initial Submittal - February 2022

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A. ***Introduction***

1. Development Team Members
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3. Applicants Written Statement
4. Land Use Reviews Requested
5. Application Fee Calculation

1. Development Team Members:

Listed below is a summary of the development team members for **Crowley Ranch Airstrip Conditional Use** application.

Owner/Applicant:

Larry and Katariina Teufel
4960 Crowley Road
Harper, OR 97906
Contact: Larry Teufel
Telephone: (503) 286-1114
Email: larryt@teufel.com

Applicants Representative:

Atwell, LLC.
9755 SW Barnes Road, Suite 150
Portland, OR 972225
Contact: Kevin Apperson, RLA, ASLA
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2. Property and Zoning Summary

Legal Description: Map 26S R39E Tax Lots 200 & 201

Size: TL 200 – 480.00 Acres
TL 201 - 6,631.83 Acres

Zoning: Exclusive Range Use (ERU)

3. Applicants Written Statement

The Crowley Ranch Airstrip is an existing personal airstrip located approximately a mile north of Crowley Road in central Malheur County. The airstrip, which is situated entirely on private property, has been in existence for over fifty years. It was registered with the Federal Aviation Administration (FAA) in 1978 and has an aeronautical identifier of 78OR.

The airstrip itself contains a gravel surface and measures 32 feet in width by 2,500 feet in length. It sits at an estimated elevation of 4,128 feet above sea level.

Since the existence of airstrip pre-dates Oregon land use planning regulations, the County considers this a legal non-conforming use. While the use (as it currently exists) may continue, it cannot be altered in any way without the appropriate land use review and approval. Therefore, in order to alter an existing non-conforming use (i.e. add a hangar building and extend the length of the airstrip), a Conditional Use will be required.

The Owner/Applicant is requesting a Conditional Use approval to extend the existing airstrip approximately 2,000 linear feet to the east and add a 10,000 square foot (80' x 125') hangar building along the south side of airstrip.

To support this request, the Owner/Applicant has also submitted a form 7460 to the FAA for the construction and alteration of the existing airstrip and hangar building.

The table of contents of this application outlines all the application criteria, exhibit drawings and appendices submitted for review and approval. Please refer to the application text and drawings for more detailed information regarding the project.

4. Land Use Reviews Requested

The Malheur County Code Standards identify various procedural reviews based upon the type of land use action being requested. For this application, the Applicant is requesting conditional use approval to allow the modification of an existing non-conforming use.

Land Use Fees	Type
Conditional Use (i.e. modification/alteration of an existing non-conforming use)	III

5. Fee Calculations:

Based on the County's current Fee Schedule, the following fees are applicable to the application submittal:

Land Use Fees	Fee
Conditional Use (i.e. modification/ alteration of an existing non-conforming use)	\$200.00
Total	\$200.00

B.

Applicable Development Code Standards

The following information responds to applicable Malheur County Development Code (MCDC) for the proposed **Crowley Ranch Airstrip Conditional Use** application. The applicant's comments to individual sections are highlighted in bold for each applicable standard or regulation. Sections addressed include:

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Chapter 3 – Zoning District and Maps

6-3-1: Establishment of Zones

In order to carry out the purpose and provisions of this title, the following land use zones are hereby established for Malheur County:

Land Use Zones	Abbreviation
Exclusive farm use	EFU
Exclusive range use	ERU
Exclusive farm-forest use	EFFU
Resource lands, secondary lands overlay	SLO
Rural residential	R-1
Rural recreation	R-2
Urban growth area	UGA
Rural service center	RSC
Commercial	C-1
Light industrial	M-1
Heavy industrial	M-2
Agricultural processing plant industrial	M-3
Park management	PM
Floodplain management overlay	FP
Airport approach overlay	AA
Environmental hazards overlay	EH
Geothermal development overlay	G
Design review overlay	D

(Ord. 86, 12-7-1993; amd. Ord. 148, 1-7-2004)

Applicant's Response: *The Owner/Applicant acknowledges that each parcel in the County has been assigned a land use designation in order to carry out the purpose and provisions of this chapter of the County's Development Code.*

6-3-2: Zone Location

The location and boundaries of the land use zones listed in section 6-3-1 of this chapter are hereby established as delineated on the Malheur County zoning maps. Such boundaries, upon adoption of this title, shall be amended only in accordance with chapter 10 of this title. Any such amendment in boundaries shall be made upon a certified copy or copies of the zoning maps, and any such amendment in boundaries approved in accordance with chapter 10 of this title shall be adopted and by reference incorporated herein and made a part of this title.

(Ord. 86, 12-7-1993)

Applicant's Response: *The County Zoning Map has designated the subject properties as Exclusive Range Use (ERU). The County's Development Code establishes regulations and standards for this land use zone.*

For additional information, please refer Section D – Appendices, Appendix 4 – Zoning Map.

6-3-3: Zone Maps

The originals of the Malheur County zoning maps shall be dated with the effective date of this title and signed by the members of the Malheur County court, and said originals shall be maintained in the office of the Malheur County clerk for as long as this title remains in effect. Boundary amendments shall be made upon a certified copy or copies of the zoning maps in accordance with section 6-3-2 of this chapter and chapter 10 of this title and shall be dated with the date of adoption by the county court and signed by the members of the county court, and such certified maps or copies containing such boundary

Applicant's Response: The Owner/Applicant understands that originals of the Malheur County zoning maps are maintained in the office of the Malheur County clerk and includes the effective date and appropriate signatures.

For purposes of this application, It is assumed that the County's electronic GIS data reflects the most up to date information based on these original maps.

Resource Lands, EFU Exclusive Farm Zone, ERU Exclusive Rand Zone EFFU Exclusive Farm-Forest Use Zone

6-3A-1: Purpose

Resource lands consist of the exclusive farm, ranch and farm-forest use zones and appropriate overlay zones such as for destination resorts and secondary lands. The purpose of the EFU, ERU and EFFU zones is to maintain the resource based economy of Malheur County by permitting the establishment of only those uses that are compatible with agricultural activities. The intent is to ensure that areas classified EFU, ERU or EFFU are preserved and protected from conflicting non-resource uses.

(Ord. 86, 12-7-1993)

Applicant's Response: The Owner/Applicant understands that the purpose of the resource zones (EFU, ERU and EFFU) is to maintain the resource by permitting only those uses that are compatible with agricultural activities.

6-3A-2: Permitted Uses

- A. The following uses may be permitted outright by ministerial permit in each of the three (3) resource zones except as specifically added or excluded:

- 1. Farm uses as defined in ORS 215.203(2), including the propagation, cultivation, maintenance and harvesting of aquatic species, excluding feedlots.**
2. The propagation or harvesting of a forest product.
3. The dwellings and other buildings customarily provided in conjunction with farm or ranch use, subject to section 6-3A-4 of this article.

4. Subject to section 6-3A-4 of this article, an additional dwelling on real property used for farm or ranch use if the dwelling is:
 - a. Located on the same lot or parcel as the dwelling of the resource operator; and is
 - b. Occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm or ranch operator or operator's spouse, whose assistance in the management of the resource use is or will be required by the operator.
5. Well drilling is a permitted activity, provided permits are obtained as required by state statute and this code. Development of the well for production usage shall be for agricultural or forest purposes only unless additional approval has been granted under section 6-3A-3 of this article.
6. Climbing and passing lanes within the right of way existing as of July 1, 1987.
7. Reconstruction or modification of public roads and highways, not including the addition of travel lanes where no removal or displacement of buildings would occur, or no new land parcels result.
8. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
9. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within rights of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.
10. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480.
11. Exploration only for geothermal, gravel and mineral deposits.
12. Breeding, boarding and training horses for profit.
13. Seasonal farm worker housing.
14. Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over two hundred feet (200') in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and section 6-6-8-8, "Wireless Telecommunication Facilities" of this title.

(Ord. 86, 12-7-1993; amd. Ord. 146, 4-14-2004)

Applicant's Response: The Owner/Applicant understands that certain uses are permitted outright based on the existing zoning designation. In accordance with this section, the

primary use of the subject properties as well as all of the properties under the Owner/Applicants control would fall under item 1, Farm uses as defined in ORS 215.203(2).

In accordance with the Oregon Revised States (ORS) section 215.203 (2), farm use is defined as:

“(a) As used in this section, “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land described in ORS 321.267 (Lands not eligible for special assessment) (3) or 321.824 (Lands not eligible for special assessment) (3).”

Since the property is primarily used for the feeding, breeding, management and sale of livestock it would meet the definition of farm use.

6-3A-3: Conditional Uses

The following conditional uses and their accessory uses may be established when authorized in accordance with chapter 6 of this title:

- A. Public or private schools.
- B. Churches.
- C. Commercial utility facilities for the purpose of generating power for public use by sale.
- D. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the department of environmental quality together with equipment, facilities or buildings necessary for its operation.

- E. Operations conducted for:
 - 1. Exploration for and production of oil and gas as defined by ORS 520.005, including the placement of operation compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
 - 2. Mining and processing of geothermal resources as defined by ORS 522.005.
 - 3. Mining of aggregate and other mineral resources or other subsurface resources subject to section 6-4- 7 of this title.
 - 4. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement.
 - 5. Processing of other mineral resources and other subsurface resources.
- F. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
- G. Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.
- H. Golf courses.
- I. **Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A "personal use airport" means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with resource management operations.**
- J. Commercial activities that are in conjunction with farm or ranch use.
- K. The boarding of horses for profit.
- L. Home occupations as provided in section 6-6-8-6 of this title.
- M. A facility for the primary processing of forest products; provided, that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period, which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. "Forest products", as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- N. Residential home in an existing dwelling(s) for up to six (6) persons who fit within the definition of persons listed in ORS 443.400(5) through (10).
- O. Feedlots.

- P. Single-family residential dwellings not provided in conjunction with the respective resource use, except dwellings on parcels partitioned pursuant to section 6-4-4 of this title, which shall be established as authorized in accordance with that section.
- Q. The temporary use of a manufactured dwelling during a family hardship condition, where such condition is related to the aged, the infirm, or to persons otherwise incapable of maintaining a completely separate residence apart from their family for health reasons. The zoning permit for such use shall note that it is temporary and subject to renewal annually without additional fee. In the event the hardship no longer exists, the removal of the temporary use shall be required. If the temporary manufactured dwelling is to be connected to an existing sewage system, compliance with applicable rules of the department of environmental quality will be required. Application for a temporary manufactured dwelling shall consist of a letter describing the nature of the hardship and any form required by the planning department.
- R. Nonresource land uses and land partitions are restricted and regulated by sections 6-6-8-1 and 6-6-8- of this title.
- S. Construction of additional passing travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
- T. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- U. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- V. Cemeteries in conjunction with churches.
- W. Dog kennels.
- X. Transmission towers over two hundred feet (200') in height.

(Ord. 86, 12-7-1993; amd. Ord. 101, 4-25-1996; Ord. 146, 4-14-2004; Ord. 147, 4-14-2004)

Applicant's Response: *In addition to the uses permitted outright, there are variety of uses that are conditionally allowed in the Exclusive Range Use (ERU) zone when authorized through the conditional use process (chapter 6).*

This would include "personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A "personal use airport" means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with resource management operations."

The subject property includes an existing personal use airstrip that has been in existence for over fifty (50) years. Given that this feature pre-dates existing land use regulations in Malheur County, the County considers this a legal non-conforming use. While the use (as it currently exists) may continue to exist, it cannot be altered, in any way, without a new land use review and approval.

Since the Owner/Applicant would like to alter an existing non-conforming use (i.e. by adding a hangar building and extending the length of the airstrip), the County will require a new Conditional Use approval to modify the existing airstrip.

Chapter 6 Conditional Uses

6-6-1: Purpose

A conditional use is a use of land expressly authorized if the general and specific criteria set forth in this chapter are met. **The applicant for the conditional use must show that the use will not create problems that call for denial or special conditions.** The use should be in character with existing development in the zone and approval may be conditioned with requirements which are intended to make the use and the facilities it requires an asset to the area. Public notice and hearings procedure is contained in chapter 10 of this title.

