



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: Matthew Stringer / Stringer Family Trust
 Address: PO Box 791
 City/State/Zip: Ontario, OR 97914
 Phone: 541-889-8111
 Email: mattwstringer@gmail.com

APPLICANT INFORMATION Check box if same

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

PROPERTY INFORMATION

Township: 19S Range: 46E Section: 13 Tax Lot: 100 Ref #: 9451 Acres: 228.60 Zoning: C-A1
 Address: 3373 Clark Boulevard, Nyssa, OR 97913
 Current use: farming, 2 homesites Use of surrounding properties: farm, rural residential
 Proposed use: separate homesites from farmground Permitted subject to section: _____
 Water source: water rights (see attached) Sewage disposal method: septic
 Are the wetlands/water waterways on your property? No Yes (description): canal
 Do you own neighboring property? No Yes (description): _____
 Name of road providing access: Clark Boulevard

LEGAL PARCEL STATUS

Partition: n/a Subdivision: n/a
 or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: _____
 Current Deed #: 2019-0483 Date Filed: 02/07/2019

**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): Matthew Stringer Date: March 22, 2022

Property Owner(s): _____ Date: _____

Applicant(s): Matthew Stringer Date: March 22, 2022

Applicant(s): _____ Date: _____

PLEASE NOTE: Before this application will be processed, you must supply all requested information and forms, and address all listed or referenced criteria. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

<p>Legal Parcel Deed/Land Use Action: _____</p> <p>Previous Map and Tax Lot: _____</p> <p>Past Land Use Actions: If yes, list file #(s) _____</p> <p>_____</p> <p>Subject to previous conditions? _____</p> <p>Assessor Property Class: _____ Zoning: _____</p> <p>Water Resources: Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? Describe (include setback distances): _____</p> <p><input type="checkbox"/> Fish bearing <input type="checkbox"/> Non fish bearing <input type="checkbox"/> Seasonal Creek <input type="checkbox"/> Irrigation ditch <input type="checkbox"/> Wetland <input type="checkbox"/> Pond/Lake <input type="checkbox"/> Not identified <i>(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)</i></p> <p>Access: County or ODOT approach permit on file? <input type="checkbox"/> NO <input type="checkbox"/> YES, # _____</p> <p>Address: Address exists and has been verified to be correct? Address needs to be assigned after approval?</p> <p>Fire District: _____</p>	<p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO <input type="checkbox"/> YES</p>
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CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN EQUEST

The subject property is farm ground that has been in my family since 1965. The property has 2 homesites on approx 10 acres of dry land adjacent to Clark Blvd on the east side of the tax lot. The proposed action would separate the homesites/dry ground from the 206 tillable acres into two approx 5 acre lots. No loss of farm ground or disruption in agricultural practices or production would result. The longtime farm tenant is in favor of this partition.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling	tbd	tbd	single story	3000 sq ft
Driveway	tbd	tbd	tbd	
Accessory Structure	n/a	n/a	n/a	
Agricultural Structure	n/a	n/a	n/a	
Other	n/a	n/a	n/a	
EXISTING				
Dwelling	n/a			
Accessory Structure				
Agricultural Structure				
Other				

CONDITIONAL USE CRITERIA – Malheur County Code (MCC) CHAPTER 6-6-7

1. The proposal must be consistent with the goals and objectives of the Comprehensive Plan and MCC.
2. Taking into account location, size, design and operational characteristics of the proposed use, describe how your proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses:

The proposal is for two lots for single family homes, consistent with other homes in the area and agricultural uses on the abutting properties.

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

Single family home - operating hours n/a.

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

One single family home will have a single applicant. The other, potential home, will also be single family.

3. What are the existing developments and viewpoints of property owners in the surrounding area?
Farm use (row crops) with other single family dwellings. The proposed use is consistent with the existing development and use.

4. The proposed use cannot exceed or significantly burden public facilities and services available to the area. Please describe the impact the proposed use will have on the following public facilities and services and provide letters from the appropriate entities:

Roads: The homes will have Clark Boulevard frontage and the access will be driveway off of Clark Boulevard. Letter from Nyssa Road Assessment District forthcoming.

Fire & Police Protection: The subject property is within the Nyssa Rural Fire District. Letter from the district is forthcoming.

Sewer & Water: The proposed home sites will have individual septic systems and private wells, compliant with applicable regulations and subject to existing approval process.

