

Before the Planning Commission

Planning Department File No. 2022-03-018

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

Planning Commission Meeting Date: April 28, 2022

- 1. APPLICANT:** Jason & Rachel Johnson
1821 Sand Hollow Road
Vale, Oregon 97918
- 2. OWNER OF RECORD:** Jason & Rachel Johnson
1821 Sand Hollow Road
Vale, Oregon 97918
- 3. PROPOSED ACTION:** Conditional Use approval for commercial activity in conjunction with farm use for the purposes of operating a meat processing facility.
- 4. PROPERTY IDENTIFICATION:** Tax Lot 4201, T18S, R45E, Sec. 31; Assessors Map 18S45E; Malheur County Reference #20768.
- 5. PROPERTY LOCATION AND DIRECTIONS:** Heading South on Main Street in Vale, turn West on Airport Road. Airport Road then turns to the South (left). Property is on the left to the South of the solar panels.
- 6. ZONING:** Exclusive Farm Use (C-A1).
- 7. PARCEL SIZE:** The parcel is 160.23 acres.
- 8. PARCEL USE:** Parcel is currently being used as rangeland and farmland. There is a single irrigation pivot on the parcel.
- 9. SURROUNDING USE:** To the north of the property is a solar array. To the east, is the Vale Airport. The south and west are farm uses.
- 10. ACCESS:** Airport Road. (Exhibit 4)
- 11. SANITATION REQUIREMENTS:** All required Oregon Department of Environmental Quality permits including onsite wastewater, will be required.
- 12. FIRE PROTECTION:** The parcel is located within the Vale Rural Fire Protection District (Exhibit 2 & 3).

- 13. NATURAL HAZARDS:** Although a small portion of the parcel is located within the regulatory floodplain, the site of the development is well outside. No other natural hazards have been identified.
- 14. WATER RIGHTS:** The commercial use would have a water right exemption if daily water usage is below 5,000 gallons. If the daily water usage goes above 5,000 gallons per day, then a commercial water right must be obtained.
- 15. SOIL TYPE:** The soils on the property are predominately class IV; with only soils class IV on the site of the proposed project.
- 16. ZONING HISTORY:** In 2017, the subject property was approved for two non-farm partitions and two non-farm dwellings (2017-08-004)

GENERAL CONDITIONAL USE CRITERIA

MCC 6-6-7 - GENERAL CRITERIA TO EVALUATE SUITABILITY: In considering the suitability of proposed conditional uses, the Planning Commission shall base its decision upon the following criteria:

- A. Comprehensive Plan goals and policies, as applicable.
- B. Specific plan recommendations

Finding: Malheur County Code does not have specific plan recommendations for a meat packing facility.

- C. Existing development and viewpoints of property owners in the surrounding area.

Finding: Letter notice was sent to adjoining landowners on April 5, 2022 (Exhibit 6) and published in the Argus Observer on April 5, 2022 (Exhibit 7). No opposing comments were received; One letter was received referencing the need for more information for their questions on some areas of concern (Exhibits 5).

- D. Availability of services and utilities.

Finding:

ROADS: The plan is to direct traffic to this facility by way of Airport road, through McClay Road, down Fulleton Road to Hwy 20. It is expected that there will be a slight increase in traffic. The approach will have adequate visibility in both directions. The Malheur County Road Department has no objections to this application (Exhibit 4).

FIRE & POLICE PROTECTION: The building will be located within the Vale Rural Fire Protection District. All driveways and facilities will comply

with current fire and safety regulations (Exhibit 2 & 3).

SEWER & WATER: The facility will be required to have a DEQ permitted onsite wastewater treatment system for the employee restrooms. The proposal also includes large sewage ponds for the commercial wastewater generated at the facility. These ponds will also be required to have the correct DEQ permits. The water will come from a well located near the front of the facility. Pursuant to all applicable Oregon Water Resources regulations, commercial water rights will be obtained as necessary.

ELECTRICAL & TELEPHONE: The facility will need an additional power pole installed and will naturally increase the power used on the line. At this time, the facility proposes to use an internet-based telephone provided.

SOLID WASTE DISPOSAL: Multiple options are being investigated for this facility. Potential disposal plans include Clay Peak Landfill, composting, and possibly a dehydration system.

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

Finding: This facility will provide many job opportunities for community members. It may draw more people into the area increasing need for more residences. The current plan is to be a contributing member to the community's economics by providing increased market opportunities for local cattle producers, providing fresh local beef, and by supporting the community.