(Ord. 86, 12-7-1993)

Applicant's Response: The Owner/Applicant understands that the purpose of Chapter 6, Conditional Uses is to provide a procedure by which uses can be allowed if it can be demonstrated that use is in character with existing development in the zone.

6-6-2: Ex Parte Contact

Ex parte contact is discouraged because of the severe consequences it can have for all persons involved. However, no decision or action of the planning commission or the county court shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision making body, if the member of that body receiving the contact:

- A. Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and
- B. Has a public announcement of the content of the communication and of the party's right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.

(Ord. 86, 12-7-1993)

Applicant's Response: The Owner/Applicant understand that any ex-parte contact is discouraged.

To the applicant knowledge, there has not been any ex-parte contact with any member of the Planning Commission (PC) regarding this matter.

6-6-3: Notice of Airport Owner

Pursuant to ORS 215.416 and 215.223, a notice shall be given to the owner of an airport when a proposed development will have structures in excess of thirty five feet (35') in height located within five thousand feet (5,000') of the side or end of a "visual airport" or ten thousand feet (10,000') of the side or end of an "instrument airport".

(Ord. 86, 12-7-1993)

Applicant's Response: *In accordance with this section, a notice is required to be given to the owner of an airport when a proposed development will have structures in excess of thirty five feet (35') in height.*

In this particular case, the owner of the personal use airstrip is the Owner/Applicant. The Owner/Applicant owns and/or controls all property within 5,000 feet of the proposed alteration.

6-6-4: Authorization to Grant or Deny Conditional Use

Conditional uses listed in this title may be permitted, **enlarged or altered** upon authorization by the planning commission in accordance with the criteria and procedures set forth in this chapter and in the article for the specific zone in which the conditional use is to be established.

(Ord. 86, 12-7-1993)

Applicant's Response: *The Owner/Applicant understands that uses listed as conditional uses may be permitted, enlarged or altered upon authorization by the Planning Commission (PC).*

As previously mentioned, the Owner/Applicant would like to alter an existing legal non-conforming use by adding a 10,000 square foot hangar building (80' x 125') and lengthening the airstrip by 2,000 linear feet.

6-6-5: Application Procedures

The application forms shall contain instructions which are substantially the same as the following:

- A. Conference: A preapplication conference with the planning director is necessary. This is usually a very informal meeting or discussion during which the applicant explains his proposal in detail. The planning director can then assist the applicant by explaining difficulties between this title and the proposal. In some cases the planning director may have ideas on what should be emphasized for the best advantage.

Applicant's Response: *The Applicant's Representative has had several communications with the Malheur Planning Department regarding this project. The Planning Director determined that this communications would satisfy the requirement for a pre-application conference with Planning Director.*

For additional information, please refer Section D – Appendices, Appendix 5 – Pre-Application Acknowledgement.

- B. Application Form: The application form shall be filled out as completely as possible. A letter which describes the proposal the way the applicant believes it should be understood by persons who will be reading and hearing about it for the first time and must then make a decision to approve it, approve it with conditions or deny it, shall always be attached.

Applicant's Response: The Owner/Applicant has completed the appropriate application on forms prescribed by Malheur County.

For additional information, please refer Section A – Introduction for a copy of the signed application.

- C. Tax Assessment Map: A current tax assessment map showing the parcel for which the application is proposed and all parcels within two hundred fifty feet (250') of the subject parcel with the names and mailing addresses of the owners shall be obtained and attached to the application. The parcel for which the application is proposed must be shaded or colored on the tax map.

Applicant's Response: The Owner/Applicant has included a copy of the tax assessment map showing the subject properties and all parcels within two hundred fifty feet (250') of the proposed development area.

It should be noted that there are no other private land owners within two hundred fifty feet (250') of the subject parcel. In fact, the Owner/Applicant owns and/or has grazing rights to all properties within a mile radius in any direction.

For additional information, please refer Section D – Appendices, Appendix 3 – Tax Assessors Map.

- D. Plot Map: A plot map of the parcel, with accurate dimensions, indicating the following information, shall be included in the application:
1. The location of all structures on the parcel.
 2. The location of all wells on the parcel.
 3. The location of all septic tanks and drainfields on the property.
 4. The location of all road rights of way and access easements on or adjacent to the parcel.
 5. Accurate dimensions of the property lines.
 6. Accurate dimensions of the property lines that would be created by the proposed partition.
 - 7. The location of any proposed structures.**
 8. The location of any irrigation or drainage ditches or canals including any underground irrigation or drainage structures.

Applicant's Response: The Owner/Applicant has prepared a Site (Plot) Plan showing the proposed alteration/modification of the existing personal airstrip. This includes the addition of a 10,000 square foot hangar building and lengthening the airstrip by 2,000 linear feet.

For additional information, please refer Section C – Exhibit Drawings, Sheet C002 – Site (Plot) Plan.

- E. Other Agencies: Other agencies have responsibilities which proposed changes on the applicant's property may affect. A letter must be received by the planning department indicating that the specific proposal will not adversely affect those agency responsibilities or that with certain improvements, easements, or rights of way provided by the applicant, the proper end result will be achieved.

Very Important: With rare exception, the application will not be considered complete until the planning office receives a recommendation from the following agencies as may be applicable in the applicant's case:

1. The appropriate irrigation district.
2. The appropriate road district.
3. The appropriate drainage district.
4. The nearby city if the property is within or near that city's urban growth boundary.
5. The affected fire protection district or agency that will need to fight fires that may spread from the applicant's land.

The agency should mail its comments directly to the planning office. That agency must have a copy of the proposal the applicant intends to submit to the planning commission or the applicant will otherwise experience unnecessary delay or a negative recommendation.

(Ord. 86, 12-7-1993)

Applicant's Response: Given the remote location within the county and the fact that the proposed development lies entirely within the Owner/Applicant's property, the proposed development will not affect any district or agency. Based on this, no letters have been requested from any agency listed above.

- F. Notice: In addition to any notice required by this title, the county shall provide notice to the Oregon department of transportation (ODOT) as required by OAR 660-12-045(2)(f) of the following land use actions:

- 1. Land use applications that require public hearings;**
2. Subdivision and partition applications;
3. Other applications which affect private access to state roads;
4. Other applications within airport overlay zones.

Applicant's Response: Although the Oregon Department of Transportation (ODOT) is unaffected by the proposed development, the County is required to provide notice since the land use application requires a public hearing.

G. Fee: Payment of the required application fee must accompany the application.

(Ord. 125, 6-20-2000)

Applicant's Response: The Owner/Applicant has submitted the required fee along with the application materials.

Based on the County's fee schedule, a fee of \$200 is required for a conditional use.

H. Scheduling: Applications must be submitted at least one month prior to the planning commission meeting date. The planning commission meets once a month on the fourth Thursday except when that date falls near a holiday, in which case the third Thursday is often used. Meetings are generally not held when no applications are received prior to the agenda closing date (1 month previous).

Applicant's Response: The application materials and fee have been submitted at least one month prior to the March 24, 2022 Planning Commission (PC) meeting.

I. Meetings:

1. Location Of Meetings: **The council chambers of Ontario city hall, at the intersection of SW 4th Avenue and SW 4th Street, Ontario, Oregon, is the customary location for planning commission meetings.**
2. Time Of Meetings: **Meetings are routinely held in the evenings. Beginning time is generally seven o'clock (7:00) P.M. during the winter (short daylight period) and eight o'clock (8:00) P.M. during the summer (long daylight period).** Check with the planning office for specific time of any particular meeting.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: The Applicant/Owner understands that the Planning Commission(PC) meetings are customarily held at 7:00pm in the Ontario City Hall Council Chambers.

Due to the COVID restrictions, the Applicant/Owner and Applicants Representative anticipate attending remotely by means of the County's virtual meeting software.

6-6-6: Summary of Application Procedure

The procedure for applying for authorization of a conditional use shall be as follows:

- A. The property owner shall file an application with the planning department, using forms prescribed pursuant to section 6-10-5 of this title.
- B. The applicant shall make payment of a filing fee as prescribed pursuant to subsection 6-9-5B of this title.
- C. The application shall be filed no less than thirty (30) days prior to the next regularly scheduled planning commission meeting.
- D. Before the planning commission may act on a conditional use application, it shall hold a public hearing thereon.
- E. Generally, the decision is rendered during the first meeting at which the application is considered.
- F. A decision may be deferred to a specific date, but not longer than one hundred twenty (120) days from application submittal without applicant's agreement.
- G. An aggrieved party has ten (10) days to appeal the decision.
- H. Generally, within ten (10) working days after a decision has been rendered, the planning department provides the applicant with written notice of the planning commission's decision.

(Ord. 86, 12-7-1993)

Applicant's Response: The Owner/Applicant understands the Conditional Use approval process and procedures.

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: Comprehensive plan goals and policies, as applicable.

Applicant's Response: The County's Comprehensive goals do not specifically address personal use airports. However, in the Transportation Element, it does state that "the County will encourage the protection and improvements of present airport facilities." It is assumed that this policy could apply to personal use airstrips as well.

- B. Specific Plans: Specific plan recommendations.

Applicant's Response: To the Owner/Applicants knowledge, there are no specific plan recommendations for this area.

- C. Developments And Viewpoints: Existing development and viewpoints of property owners in the surrounding area.

Applicant's Response: *Again, given the remote location within the County, the proximity to other property owners and the fact that the proposed development lies entirely within the Owner/Applicant's property, there will be no impact on existing development or viewpoints of property owners in the surrounding area.*

D. Services And Utilities: Availability of services and utilities.

Applicant's Response: *Aside from the extension of electrical utility lines within the property, no services or utilities will be affected by the proposed alterations.*

E. Effect: The effect of the proposed use on the stability of the community's social and economic characteristics.

Applicant's Response: *The proposed improvements will have no impact on the community's social and economic characteristics. The subject property is located in a remote portion of the County and the Owner/Applicant owns and/or controls grazing rights to all land within a mile radius of the proposed improvements.*

F. Fish And Wildlife: 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.

(Ord. 86, 12-7-1993)

Applicant's Response: *The subject properties and the surrounding areas are used for grazing. To the Owner/Applicant knowledge there are no critical or sensitive fish/wildlife habitats in the vicinity of the proposed modifications.*

G. General Criteria:

1. Increasing setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances.
2. Landscaping improvements for the visual benefit of the subject site and for the improved appearance of the neighborhood and county.
3. 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.
4. Visual screening of outdoor waste and storage areas.
5. Control and focusing of outdoor lighting to avoid glare being directed beyond property limits.
6. Special criteria listed below, as applicable.

(Ord. 125, 6-20-2000)

Applicant's Response: *The Owner/Applicant has the following responses to the general criteria:*

- 1) The proposed alterations/modifications will not create any noise, odor or night lighting nuisances.**
- 2) The proposed alterations/modifications will not be visible from the adjoining property owners. Crowley Road is over a mile south of the project areas and will likely not be noticeable from that distance. If conditioned, the Owner/Applicant will implement landscape improvements along the south side of the building to provide visual screening from the roadway.**
- 3) No driveways or right-of-way improvements will be required since the proposed alterations/improvements are internal to the Owner/Applicants property.**
- 4) Outdoor waste and storage areas will be located inside the proposed hangar building.**
- 5) Outdoor lighting may be provided along the proposed hangar building. Given the proximity, no glare is anticipated on the adjoining property owners.**
- 6) No special criteria is applicable to the proposed development.**

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)

Applicant's Response: *Because the proposed modification to the personal airstrip are internal to the Owner/Applicants property, the proposed modifications will not force a significant change/cost in accepted farm or forest practices on surrounding lands range land use.*

6-6-8: Specific Criteria to Evaluate Suitability

In addition to the general criteria above, the specific criteria listed below and the standards for the zone in which the conditional use is to be established shall govern the following conditional uses.