Electrical & Telephone: Idaho Power will provide electrical service, trunked from existing service in area and on the property.

Solid Waste Disposal: Homeowner will contract for garbage service from Nyssa's S&S Disposal or Ontario Sanitary, as available and appropriate.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
The effect to farming practices and production and traffic will be very minimal.

6. Demonstrate that the proposed use will not interfere with traditional fish and wildlife use of habitats determined critical or sensitive in the fish and wildlife habitat protection plan for Malheur County.
There is no fish habitat on the parent parcel.

7. How will the proposed use increase setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances during development and operation?
The closest homesite to the proposed partition sites is more than 900 ft away and there is no overshadowing danger.

8. What are the proposed landscaping improvements for the visual benefit of the subject site and for the improved appearance of the neighborhood and County?
The homesites will be landscaped consistent with nice homes in the area, featuring grass, trees, and aesthetically appealing fencing. The appearance will be a marked improvement over the current state of the property.

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 driveway access points will be as allowed and designed in cooperation with the Nyssa Road Assessment District. Traffic from up to two single family homes will have minimal impact on Clark Boulevard and the surrounding area and consist of only passenger vehicles. The exact location of the driveway access points will be determined upon further study and consultation with the appropriate authorities.

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

Outdoor waste on the subject site will be non to minimal (single family dwellings yield little waste relative to commercial activity). Appropriate receptacles and concealment of the same will be part of the aesthetic improvements.

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

The nearest home to the subject site is more than 900 feet away. Outdoor lighting will be consistent with single family homes and glare beyond the property will be negligible.

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 will be no net loss of farm ground resulting from the proposed use. Farming practices and production will be continued without interruption on the parent parcel. The proposed partition sites will not adversely interfere with agricultural activities in the area.

**NON-RESOURCE DWELLING and NON RESOURCE PARTITION –
Malheur County Code (MCC) 6-6-8-1 and (MCC) 6-6-8-2**

1. Describe how the proposed dwelling and the creation of the proposed partition(s) is compatible with farm uses and is consistent with ORS 215.243: The proposed partitions would simply make each existing homesite a distinct tax lot. The prior homes would be replaced, but negligible traffic and activity would result except for the temporary construction activity involved in building and renovating on the existing homesites. Access and operations on the immediately adjacent and surrounding farmground would be unimpeded. The area has a current complement of well-spaced rural homes and the two homesites have long been a part of the landscape. The two homesites are not and have never been in agricultural production. The proposed use is consistent with ORS 215.243.
2. Will the proposed dwelling and creation of the proposed partition(s) interfere seriously with accepted farming practices on adjacent lands and what conditions exist to avoid this problem? No. The longterm farm tenant supports this proposed partition. Access to the farmground will not be impacted or impaired. The proposed partitions would include deed restrictions protecting such access and ensuring right to farm protections.
3. Will the proposed dwelling/partition be situated on generally unsuitable land for the production of farm crops or livestock considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of tract:
 No, if yes:
- Is the proposed parcel only as large as necessary to accommodate the use and provide any buffer area needed to ensure compatibility with adjacent agricultural uses? n/a

- Is the proposed parcel located on land with predominantly low productivity V-VII soils not suited for agricultural use and is large enough to accommodate the use and provide any buffer area needed to ensure compatibility with adjacent agricultural uses? How so? n/a

4. In what ways will the proposed partition avoid conflict with and have no significant adverse impact on:

- the quality of farm or range land: No new impact would result.

- the watersheds: No new impact would result. See photos.

- fish and wildlife habitat: No new impact would result. See photos.

- soil and slope stability: No new impact would result. See photos.

- air and water quality: No new impact would result. See photos.

- outdoor recreation areas: No new impact would result. See photos.

5. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling? No. There was one former dwelling destroyed by fire in December 2020. The proposed parcels are meant to separate two existing home sites from the farm ground into distinct tax lots.

6. Demonstrate that the dwelling will not materially alter the stability of the overall land use pattern of the area, by conducting the “Cumulative Impacts Analysis”.

A. What are the types of soils that have been identified within the study area? See attached maps.

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

Primary Farm dwellings 37 Non-farm dwellings 33
Farm hand/labor dwellings _____ Hardship dwellings _____

C. What are the types of farm use occurring in the study area (row crops, pasture, range land, feed crops)? _____
Primarily row crops (onions, grain, sugar beets), some feed crops (alfalfa), minimal pasture.

