



# MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541) 473-5185

File Number: \_\_\_\_\_

Application Fee: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Deemed Complete: \_\_\_\_\_

## CONDITIONAL USE APPLICATION

### LANDOWNER INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### APPLICANT INFORMATION Check box if same

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### PROPERTY INFORMATION

Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ Tax Lot: \_\_\_\_\_ Ref #: \_\_\_\_\_ Acres: \_\_\_\_\_ Zoning: \_\_\_\_\_

Address: \_\_\_\_\_

Current use: \_\_\_\_\_ Use of surrounding properties: \_\_\_\_\_

Proposed use: \_\_\_\_\_ Permitted subject to section: \_\_\_\_\_

Water source: \_\_\_\_\_ Sewage disposal method: \_\_\_\_\_

Are the wetlands/water waterways on your property?  No  Yes (description): \_\_\_\_\_

Do you own neighboring property?  No  Yes (description): \_\_\_\_\_

Name of road providing access: \_\_\_\_\_

### LEGAL PARCEL STATUS

Partition: \_\_\_\_\_ Subdivision: \_\_\_\_\_

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

Current Deed #: \_\_\_\_\_ Date Filed: \_\_\_\_\_

*\*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): \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_

Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_

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

**SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT**

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

251 B Street West, #12 Vale, Oregon 97918

Phone (541) 473-5185

## CONDITIONAL USE PERMIT

### DETAILED SPECIFIC WRITTEN REQUEST

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*(Attach additional pages if necessary)*

### DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling				
Driveway				
Accessory Structure				
Agricultural Structure				
Other				
EXISTING				
Dwelling				
Accessory Structure				
Agricultural Structure				
Other				

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

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

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

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

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3. What are the existing developments and viewpoints of property owners in the surrounding area?

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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:  

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Fire & Police Protection:  

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Sewer & Water:  

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Electrical & Telephone:  

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Solid Waste Disposal:

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5. What effect will the proposed use have on the stability of the community's social and economic characteristics?

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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.

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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?

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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?

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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.

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

1. Describe how the creation of proposed partition(s) is compatible with farm uses and is consistent with ORS 215.243:

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2. Will the proposed partition(s) interfere seriously with accepted farming practices on adjacent lands and what conditions exist to avoid this problem? \_\_\_\_\_

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3. Demonstrate that the proposed partition(s) will not materially alter the stability of the overall land use pattern of the area: \_\_\_\_\_

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4. Will the proposed partition(s) 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? \_\_\_\_\_

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- 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? \_\_\_\_\_

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

- the quality of farm or range land: \_\_\_\_\_

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- the watersheds: \_\_\_\_\_

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- fish and wildlife habitat: \_\_\_\_\_

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- soil and slope stability: \_\_\_\_\_

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- air and water quality: \_\_\_\_\_

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- outdoor recreation areas: \_\_\_\_\_

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6. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling?

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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? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Primary Farm dwellings \_\_\_\_\_ Non-farm dwellings \_\_\_\_\_  
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)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Lot of Record dwellings \_\_\_\_\_ Non-farm dwellings \_\_\_\_\_

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? \_\_\_\_\_

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? \_\_\_\_\_

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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? \_\_\_\_\_

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# 1-Mile Radius Map



 1-Mile Radius

 Buchholz Ref# 20965

 Farm Dwellings

 Non-farm Dwellings

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

# PROPOSED PARTITIONS

PARTITION 2 ~ 2023

FOR A PROPERTY LINE ADJUSTMENT IN S1/2S3/4SE1/4NW1/4, E1/2SW1/4, & SE1/4 OF SECTION 26,  
TOWNSHIP 20 SOUTH, RANGE 46 EAST OF THE WILLAMETTE MERIDIAN IN MALHEUR COUNTY, OREGON