(Ord. 86, 12-7-1993)

Applicant's Response: *The Owner/Applicant is not proposing any of the uses requiring specific criteria identified in the uses below.*

- 6-6-8-1: Non-Resource Dwellings in an EFU, ERU or EFFU Zone. *This section is not applicable to the proposed application since no dwellings are being proposed.*
- 6-6-8-2: Non-Resource Partition in an EFU, ERU or EFFU Zone. *This section is not applicable to the proposed application since no land divisions are being proposed.*
- 6-6-8-3: Temporary Use of a Manufactured Dwelling or Recreational Vehicle During Family Hardship. *This section is not applicable to the proposed application since no housing is being requested for family hardships.*
- 6-6-8-4: Mineral, Aggregate or Geothermal Resource Exploration, Mining and Processing. *This section is not applicable to the proposed application since no aggregate or geothermal uses are being proposed.*
- 6-6-8-5: Junkyards and Auto Wrecking Yards. *This section is not applicable to the proposed application since no junkyards or wrecking yards are being proposed.*
- 6-6-8-6: Home Occupation. *This section is not applicable to the proposed application since no home occupations are being proposed.*
- 6-6-8-7: Recreational Vehicle Parks. *This section is not applicable to the proposed application since no RV parks are being proposed.*
- 6-6-8-8: Wireless Telecommunication Facilities. *This section is not applicable to the proposed application since no wireless telecommunications are being proposed.*
- 6-6-9: Non-Conforming Uses

6-6-9-1: Continuation of Non-Conformance

The lawful use of any building, structure or land existing at the time of the enactment or amendment of this title may be continued. Any alteration, restoration or replacement of those uses shall be in accordance with the following provisions, and shall be determined by the planning commission at a public hearing pursuant to ORS 215.130 and the comprehensive plan.

(Ord. 86, 12-7-1993)

Applicant's Response: *The existing airstrip has been in use for over fifty years and is officially registered with the Federal Aviation Administration (FAA). It is referenced as the Crowley Ranch Airstrip and the FAA identifier is 78OR. See Appendix 6 – FAA Identifier for additional information*

Since the existence of airstrip pre-dates Oregon land use planning regulations, the County considers this a legal non-conforming use. The use (as it currently exists) may continue, but it cannot be altered in any way without the appropriate land use review and approval.

In order to alter the existing personal airstrip (i.e. add a hangar building and extend the length of the airstrip), the Owner/Applicant is requesting approval of a Conditional Use.

6-6-9-2: Alteration

Alteration or completion of any nonconforming use or related structure may be permitted as follows:

- A. When necessary to reasonably continue the use.
- B. When necessary to comply with any lawful requirement for alteration in the use.**
- C. When alteration or extension of a nonconforming use does not cause the structure to deviate further from the standards of this title.
- D. When a structure is determined to be suitable for only nonconforming uses, and proposed new uses are determined to be no more detrimental to surrounding properties than the use to be replaced.

(Ord. 86, 12-7-1993)

Applicant's Response: *The Owner/Applicant is requesting a new Conditional Use to allow the alteration/modification of an existing legal non-conforming use. This is necessary in order to comply with County requirements to allow the alternation.*

6-6-9-3: Restoration, Replacement or Change *This section is not applicable to the proposed application since the Owner/Applicant is requesting an alteration/modification of an existing non-conforming use.*

6-6-9-5: Completion of Non-Conforming Structures *This section is not applicable to the proposed application since there are no non-conforming structures.*

6-6-10: Additional Conditions

In authorizing **a new conditional use** or the alteration of an existing conditional use, the planning commission may impose, in addition to those standards and requirements expressly set forth in this title, any other conditions that the planning commission considers necessary to protect the best interests of the surrounding area or the county as a whole.

(Ord. 86, 12-7-1993)

Applicant's Response: *The Owner/Applicant understands that the Planning Commission (PC) may impose conditions of approval that they feel are necessary to protect the best interests of the surrounding area or the county as a whole.*

6-6-11: Assurance Requirements

The county may require an applicant to furnish the county with a performance bond or such other forms of assurance that the county deems necessary and reasonable to guarantee development in accordance with the standards established and conditions attached in granting a conditional use.

(Ord. 86, 12-7-1993)

Applicant's Response: Since the proposed alterations/modifications are entirely located on private property, there is no need for any assurances.

6-6-12: Time Limit on Authorization

- A. Authorization of a conditional use shall be **void after two (2) years or such lesser time as the planning commission may specify, unless substantial construction pursuant thereto has taken place**. However, the planning commission may extend authorization for additional periods, on request or on its own motion, without the necessity of following any formal procedures such as those set out in this chapter and in chapter 10 of this title.
- B. Authorization for a proposed residential development on lands zoned exclusive farm use, exclusive range use, or exclusive farm-forest use shall be valid for four (4) years.
 - 1. An extension of this authorization shall be valid for two (2) years.
 - 2. For purposes of this section, "residential development" only includes dwellings provided for under ORS 215.283(1)(s), 215.284, 215.705(1) to (3) and section 6-4-9, "Lot Or Parcel Of Record Dwellings", of this title.

(Ord. 145, 4-14-2004)

Applicant's Response: The Owner/Applicant understands that the conditional use approval will expire after two (2) years unless substantial construction has occurred.

It should be noted that the Owner/Applicant intends on erecting the hangar building this Spring/Summer of 2022 as well as lengthening the airstrip over the following months. All work is anticipated to be completed in 2022.

Chapter 9 – Administration and Enforcement

6-9-1: Planning Commission

- A. Under the authority of ORS 215.020, there is hereby established a Malheur County planning commission.
- B. The planning commission shall consist of nine (9) members, each to serve a term of four (4) years.
- C. A minimum of five (5) members present at a scheduled meeting or hearing shall represent a quorum of the planning commission.
- A. The planning commission shall make decisions by a majority of the quorum present.

(Ord. 86, 12-7-1993)

Applicant's Response: *The Owner/Applicant understands that the Planning Commission (PC), consisting of nine (9) members, is the decision maker for conditional use applications.*

6-9-2: Administration

The county court may appoint planning staff to issue zoning and other permits and to assist the planning commission as authorized by ORS 215.020 - 215.042.

(Ord. 86, 12-7-1993)

Applicant's Response: *The Owner/Applicant acknowledges that the county court may appoint planning staff to issue zoning and other permits and to assist the Planning Commission (PC).*

6-9-3: Zoning Permits

Prior to the construction or change of use of any structure or change of use of any lot, a zoning permit for such construction or change of use shall be obtained from the planning staff.

(Ord. 86, 12-7-1993)

Applicant's Response: *The Owner/Applicant understands that the approval of a Zoning Permit will be required prior to the construction of hangar building structure.*

The Owner/Applicant will file this permit upon approval of the Conditional Use approval for the alteration/modification of the legal non-conforming use.

6-9-4: Authority to Make Final Decision

- A. The planning director may make administrative decisions on outright permitted uses as provided in chapter 3 of this title, and site development plan as provided in chapter 5 of this title. The planning director may make land use decisions as provided in chapter 12 of this title.
- B. The decisions of the planning director on site development plans as provided in chapter 5 and on outright permitted uses as provided in chapter 3 of this title shall be ministerial decisions under ORS 197.015(10)(b) and not land use decisions, and shall be reviewable by the planning commission.
- C. The planning commission shall be the final hearing body and make final decisions on conditional uses, variances, nonconforming uses and administrative decisions referred by the planning director. The planning commission shall be the hearings body of appeals of planning director administrative decisions.**
- D. The county court shall be the final hearings body for legislative hearings, and the final hearings body of quasi-judicial decisions when appealed. The county court's hearings shall be held on the record. If the applicant or a party provides information that shows good cause, the county court hearings may be held de novo.
- B. Final decisions of the county court may be appealed to the land use board of appeals.

(Ord. 86, 12-7-1993)

Applicant's Response: The Owner/Applicant understands that Planning Commission (PC) will be the final hearing body and make final decisions on conditional uses.

6-9-5: Application Requirements

- A. Property Owner: For the purpose of this section, the term "property owner" shall mean the owner of record or the contract purchaser, and does not include a person who holds a security interest.

Applicant's Response: The Owner/Applicant understands that Planning Commission (PC) will be the final hearing body and make final decisions on conditional uses.

For additional information, please refer Section D – Appendices, Appendix 1 – Deed for documentation on legal ownership.

- B. Applications: Applications for development or land use actions shall:
 - 1. Be submitted by the property owner or a person who represents in writing that he or she has authority from the "property owner" as defined herein to make the application;
 - 2. Be completed on a form prescribed by the planning director;
 - 3. Include supporting information required by the zoning ordinance and that information necessary to demonstrate compliance with applicable criteria; and

4. Be accompanied by the appropriate filing fee, unless such fees are waived by the planning commission.

Applicant's Response: *In accordance with this section, the application is being filed by the Property Owner on the for prescribe by the planning director. The associated filing fee, as determined by the County's Planning Fee Schedule, has also been included.*

For additional information, please refer Section A – Introduction for a copy of the signed application and a breakdown of filing fees.

- C. Exception: The following applications are not subject to the ownership requirement set forth in subsection B1 of this section:
 1. Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application; or
 2. Applications for development proposals sited on lands owned by the state or federal government.

(Ord. 86, 12-7-1993)

Applicant's Response: *The proposed alterations/modifications do not qualify for an exception based on the criteria above.*

6-9-6: Acceptance of Application

- A. Development action and land use action applications shall not be accepted until the planning director has determined that: 1) the requirements of section 6-9-5 of this chapter have been met; and 2) the application is complete or the application is deemed to be complete under state law.
- B. An application is complete when, in the judgment of the planning director, all applicable issues have been adequately addressed in the application.
- C. Acceptance of an application as complete shall not preclude a determination at a later date that additional criteria need to be addressed, or a later determination that additional information is needed to adequately address applicable criteria.

(Ord. 86, 12-7-1993)

Applicant's Response: *The Owner/Applicant acknowledges that the Planning Director will accept the application as complete when all of the required information has been adequately addressed.*

6-9-7: False Statements on Applications and Supporting Documents

If the applicant or the applicant's representative or apparent representative makes a misstatement of fact on the application regarding property ownership, authority to submit the application, acreage or

any other fact material to the acceptance or approval of the application and such misstatement is relied upon by the planning director or hearings body in making a decision whether to accept or approve the application, the planning director may, upon notice to the applicant and subject to the applicant's right to a hearing, declare the application void.

(Ord. 86, 12-7-1993)

Applicant's Response: To the Owner/Applicant's knowledge, all the information contained in this application is true and accurate.

6-9-8: Applicable Standards

With respect to the acknowledged portions of the county's comprehensive plan, the standards and criteria applicable to an application shall be the standards and criteria applicable at the time the application was first submitted if the application and requested information, if any, are received within one hundred eighty (180) days of the time the application was first submitted.

(Ord. 86, 12-7-1993)

Applicant's Response: To the Owner/Applicant's knowledge, the application has addressed all the applicable standards and criteria at the time the application was submitted.

6-9-9: Notice to Division of State Lands

In addition to any notice required by this title, the county shall provide the notices required by ORS 215.418 concerning state identified wetlands within ten (10) days of the acceptance of an application as complete. This section shall not become operative until the division of state lands has provided to the county a copy of applicable portions of the statewide wetlands inventory.

(Ord. 86, 12-7-1993)

Applicant's Response: There are no wetlands in the vicinity of the proposed alterations/modifications.

6-9-10: Notice to Oregon Department of Transportation (ODOT)

In addition to any notice required by this title, the county shall provide notice to ODOT as required by OAR 660-12-045(2)(f) of the following land use actions:

- A. Land use applications that require public hearings;**
- B. Subdivision and partition applications;
- C. Other applications which affect private access to state roads;
- D. Other applications within airport noise corridors and imaginary surfaces which affect airport operations.