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

Lot of Record dwellings 8 Non-farm dwellings _____

E. What are the number of parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings? None.

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? _____
Due to parcel size.

G. What dwelling development trends have been identified within the study area since 1993? _____

Minimal development has occurred in the area in the last 30 years. Development has been limited to qualifying farm and non-farm dwellings, as well as replacement dwellings, consistent with and compliant with applicable land use regulations.

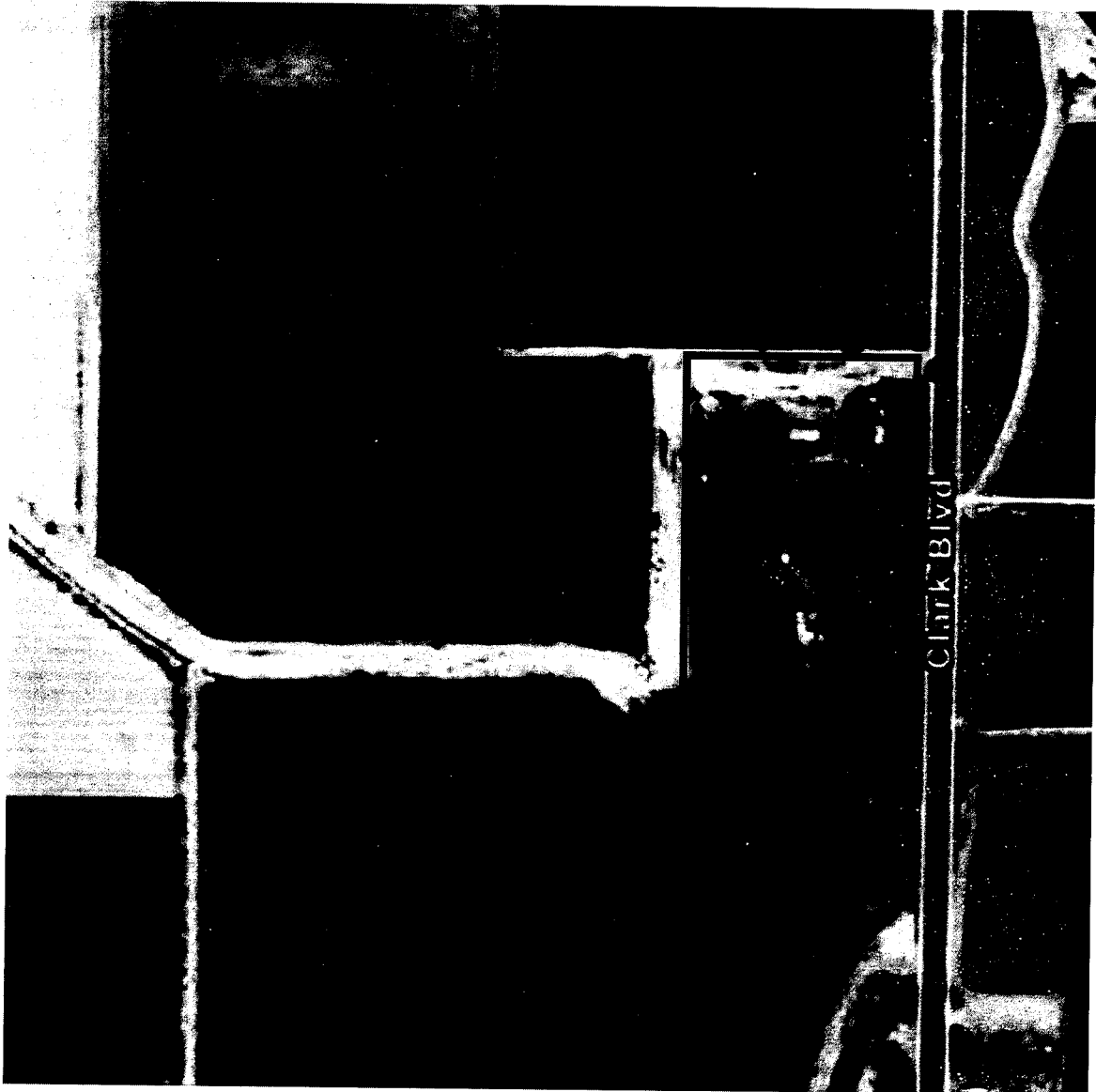
H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now?