- F. It does not interfere with traditional fish and wildlife use of habitats determined critical or sensitive in the Fish and Wildlife Habitat Protection Plan for Malheur County.

Finding: The proposed meat processing is not located in an area that contains fish or wildlife deemed critical or sensitive, and will not interfere with traditional fish and wildlife.

- G. General Criteria

1. Increasing setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances.

Finding: The proposed buildings are more than a quarter mile from the proposed facility. There is no expected significant addition to noise or lighting nuisances. Odor of the facility will be generally regulated by the Oregon Department of Environmental Quality through the permitting of the sewage treatment ponds. No other odors are expected.

2. Landscaping improvements for the visual benefits of the subject site and for the improved appearance of the neighborhood and County.

Finding: The design of the facility includes an attractive front facing Airport Road. The plan calls for multiple trees on the site to mask any unappealing areas. Large berms will surround the sewage treatment ponds. The overall appearance will enhance the area and the County.

3. Location and size of driveway access points and right-of-way widening and improvement for present and future traffic circulation and safety.

Finding: There will be two access points to the facility. One at the south end near McClay Road and one at the north end of the facility. All road width codes will be met to comply with fire code regulations.

4. Visual screening of outdoor waste and storage areas.

Finding: The proposed development is for a meat processing facility. There will be berms surrounding the treatment ponds and there will be several trees planted.

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

Finding: Any lighting will be directed to the center of the facility and away from surrounding roads and/or properties. Lighting during non-operating hours will be minimal and for security purposes only.

6. Special criteria listed below, as applicable:

H. Allowance of Certain Uses: A use allowed under Section 6-3A-3 of this Title shall be approved only where it is found that the use will not:

1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
2. Significantly increase cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. (Ord. 86, 12-7-1993)

Finding: Currently the dry rangeland is used to graze a few cows a year. Adding this proposed facility will greatly increase the potential to maximize and produce a greatly needed commodity in our area.

All of the farm ground that is located within the general area of 0.25 miles from this facility compliments and can help serve in the production of this agricultural business by providing feed for the animals on site. Compost can

in return be used to enhance the farm ground around it.

OTHER FINDINGS OF FACT

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

PROPOSED CONDITIONS OF APPROVAL

1. PREREQUISITE:

- a. All applicable federal, state, and local permits must be obtained.
- b. All prerequisite conditions must be met prior to the issuance of a zoning permit and the start of construction.

2. PERFORMANCE STANDARDS:

- a. Adequate firebreaks shall be constructed and maintained to minimize danger from potential wildfire and the access road shall be brought up to the International Fire Code standards.
- b. The driveway must be constructed to meet the International Fire Code standards (Exhibit 2). An 18-inch culvert will be required to be installed in the approach (Exhibit 4).
- c. New structures must meet International/Oregon Fire Code requirements for structure design, considering the minimum fire-flow requirements for structure size and construction. Onsite water storage may need to be build for fire suppression (Exhibits 2 & 3).
- d. Authorization of this conditional use shall be void after two (2) years unless substantial construction has taken place.

EXHIBITS

1. Application
2. Letter from City of Vale Fire and Ambulance
3. Email from State Fire Marshall
4. Letter from Malheur County Roadmaster
5. Letter of support from Becka McNair

CONCLUSION

Based upon the foregoing finding of fact, the Malheur County Planning Commission makes the

following conclusion and decision:

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

ORDER

This application for a conditional use permit is approved.


APPEALS

The appellate body for appeals from the final decision of the Planning Commission is the County Court. To file an appeal an appellant must file a completed notice of appeal on a form prescribed by the Planning Department with a \$200.00 appeal fee with the Planning Department not later than 5:00pm on the tenth day following the mailing of written notice of the decision. Notice of appeals may not be received by fax or email. The notice must include a statement raising any issue relied upon for the appeal with sufficient specificity to afford the County Court an adequate opportunity to respond to and resolve each issue. All appeals from the Planning Commission's final decision shall be based on the record of the hearing made before the Commission.

Therefore, no additional information or testimony not included in the record of the hearing before the Planning Commission may be brought before the appellate body. The appellant must pay for the transcription of the hearing appealed from and submit the transcript to the Planning Department within ten (10) days after the date of notice of appeal is filed or ten days after the hearing tape is mailed or given to the appellant, whichever is later.



Planning Commission Chair
Kathy Clarich



Date