(Ord. 125, 6-20-2000)

Applicant's Response: ***Although the Oregon Department of Transportation (ODOT) is unaffected by the proposed development, the County is required to provide notice since the land use application requires a public hearing.***

6-9-11: Conflicting Procedures

Except as set forth in this section, where other provision of the Malheur County ordinances specify procedures with greater opportunity for public notice and comment, those procedures shall apply.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: ***The Owner/Applicant understands that the alteration/modification of a legal non-conforming use will follow a Type III procedure in Malheur County.***

6-9-12: Time Computation

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday or any day on which the county is not open for business pursuant to a county ordinance, in which case it shall also be excluded.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: ***Acknowledged.***

6-9-13: Record of Action

A complete file including the application form, maps, letters and other relevant documents, findings of fact and minutes of hearings shall be maintained by the planning department for each application and made available to the public.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: ***Acknowledged.***

6-9-14: Review of Ordinance

At the time of the county's periodic review as set forth in the land conservation and development commission's OAR 660 division 25, or more frequently if required or desired, the planning director shall submit to the planning commission an evaluation of the effectiveness of this title and suggestions for modification, if necessary. The planning commission shall process any necessary changes through chapter 10 of this title.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: ***Acknowledged.***

6-9-15: Statutory Remedies

Any person violating a provision of this title shall be subject to the provisions of ORS 215.185 and 215.190, in addition to other remedies provided by law See subsection 1-9A-3C of this code.29.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: Acknowledged.

6-9-16: Proposed Order

The hearings body may require that any prevailing party draft a set of proposed findings and conclusions.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: Acknowledged.

6-9-17: Re-Application Limits

If a specific application is denied, no reapplication for substantially the same proposal may be made for six (6) months following the date of the final decision.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: The Owner/Applicant understands that if the conditional use application is denied that the Applicant will have to wait six (6) months to reapply.

6-9-18: Decision

Approval or denial of a land use action shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria, standards and facts set forth.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: Acknowledged.

6-9-19: Notice of Decision

A hearings body's decision shall be in writing and mailed to all parties, however, one person may be designated by the hearings body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants.

(Ord. 86, 12-7-1993; amd. Ord. 125, 6-20-2000)

Applicant's Response: The Owner/Applicant understands that Planning Commission (PC) will issue a written notice of decision to all parties.

Other

Malheur County Comprehensive Plan

There are several policies under Goal 12 Transportation that relate to airport facilities.

These include:

Policy #32 – The County will encourage the protection and improvements of present airport facilities;

Policy #33 – The County will adopt and implement an airport approach zone to ensure safe operation of airports and the development of a compatible environment around airport;

Applicant's Response: *The County's Comprehensive goals does not specifically address personal use airports. However, in the Transportation Element, it does state that the County will encourage the protection and improvements of present airport facilities. It is assumed that this policy could apply to personal use airstrips as well.*

OAR 660-033-0130 (7)

"A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. **A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation."**

Applicant's Response: *The Owner/Applicant understands that a personal-use airport lawfully existing as of September 13, 1975, will continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.*

The existing airstrip will be used exclusively by the owners of the property. The proposed alterations/improvements will comply with Federal Aviation Administration (FAA) regulations and standards as well as applicable rules of the Oregon Department of Aviation.

C.
Exhibit Drawings

The following exhibit drawings are intended to meet the plan and graphic requirements for **Crowley Ranch Airstrip Conditional Use** application.

Exhibit drawings contained in this section include:

C000	Cover Sheet
C001	Aerial (Existing Conditions)
C002	Site (Plot) Plan.....

D.
Appendices

The following appendices provide background documentation and technical data that support the **Crowley Ranch Airstrip Conditional Use** application. These include following:

<i>Appendix 1</i>	<i>Deed (Katariina Sutphin).....</i>
<i>Appendix 2</i>	<i>Grazing Permit (BLM)</i>
<i>Appendix 3</i>	<i>Tax Assessors Map (Malheur County).....</i>
<i>Appendix 4</i>	<i>Zoning Map (Malheur County)</i>
<i>Appendix 5</i>	<i>Pre-Application Acknowledgement (Malheur County)</i>
<i>Appendix 6</i>	<i>FAA Identifier (Federal Aviation Administration).....</i>
<i>Appendix 7</i>	<i>FAA 7460 (Federal Aviation Administration)</i>
<i>Appendix 8</i>	<i>Hangar Building Schematic (Larry Teufel)</i>
<i>Appendix 9</i>	<i>Site Photos (Larry Teufel).....</i>



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: Katariina Sutphin (Teufel)
Address: 4960 Crowley Road
City/State/Zip: Harper, OR 97906
Phone: _____
Email: _____

APPLICANT INFORMATION ☐ Check box if same

Name: Larry and Katariina Teufel
Address: 4960 Crowley Road
City/State/Zip: Harper, OR 97906
Phone: _____
Email: larryt@teufel.com

PROPERTY INFORMATION

Township: 26S Range: 39E Section: _____ Tax Lot: 200 & 201 Ref #: _____ Acres: 6.631, 63 & 480.00 Zoning: ERU
Address: 4960 Crowley Road
Current use: Airstrip & Rangeland Use of surrounding properties: Rangeland
Proposed use: Airstrip & Hangar Permitted subject to section: 6-3A-3 Conditional Uses
Water source: N/A Sewage disposal method: N/A
Are the wetlands/water waterways on your property? ☒ No ☐ Yes (description): Reservoir and drainages
Do you own neighboring property? ☐ No ☒ Yes (description): See deed and assessors tax maps
Name of road providing access: Crowley Road

LEGAL PARCEL STATUS

Partition: N/A Subdivision: N/A
or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: _____
Current Deed #: 92-8527 Date Filed: 12/14/1992

**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): Katariina Sutphin Taufel Date: Feb 17, 2022
 Property Owner(s): _____ Date: _____
 Applicant(s): Larry Teufel Date: 2-17-22
 Applicant(s): Katariina Sutphin Taufel Date: Feb 17, 2022

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	
(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)	
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

251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185 Fax (541)473-5140

CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN EQUEST

The Owner/Applicant would like to alter an existing legal non-conforming use by adding a 10,000 square foot hangar building (80' x 125') and lengthening the airstrip by 2,000 linear feet.

Also see Section B - Applicable Malheur County Development Code (MCDC) Narrative.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling	N/A	N/A	N/A	N/A
Driveway	N/A	N/A	N/A	N/A
Accessory Structure	N/A	N/A	N/A	N/A
Agricultural Structure	N/A	N/A	N/A	N/A
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:

Given the fact that the alterations are entirely located on private property and located in a remote portion of the County, the proposed improvements will have negligible impact on the surrounding area and abutting properties.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:
Single engine aircraft used several times a week. Hangar will be used to store aircraft when not in operation.

Describe the number of people/employees/customers associated with the proposed use:
Two (2) individuals (i.e. owners)

3. What are the existing developments and viewpoints of property owners in the surrounding area?
There are no existing development within a mile of the proposed use.

Also see Section B - Applicable Malheur County Development Code (MCDC) Narrative.

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: No public roads will be impacted by this development.

Fire & Police Protection: Given the remote location, the impacts on fire and police protection will be minimal.

Sewer & Water: There is no septic or water service proposed as part of the modifications.

Electrical & Telephone: Electrical service will be extended to the building.

Solid Waste Disposal: Any solid waste generated from this improvement will be properly discarded by the property owner.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
The effects of this modification will have no or minimal impacts on the community's social and economic characteristics.

Also see Section B - Applicable Malheur County Development Code (MCDC) Narrative.

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 modification will not impact critical or sensitive traditional fish and wildlife habitat areas.

See Section B - Applicable Malheur County Development Code (MCDC) Narrative

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 are no adjoining properties within a mile of the proposed development. The modifications will not have any noise, order or lighting nuisances on adjoining property owners.

Also see Section B - Applicable Malheur County Development Code (MCDC) Narrative.

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?
No landscape improvements are proposed as part of the modifications.

Also see Section B - Applicable Malheur County Development Code (MCDC) Narrative.

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 modifications are entirely located on private property and will not impact the County's transportation system.

Also see Section B - Applicable Malheur County Development Code (MCDC) Narrative.

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

There will be no external storage. Any waste and/or storage will be stored inside the proposed hangar building.

Also see Section B - Applicable Malheur County Development Code (MCDC) Narrative.

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 adjoining properties within a mile of the proposed development. Outdoor lighting and/or glare will be undetectable beyond the property limits.

Also see Section B - Applicable Malheur County Development Code (MCDC) Narrative.

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?

There are no adjoining properties within a mile of the proposed development. The surrounding properties consist of rangeland that may be used for grazing. There are no farm or forest uses within 0.25 miles of the proposed modifications.

Also see Section B - Applicable Malheur County Development Code (MCDC) Narrative.

Last Updated 01/28/2020

Inst. No. 92-8527

RECORDING INFORMATION:

INSTRUMENT NO. 92-8527

STATE OF OREGON

County of Malheur

SS

Page 1 of 5 Pages

I certify that the within instrument of
writing was received for record on
the 14 day of Dec 19 92
at 8:34 O'clock P M.

DEBORAH R. DeLONG

County Clerk

By Jeanie Enay Deputy

Prepared by:

YTURRI, ROSE, BURNHAM, BENTZ & HELFRICH
P.O. Box 8
Ontario, OR 97914

Until a change is requested, all tax
statements shall be sent to:

Ronald J. Sutphin, et ux
2150 7th Ave. West
Vale, OR 97918

After recording return to: Ronald J. Sutphin, et ux, 2150 7th Ave. West, Vale, OR 97918

WARRANTY DEED

UNITED FARMS COMPANY, a partnership, Grantor, conveys and warrants to RONALD J. SUTPHIN and KATARIINA SUTPHIN, husband and wife, Grantees, the following described real property free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN

SUBJECT TO and TOGETHER WITH

1. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

2. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records; unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

EXCEPTIONS CONTINUED ON EXHIBIT B ATTACHED HERETO AND INCORPORATED HEREIN.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is: \$700,000.00

Dated this 10th day of December, 1992.

UNITED FARMS COMPANY, a partnership

By Robert J. Bundgard

Robert J. Bundgard, Managing Partner

INSTRUMENT NO. 92 - 8527

Page 2 of 5 Pages

State of Oregon

County of Malheur

} ss.

The foregoing instrument was acknowledged before me this 10th day of December, 1992, by ROBERT J. BUNDGARD, managing partner of UNITED FARMS COMPANY, a partnership, on behalf of said partnership.



Linda C. Simmons

Notary Public for Oregon.

My Commission expires: 12-11-94

24
19

EXHIBIT A
(Real Property Description)

Land in Malheur County, Oregon, as follows:

In Twp. 24 S., R. 40 E., W.M.:

Sec. 24: SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$.

Sec. 33: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 34: S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 35: W $\frac{1}{2}$ SW $\frac{1}{4}$.

INSTRUMENT NO. 92 - 8527

Page 3 of 5 Pages

In Twp. 24 S., R. 41 E., W.M.:

Sec. 19: Government Lots 1, 2, 3, 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 30: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 31: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

ALSO described as Parcel No. 1 of Partition No. 92- 17, as
filed in Malheur County, Oregon, of Sec. 30 and 31.

In Twp. 25 S., R. 40 E., W.M.:

Sec. 16: S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 17: N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 21: NW $\frac{1}{4}$ NE $\frac{1}{4}$.

In Twp. 25 S., R. 42 E., W.M.:

Sec. 5: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$.

In Twp. 26 S., R. 39 E., W.M.:

Sec. 2: SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 9: All.

Sec. 11: All.

Sec. 12: SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 13: W $\frac{1}{2}$ W $\frac{1}{2}$.

Sec. 14: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$.

Sec. 15: All.

Sec. 16: SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Sec. 17: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$.

Sec. 21: All.

Sec. 22: S $\frac{1}{2}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Sec. 23: All.

EXCEPTING THEREFROM the following described parcel:

Beginning at the Southeast corner of said Sec. 23;
thence North along section line between Secs. 23 and 24 of said
township and range, 238.7 feet to a point;
thence West 238.7 feet;
thence South 238.7 feet to a point on section line between
Secs. 23 and 26 of said township and range;
thence East along said section line between said Secs. 23 and
26 to the Point of Beginning.

Sec. 26: All.
Sec. 27: All.
Sec. 29: All.
Sec. 35: N $\frac{1}{2}$ N $\frac{1}{2}$.