The study area consists of farm and non-farm dwellings permitted according to applicable land use regulations. Development has been very limited in the study area.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? If all potential development in the study area were permitted, there would be fewer than 5 new dwellings, based on parcel size, soil quality, and other restrictions on development.

J. Determine that the proposed dwelling will not materially alter the stability of the overall land use pattern of the study area. Does the cumulative impact of the existing and proposed non-farm dwelling and the potential new non-farm dwellings within the study area make it more difficult for the existing farms in the study area to continue operation due to diminished opportunities to expand, acquire water rights, purchase or lease farmland, such that the area will be destabilized, impeding normal production practices or crop and livestock due to increased population and associated activities? The proposed dwellings would not materially alter the primary use in the study area, which is agriculture. The access would not impede farm practices, and the proposed parcels would fit harmoniously within the existing uses. The parent parcel's water rights exclude the proposed dwelling lots (see attached water rights map).

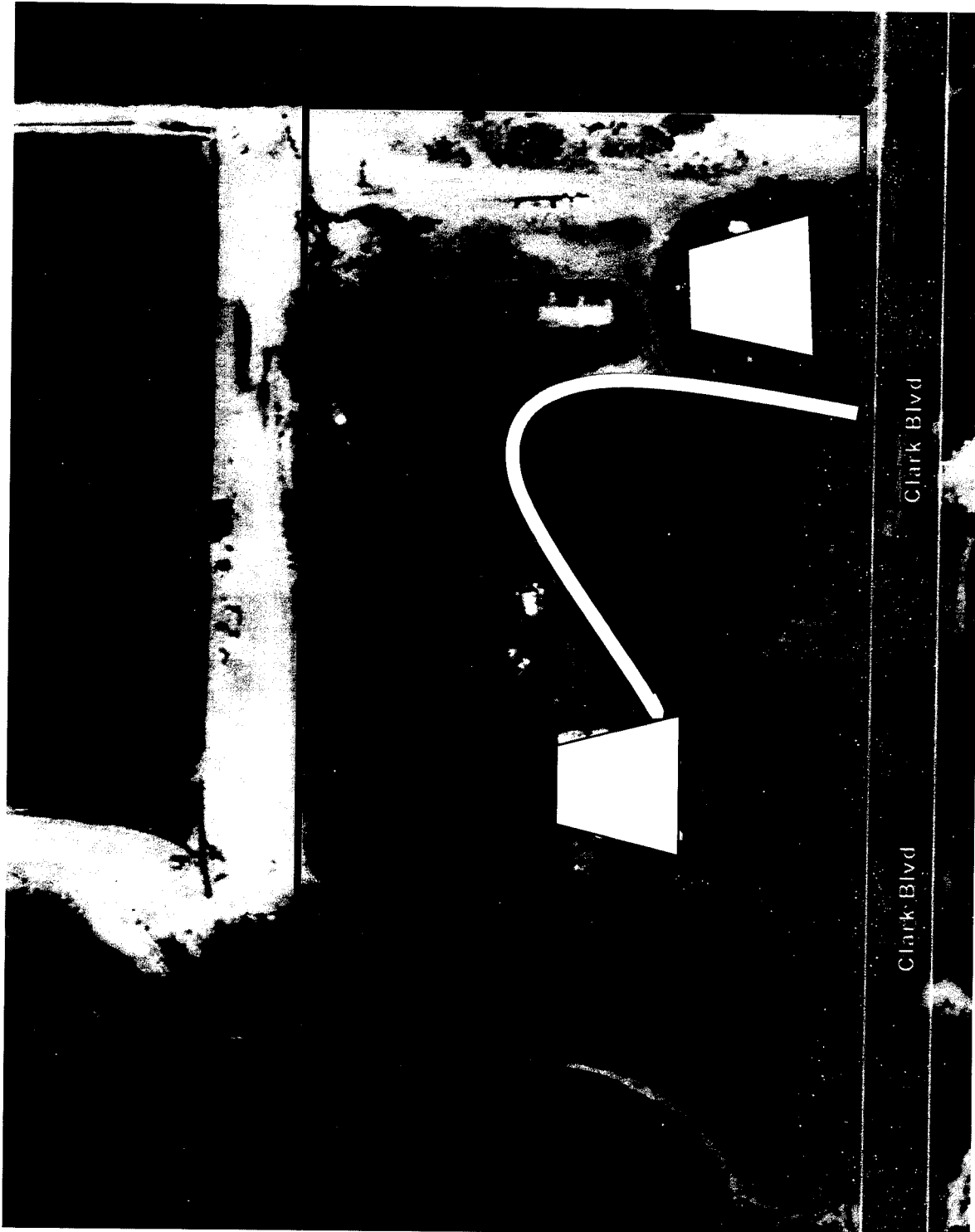
**Matthew Stringer (Ref #9451)
Proposed Partition**