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

PLOT PLAN

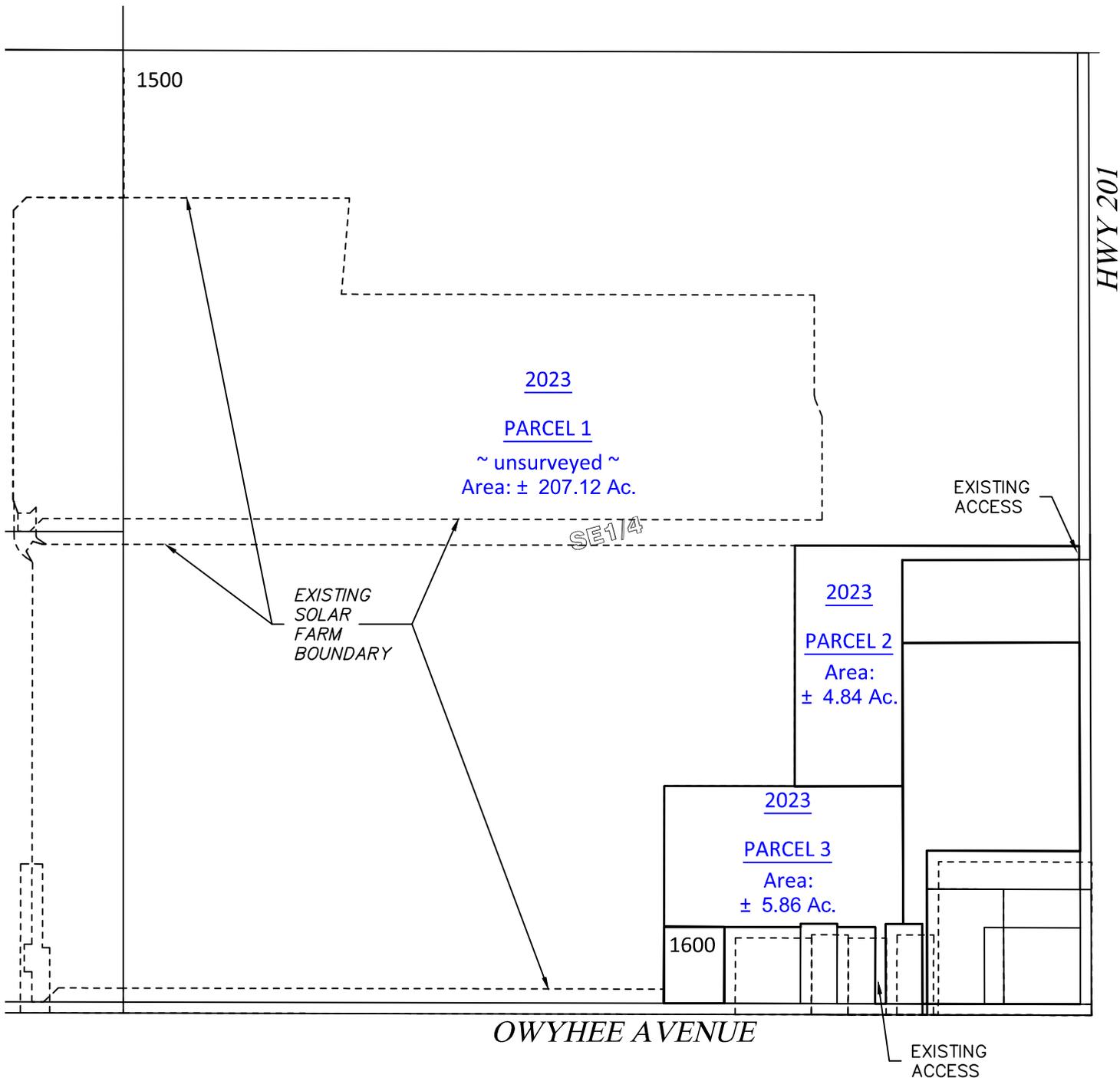
SCALE: 1" = 400'

OWNER(S): BRETT & ANDREA BUCHHOLZ

ADDRESS: 972 OWYHEE AVE

CITY: NYSSA STATE: OREGON ZIP: 97913

LEGAL: T20S., R46E, SECTION 26, WM, TAX LOT: 1600



# POTENTIAL DWELLING SITE PLAN

FOR A PROPERTY LINE ADJUSTMENT IN S1/2S3/4SE1/4NW1/4, E1/2SW1/4, & SE1/4 OF SECTION 26,  
TOWNSHIP 20 SOUTH, RANGE 46 EAST OF THE WILLAMETTE MERIDIAN IN MALHEUR COUNTY, OREGON



PLOT PLAN

SCALE: N.T.S.

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

OWNER(S): BRETT & ANDREA BUCHHOLZ

ADDRESS: 972 OWYHEE AVE

CITY: NYSSA STATE: OREGON ZIP: 97913

LEGAL: T20S., R46E, SECTION 26, WM, TAX LOT: 1600