INSTRUMENT NO. 92 - 8527

Page 4 of 5 Pages

In Twp. 26 S., R. 41 E., W.M.:
Sec. 22: W $\frac{1}{2}$ NE $\frac{1}{4}$.

Code 23; Map No. 24-40; Tax Lot No. 800; Computer No. 09339
Code 23; Map No. 24-40; Tax Lot No. 1000; Computer No. 09340
Code 23; Map No. 24-41; Tax Lot No. 800; Computer No. 09347
Code 23; Map No. 24-41; Tax Lot No. 900 pt.; Computer No. 09348
Code 16; Map No. 25-40; Tax Lot No. 400; Computer No. 08966
Code 16; Map No. 25-40; Tax Lot No. 500; Computer No. 08967 RA
Code 39; Map No. 25-42; Tax Lot No. 200; Computer No. 11547
Code 39; Map No. 26-39; Tax Lot No. 200; Computer No. 11596 RA 25
Code 39; Map No. 26-39; Tax Lot No. 200; Computer No. 11606
Code 16; Map No. 26-41; Tax Lot No. 200; Computer No. 08979
Code 39; Map No. 26-39; Tax Lot No. 1100; Computer No. 11604
Code 39; Map No. 26-39; Tax Lot No. 1100; Computer No. MH02096

EXHIBIT B
(Exceptions to Title)

INSTRUMENT NO. 92 - 8527.

Page 5 of 5 Pages

4. AS DISCLOSED by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
5. MINERALS CONVEYED to R. W. Slemaker, Jr., as to an undivided one-fourth therein, in Deed recorded February 10, 1955, Book 99, Instrument No. 14812, Deed Records, and all rights of said party and his successors in interest as owners thereof.
6. MINERALS CONVEYED to R. W. Slemaker, Jr., as to an undivided one-eighth interest therein, in Deed recorded February 24, 1995, Book 99, Instrument No. 15279, Deed Records, and all rights of said party and his successors in interest as owners thereof.
7. MINERALS RESERVED by Norman E. Robbins, aka N.E. Robbins, as to a full interest therein, in Deed recorded August 10, 1965, Book 130, Instrument No. 66675, Deed Records, and all rights of said party, and his successors in interest, as owners thereof.
8. EASEMENT, including the terms and provisions thereof, in favor of United States of America, Bureau of Land Management, recorded December 30, 1966, Book 134, Instrument No. 77793, Deed Records, for easement and right of way across the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 31, all in Twp. 24 S., R. 41 E., W.M.
RE-RECORDED on January 4, 1967, Book 134 Instrument No. 77842, Deed Records.
9. NOTICE OF MINERAL CLAIMS, including the terms and provisions thereof, as follows:
 - a) Recorded January 4, 1984, by Walter Duncan, Inc., Instrument No. 84-119019, Deed Records.
 - b) Recorded May 21, 1985, by Ladd Petroleum, Instrument No. 85-128478, Deed Records.
 - c) Recorded July 1, 1985, by Sabine Corp., Instrument Nos. 85-129384 and 85-129399.



U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT



State: OR
Office: LLORV04000
Preference Code: 03
AUTHORIZATION: 3603145

GRAZING PERMIT

EFFECTIVE: 03/01/2019 TO 02/28/2029

ISSUED TO:

K. KATARIINA SUTPHIN
1401 ALAMEDA DRIVE
ONTARIO OR 97914

ISSUED BY:

BUREAU OF LAND MANAGEMENT
MALHEUR RA
100 E OREGON ST
VALE OR 97918-9630

UNDER 43 CFR PART 4100, THE BUREAU OF LAND MANAGEMENT (BLM) OFFERS YOU THIS GRAZING PERMIT BASED ON YOUR RECOGNIZED QUALIFICATIONS. UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE, YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS UNDER THE JURISDICTION OF THE BLM THAT ARE COVERED BY THIS GRAZING PERMIT. IF YOU HAVE QUESTIONS CONCERNING THIS GRAZING PERMIT, CONTACT YOUR LOCAL BLM OFFICE AT 541-473-3144.

TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK NUMBER KIND	PERIOD		%PL USE TYPE USE	AUMS
			BEGIN	END		
OR00303	TURNBULL	28 CATTLE	04/01	06/30	100 ACTIVE	84
OR00303	TURNBULL	113 CATTLE	07/01	09/30	57 ACTIVE	195
OR00303	TURNBULL	216 CATTLE	07/01	10/15	56 ACTIVE	426
OR00303	TURNBULL	425 CATTLE	10/01	02/28	88 ACTIVE	1,857
OR00303	TURNBULL	425 CATTLE	03/01	03/31	88 ACTIVE	381

THIS PERMIT OR LEASE IS ISSUED UNDER THE AUTHORITY OF SECTION 402(C) (2) OF FLPMA, 1976 AS AMENDED, AND CONTAINS THE SAME TERMS AND CONDITIONS AS THE PREVIOUS PERMIT OR LEASE. THIS PERMIT OR LEASE MAY BE CANCELED, SUSPENDED, OR MODIFIED, IN WHOLE OR IN PART TO MEET THE REQUIREMENTS OF APPLICABLE LAWS AND REGULATIONS.

BLM IS NOW IN THE PROCESS OF IMPLEMENTING THE STANDARDS FOR RANGELAND HEALTH AND GUIDELINES FOR LIVESTOCK MANAGEMENT. THIS PERMIT IS SUBJECT TO MODIFICATION AS NECESSARY TO ACHIEVE COMPLIANCE WITH THESE STANDARD AND GUIDELINES (43 CFR 4180). GRAZING USE WILL BE IN ACCORDANCE WITH TURNBULL AMP AS AMENDED BY THE 5/95 RANGELINE AGREEMENT AND THE 6/01 COOPERATIVE AGREEMENT. PERMITTEE SHALL MAINTAIN ALL RANGELAND PROJECTS AS SPECIFIED IN SIGNED COOPERATIVE AGREEMENTS. PERMITTEE SHALL PROVIDE BLM WITH AN ACCURATE ACTUAL USE STATEMENTS WITHIN 15 DAYS OF THE END OF EACH GRAZING SCHEDULE. PRIOR APPROVAL IS REQUIRED FOR ANY MAINTENANCE AND/OR CONSTRUCTION OR SURFACE DISTURBING ACTIVITIES IN A WILDERNESS STUDY AREA.

PERMITTED USE SUMMARY

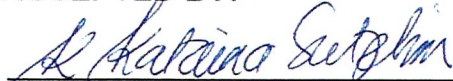
ALLOTMENT		ACTIVE AUMS	SUSPENDED AUMS	TEMP SUSPENDED AUMS	PERMITTED USE
OR00303	TURNBULL	2,943			2,943

TERMS AND CONDITIONS APPLICABLE TO ALL PERMITS AND LEASES

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
 2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
 3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
 4. Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
 5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
 6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
 7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
 8. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
 9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
 10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
 11. Grazing fee payments are due on the date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
 12. Members of Congress may not enter into a grazing permit or lease. 41 USC 6306 (2014). Further, no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et. seq.) shall be admitted to any share or part in a permit or lease for grazing or derive any benefit to arise from a permit or lease for grazing.
-

THIS GRAZING PERMIT:

1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES
2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED BY:

OPERATOR SIGNATURE

KIRSI KATARIINA SUTPHIN

PRINTED NAME AND TITLE

1/30/2019

DATE

APPROVED BY:

BLM AUTHORIZED OFFICER SIGNATURE

Thomas Patrick "Pat" Ryan - Field Manager

PRINTED NAME AND TITLE

1/30/19

DATE

AUMS: Animal Unit Months. Animal unit month means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month. For fee calculation purposes, an AUM is one month's use and occupancy of the range by one cow, bull, steer, heifer, horse, burro, mule, 5 sheep or 5 goats that: (1) are over the age of 6 months at the time of entering lands administered by the BLM; (2) are weaned regardless of age; (3) will become 12 months of age during the authorized period of use.

%PL Use: Percent forage from public land use.

Type Use: Categories with specific rules that govern AUM and grazing fee calculation and input on grazing authorizations and bills.