Proposal:

Total area to be partitioned from existing 228.6 acre parcel = approx. 10 acres

Proposed new parcels = 2 approx. 5 acre parcels

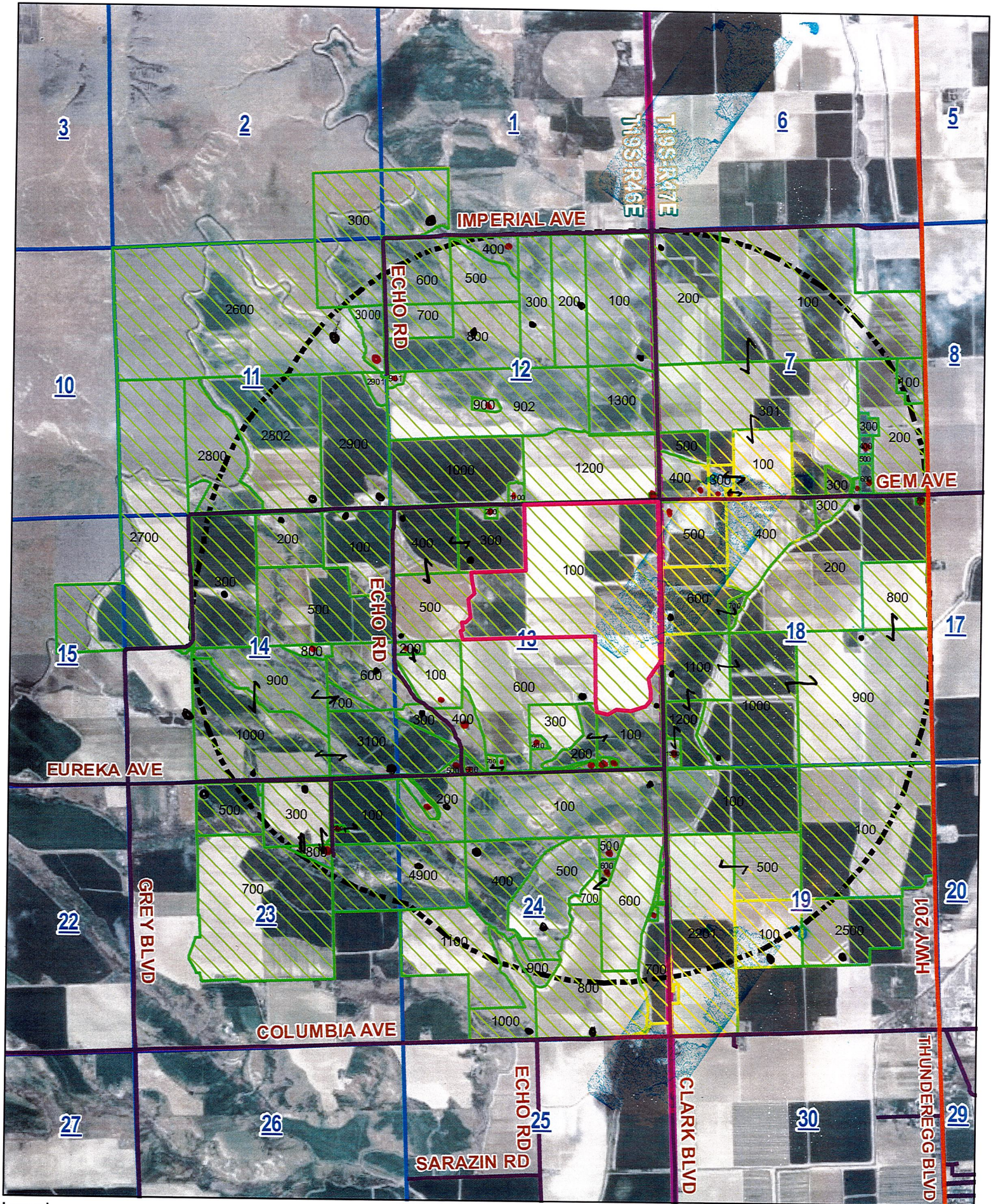


Single family dwelling:



Driveway access:



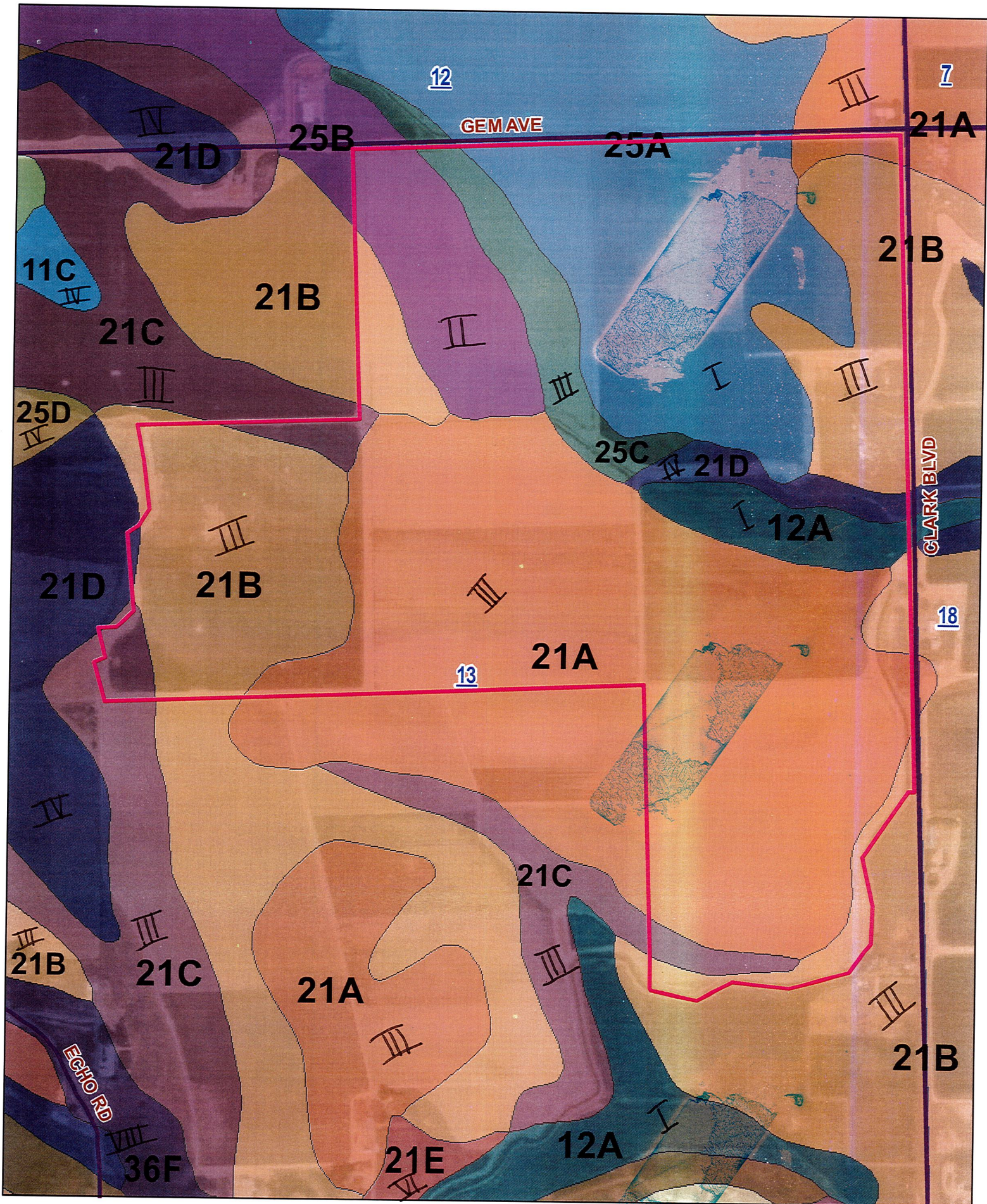


- Legend**
- 1MileRadius
 - Sections
 - Township & Range
 - Stringer_Ref# 9451
 - PropOwners w/n 1MileRad fr Stringer_Ref# 9451

Stringer_Ref# 9451

Mile Radius Map

Map is prepared for assessment purposes only



Stringer_Ref# 9451

SOIL MAP

Map is prepared for assessment purposes only