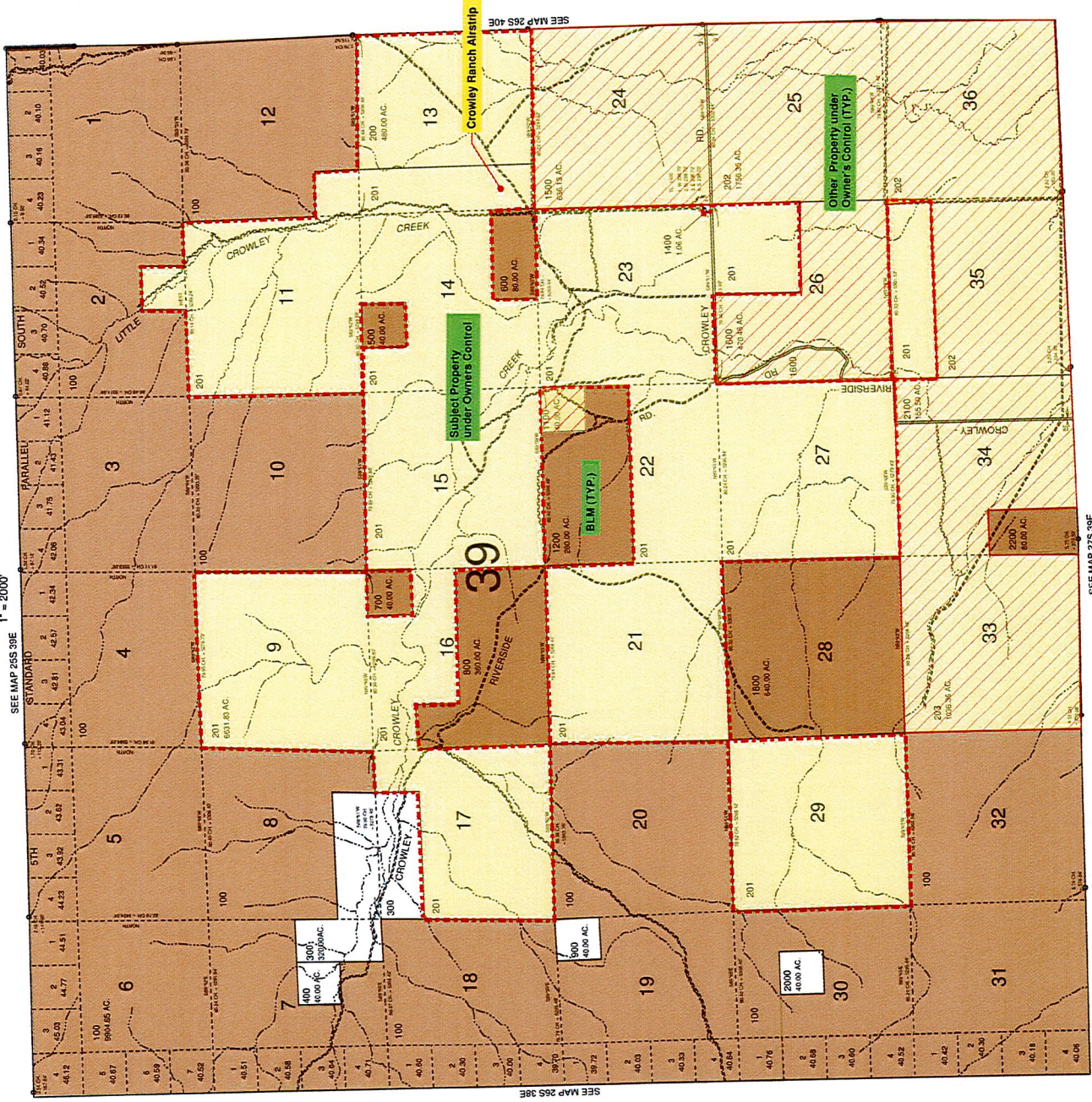
T.26S. R.39E. W.M.
MALHEUR COUNTY

1" = 2000'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

26S 39E

CANCELLED NO.
1000
1500
1700
1900
2300
2400



Printed on
Oct 01, 2003
26S 39E

T.26S. R.40E. W.M.
MALHEUR COUNTY

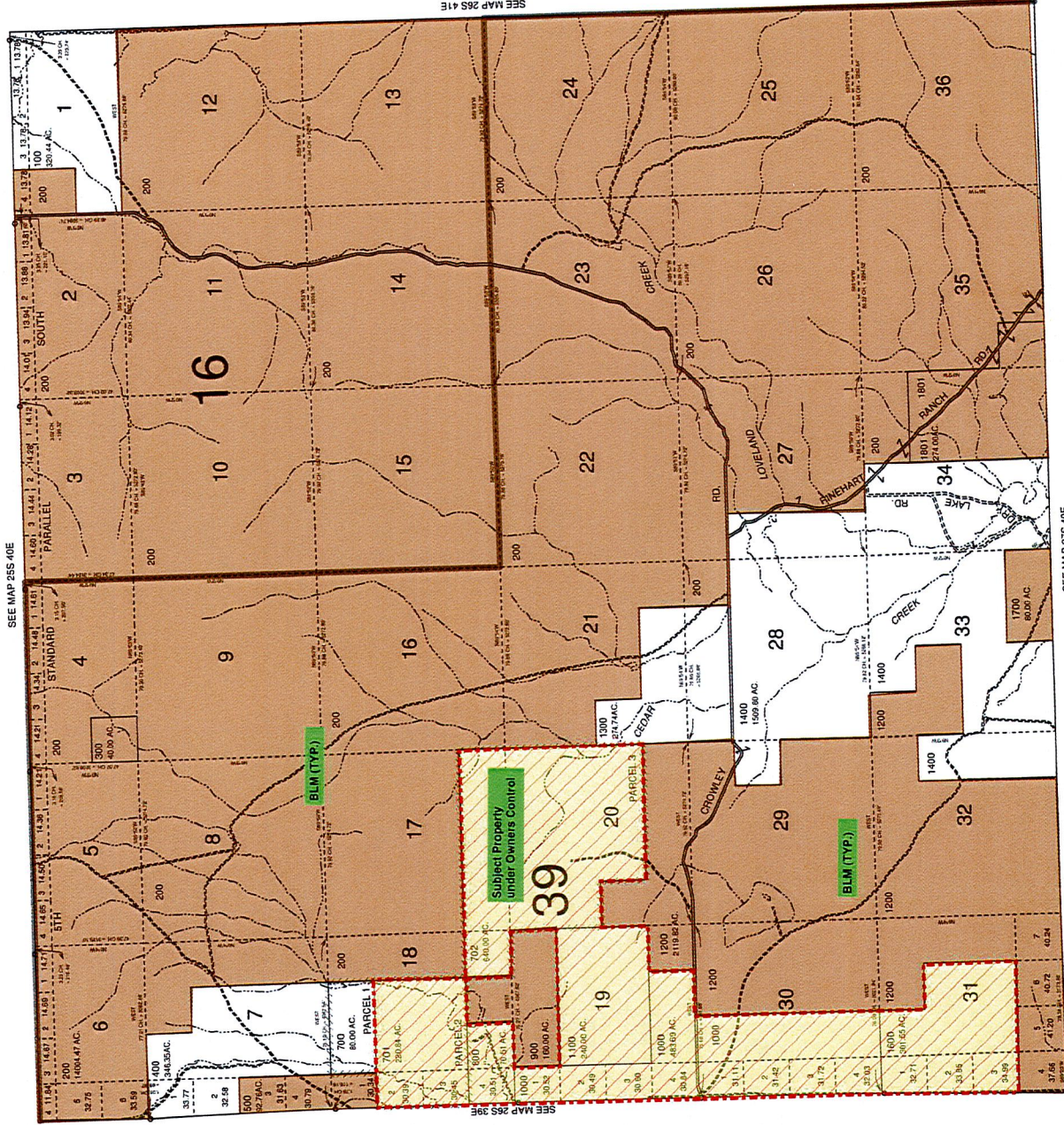
1" = 2000'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

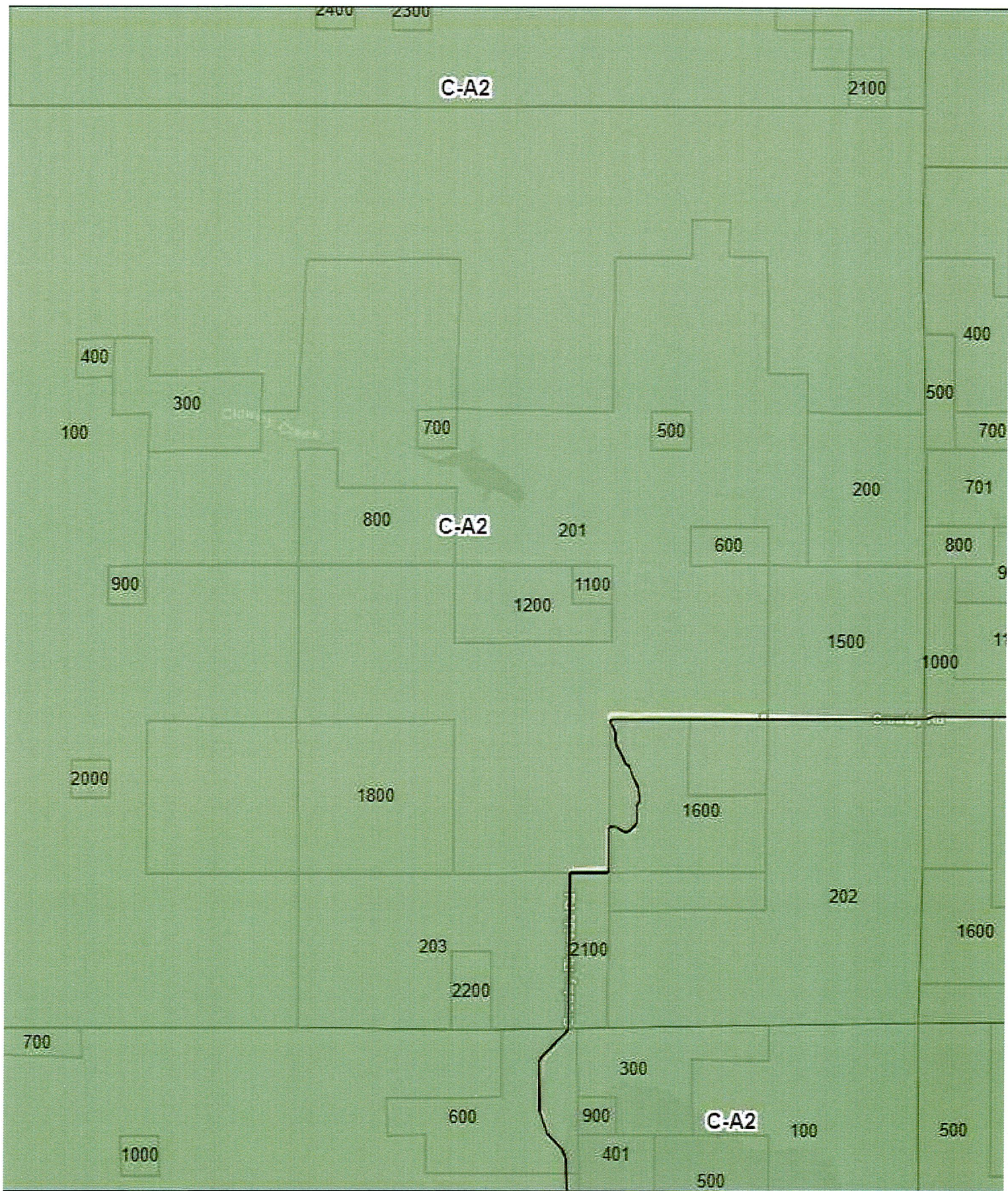
26S 40E

CANCELLED NO.
600
1800
1200

SEE MAP 26S 40E



Printed on
Oct 01, 2003
26S 40E



Kevin Apperson

From: Kevin Apperson
Sent: Monday, February 14, 2022 3:24 PM
To: Kevin Apperson
Subject: FW: Crowley Ranch Airstrip Hanger Follow Up
Attachments: 1. CUP EFU 6-6-7 COMPLETE.pdf

From: Eric Evans <Eric.Evans@malheurco.org>
Sent: Monday, February 7, 2022 7:54 AM
To: Kevin Apperson <kapperson@atwell-group.com>
Subject: RE: Crowley Ranch Airstrip Hanger Follow Up

Good Morning Kevin,

I cannot find any Planning approval for the airstrip. The airstrip is a legal non-conforming use, which can be continued, but cannot be altered. Therefore, a CUP will be required to add a hangar.

We can consider our conversation as a pre-application conference. The fee for the conditional use permit is \$200. Please see the attached application. The planning commissions are virtual at this time.

In addition to the application, the criteria in OAR 660-033-0130(7) must also be met and addressed.

Thank you,

Eric Evans, REHS
Planning Director
Malheur County Planning & Zoning
251 B Street W #12
Vale, OR 97918
541-473-5185 – phone
541-473-5140 – fax

From: Kevin Apperson <kapperson@atwell-group.com>
Sent: Friday, February 4, 2022 1:27 PM
To: Eric Evans <Eric.Evans@malheurco.org>
Subject: Crowley Ranch Airstrip Hanger Follow Up

Eric,

I wanted to follow up on our conversation from earlier in the week regarding the addition of a hangar on the Crowley Ranch airstrip.

I spoke with the client and they indicated that the airstrip has been in existence for over 50 years which likely pre-dates any Oregon land use laws. Given the age and the remote location of the facility, I would guess there are no prior land use approvals for this use. Have you been able to confirm this? I would also like to note that the Federal Aviation Administration (FAA) has an aeronautical identifier of 78OR for this airstrip which appears to have been registered around 1978. Although it's a private airfield, this demonstrates that it is registered with the State and Federal agencies.

Given that the airstrip is a pre-existing use, I wanted to confirm the County is still going to require a Conditional Use to add a hangar building to this facility. Are there any other mechanisms in the County development code to allow the addition of this structure (i.e. addition of accessory structure)?

If a conditional use is required, is a pre-application conference mandatory? If so, can you send me the application form and let me know what the fee is? We would like to get this set up as soon as possible so that we can make the February deadline for a March hearing. Lastly, I wanted to know if the planning commission meetings are virtual or are they held in person?

Regards,

Kevin Apperson

Senior Planner/Landscape Architect

ATWELL, LLC

971.334.8964 Tel

9755 SW Barnes Road | Suite 150 | Portland, OR 97225

www.atwell-group.com



External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Confidential Notice: This is a confidential communication. If you received in error, please notify the sender of the delivery error by replying to this message and then delete it from your system. Electronic Data: Since data stored on electronic media can deteriorate, be translated or modified, Atwell, LLC will not be liable for the completeness, correctness or readability of the electronic data. The electronic data should be checked against the hard copy (paper, mylar, etc.). Hard copies are on file with Atwell and can be provided upon request.

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EARN UP TO

\$45,000

APPLY TODAY

Airports

NavAids

Airspace Fixes

Aviation Fuel

Hotels

AIRBOSS

iPhone App

My AirNav

1603 users online [LOGIN](#)

78OR Crowley Ranch Airstrip

Crowley, Oregon, USA



FAA INFORMATION EFFECTIVE 27 JANUARY 2022

Location

FAA Identifier: 78OR

Lat/Long: 43-18-28.5690N 117-53-39.6440W

43-18.476150N 117-53.660733W

43.3079358,-117.8943456

(estimated)

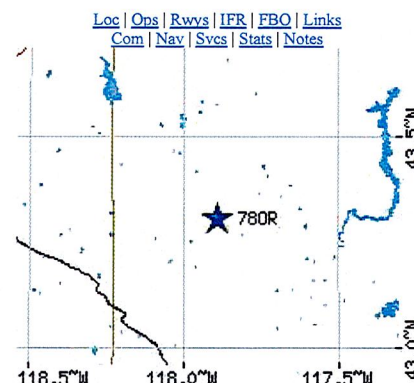
Elevation: 4128 ft. / 1258 m (estimated)

Variation: 17E (1985)

From city: 27 miles SE of CROWLEY, OR

Time zone: UTC -8 (UTC -7 during Daylight Saving Time)

Zip code: 97917

Road maps at: [MapQuest](#) [Bing](#) [Google](#)

Airport Operations

Airport use: Private use. Permission required prior to landing

Activation date: 02/1987

Control tower: no

ARTCC: SALT LAKE CITY CENTER

FSS: MC MINNVILLE FLIGHT SERVICE STATION

Attendance: UNATNDD

Wind indicator: yes

Segmented circle: no

Airport Services

Runway Information

Runway 3/21

Dimensions: 2500 x 32 ft. / 762 x 10 m

Surface: gravel

RUNWAY 3 RUNWAY 21

Traffic pattern: left left

Obstructions: none 5 ft. fence, 200 ft. from runway

Aerial photo

WARNING: Photo may not be current or correct

Do you have a better or more recent aerial photo of Crowley Ranch Airstrip that you would like to share? If so, please [send us your photo](#).

Sectional chart

Airport Ownership and Management from official FAA records

Ownership: Privately-owned

Owner: KATRINA SUTPHIN
CROWLEY RANCH, 1401 ALAMEDA DR.
ONTARIO, OR 97914
Phone (541) 586-2992

Manager: KATRINA SUTPHIN
CROWLEY RANCH, 1401 ALAMEDA DR.
ONTARIO, OR 97914
Phone (541) 586-2992

Airport Operational Statistics

Aircraft based on the field: 1
Single engine airplanes: 1

Additional Remarks

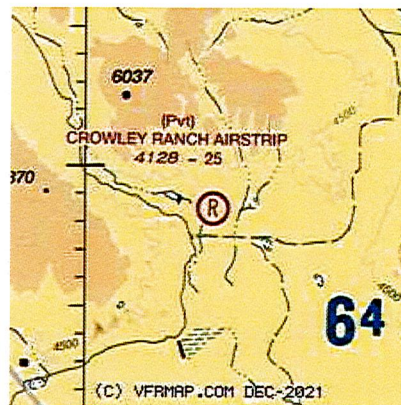
- FOR CD CTC SALT LAKE ARTCC AT 801-320-2568.

Instrument Procedures

There are no published instrument procedures at 78OR.

Some nearby airports with instrument procedures:

[KBNO](#) - Burns Municipal Airport (49 nm W)
[KONO](#) - Ontario Municipal Airport (57 nm NE)
[KEUL](#) - Caldwell Industrial Airport (58 nm E)
[KMAN](#) - Nampa Municipal Airport (62 nm E)
[S87](#) - Weiser Municipal Airport (67 nm NE)



Airport distance calculator

Flying to Crowley Ranch Airstrip? Find the distance to fly.

From to 78OR

[▶ CALCULATE DISTANCE](#)

Sunrise and sunset

Times for 02-Feb-2022

	Local (UTC-8)	Zulu (UTC)
Morning civil twilight	06:37	14:37
Sunrise	07:07	15:07
Sunset	17:04	01:04
Evening civil twilight	17:34	01:34

Current date and time

Zulu (UTC) 02-Feb-2022 18:43:50
Local (UTC-8) 02-Feb-2022 10:43:50

METAR

[KREO](#) 021752Z AUTO 00000KT M02/M09
43nm S A3029 RMK AO1 SLP289 T10221089
11011 21089 51016
[KBNO](#) 021753Z AUTO 00000KT 10SM
49nm W FEW038 M02/M08 A3030 RMK AO2
SLP295 T10171083 11017 21083
51012

TAF

[KBNO](#) 021740Z 0218/0318 28004KT P6SM
49nm W BKN050

NOTAMs

[▶ Click for the latest NOTAMs](#)

NOTAMs are issued by the DoD/FAA and will open in a separate window not controlled by AirNav.

Would you like to see your business listed on this page?

If your business provides an interesting product or service to pilots, flight crews, aircraft, or users of the Crowley Ranch Airstrip, you should consider listing it here. To start the listing process, click on the button below

[▶ ADD YOUR BUSINESS OR SERVICE](#)

Other Pages about Crowley Ranch Airstrip



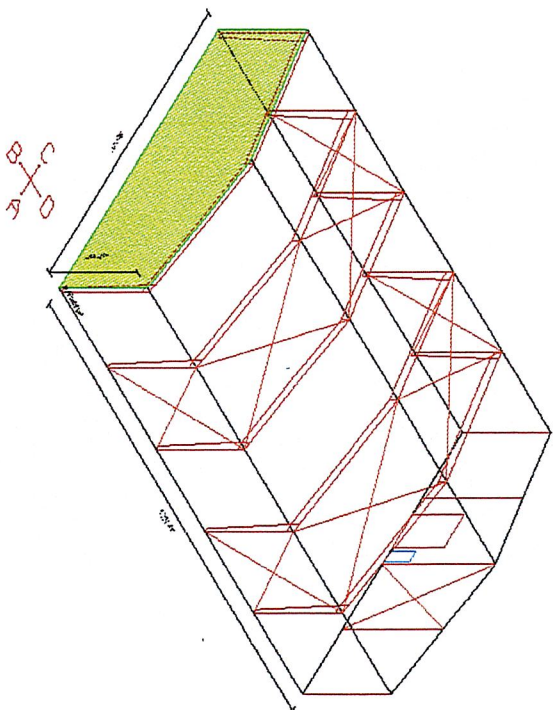
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[Privacy Policy](#) [Contact](#)



CROWLEY, OR
2020

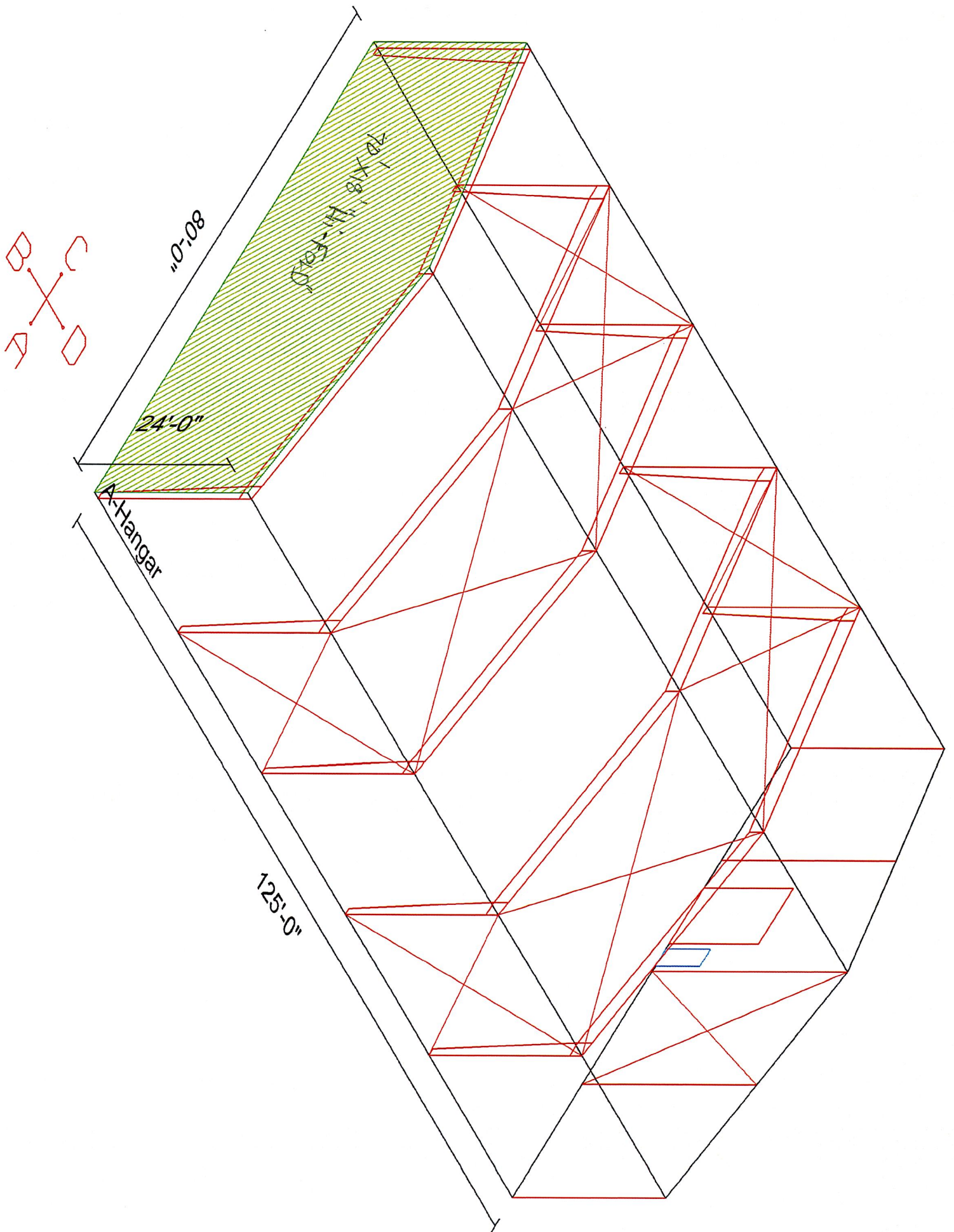




Not To Scale

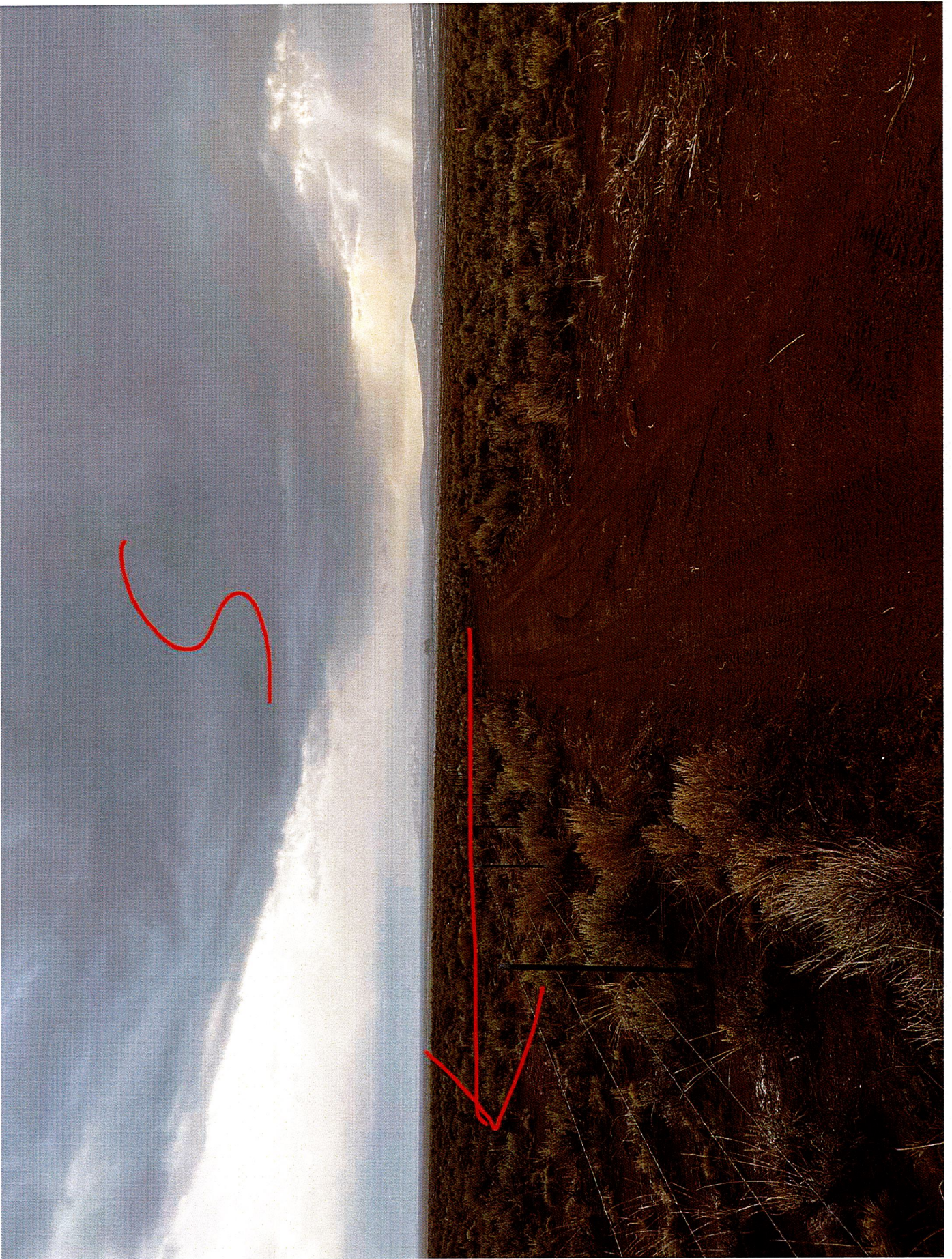
Crowley Ranch Hangar

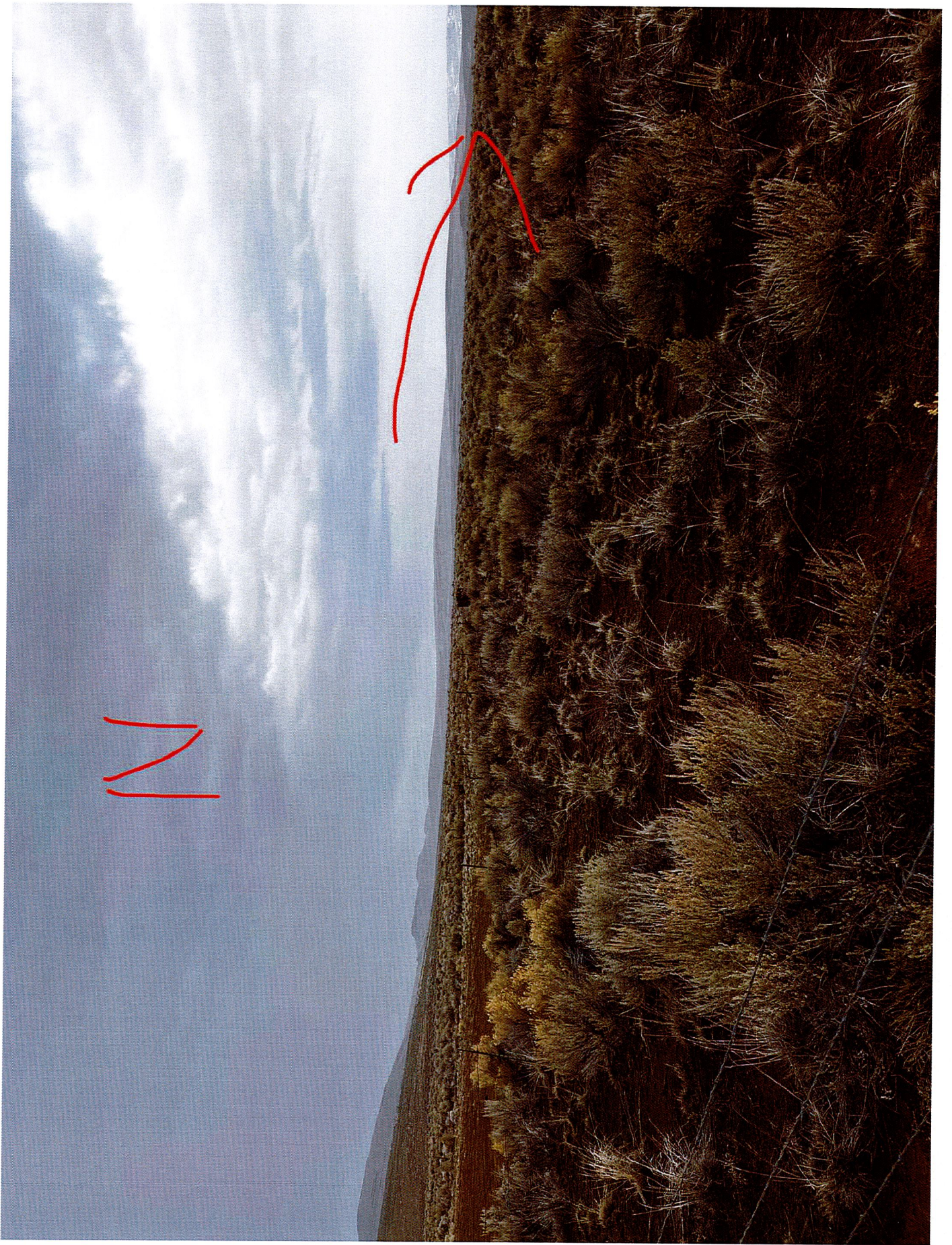
4960 CROWLEY ROAD
HARPER, OREGON
97906



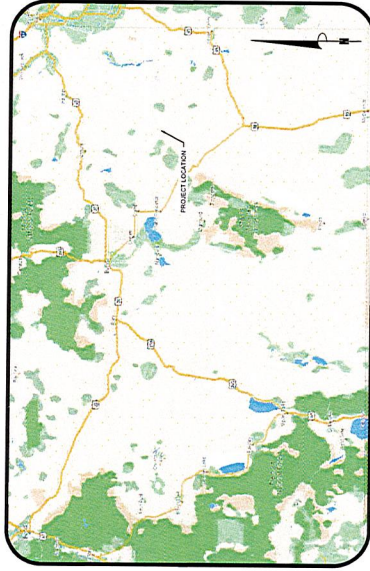








CONCEPT PLANS
FOR
CROWLEY RANCH AIRSTRIP
MAP T28S R39E, TAX LOTS 200 & 201
MALHEUR COUNTY, OREGON



VICINITY MAP

SHEET INDEX	
SHEET NUMBER	SHEET TITLE
1	COVER
2	AERIAL
3	PLOT PLAN

PROJECT LOCATION
MALHEUR COUNTY, OREGON
TAX LOT 200 & 201
LONGITUDE -117°02'
LATITUDE 42°50'
PROJECT DESCRIPTION
AIRSTRIP AT CROWLEY RANCH
LOCATED IN SECTION 20S, 39E, 11W
MALHEUR COUNTY, OREGON

OWNER/APPLICANT
LARRY AND KATHARINA TEUFEL
10000 S. 1000 E.
HENDERSON, OREGON 97031
PHONE 503.337.1111
FAX 503.337.1111
EMAIL LARRY@TEUFEL.COM

APPLICANT'S REPRESENTATIVE
ATWELL, LLC
10000 S. 1000 E.
HENDERSON, OREGON 97031
PHONE 503.337.1111
FAX 503.337.1111
EMAIL ATWELL@ATWELLGROUP.COM

VERTICAL DATUM
USDA 3-DARTER ELEVATION DATA HAS BEEN UTILIZED
FOR ALL ELEVATIONS SHOWN ON THIS MAP
SITE DATA
SITE DRAINAGE REGULATION EXCLUSIVE RANGE USE (ERU)
SITE AREA 10.0 ACRES
SITE PERMITS 10.0 ACRES
SITE 10.0 ACRES
SITE 10.0 ACRES

CIVIL ENGINEERING
ATWELL, LLC
10000 S. 1000 E.
HENDERSON, OREGON 97031
PHONE 503.337.1111
FAX 503.337.1111
EMAIL ATWELL@ATWELLGROUP.COM

PLANNING
ATWELL, LLC
10000 S. 1000 E.
HENDERSON, OREGON 97031
PHONE 503.337.1111
FAX 503.337.1111
EMAIL ATWELL@ATWELLGROUP.COM

AERIAL (EXISTING CONDITIONS)

SHEET 2 OF 3



ZONING: EXCLUSIVE RANGE USE



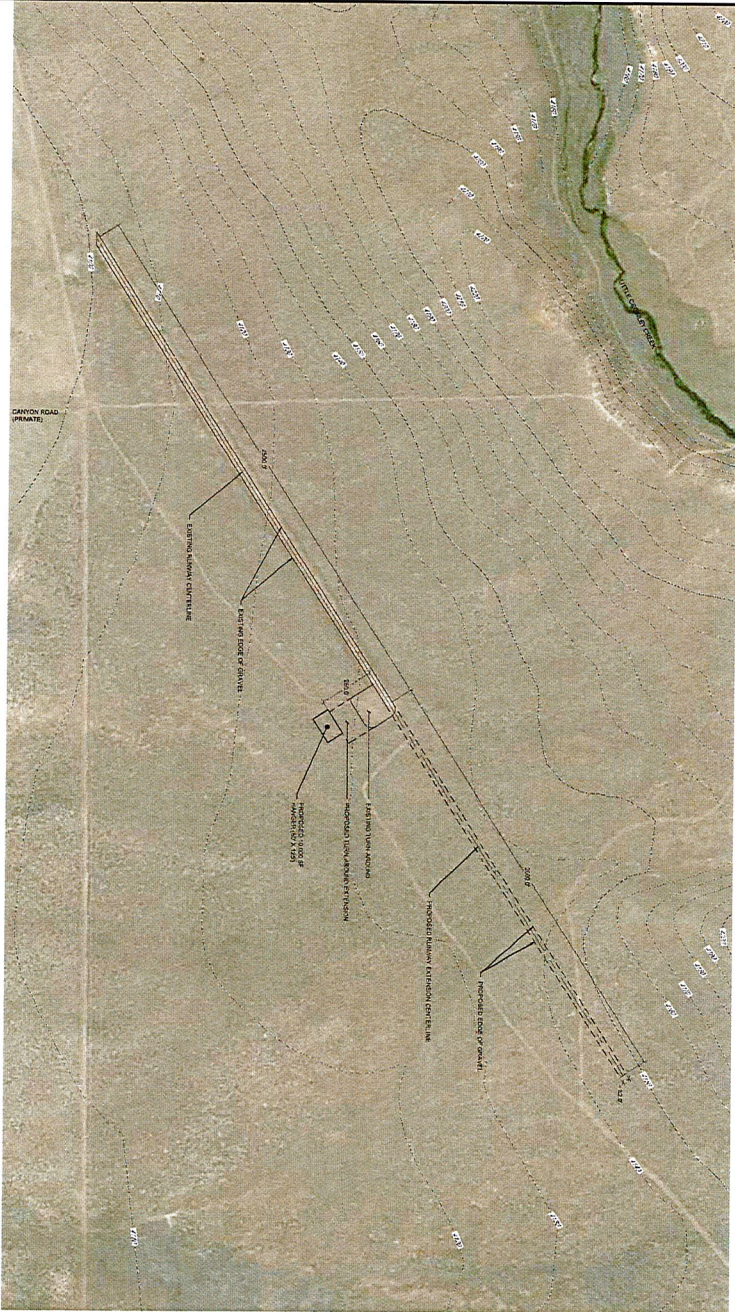
ATWELL

PROJECT NO. 2000760
DATE: 02/16/2022

666.850.4200 www.atwell-group.com
8150 SW BRANDS ROAD, SUITE 150
PORTLAND, OR 97205
JAN 2022
CONTACT: KEVIN ANDERSON
kanderson@atwell-group.com

CROWLEY RANCH AIRSTRIP

SITE (PLOT PLAN)
SHEET 3 OF 3



USGS 10-METER ELEVATION DATA HAS BEEN UTILIZED
UNTIL MORE ACCURATE SURVEY DATA IS AVAILABLE



ATWELL
666.852.000 www.atwell-engineers.com
ENGINEERS AND SURVEYORS
10000 W. 10TH AVE. SUITE 100
DENVER, CO 80202

PROJECT NO. 15-00000
DATE: 03/09/2015
DRAWN BY: J. H. HARRIS
CHECKED BY: J. H. HARRIS
DATE: 03/09/2015

CROWLEY RANCH AIRSTRIP PLOT PLAN SHEET 3 OF 3