

To Whom It May Concern:

Lequerica Bros Inc. is requesting permission to parcel a non-farm partition to allow for a single-family dwelling to be built on the parcel in Arock, Oregon. The tax lot that the parcel is being requested from is lot 1800 and consists of 124.8 acres. The parent farm consists of multiple tax lots of farm ground, (lots 2000, 1800, 1900, 2102, 2100. approx. 375 acres) These lots don't include the additional lots of range ground (2000+ acres) that connect to the farm ground.

The non-farm partition will allow the family's son and his family to live on the ranch and continue the succession of the family ranch. The parcel will contain a single-family dwelling close to the other ranch facilities. Multiple maps have been attached to the application to give an idea of exactly what the family is requesting.

Lequerica Bros Inc. will allow access to the parcel from the private road "Lequerica Lane". The parcel will also receive access to the existing well.

**Sincerely,
Lequerica Bros Inc.
3446 Lequerica Ln
Arock, OR 97902
541-586-2901**

EXHIBIT # 1

To Whom It May Concern:

Lequerica Bros Inc. gladly allows access to the planning commission to enter the property and look at the planned partition and building site.

Lequerica Bros Inc.

Tony Lequerica Pres Lequerica Bros. Inc.
2/16/23

To Whom It May Concern:

If the proposed partition is approved by the planning commission, Lequerica Bros Inc. will enter into an easement agreement to allow access to the new partition.

Lequerica Bros Inc.

Tony Lequerica Pres Lequerica Bros Inc.
2/16/23



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: Lequerica Bros Inc
Address: 3446 Lequerica Ln
City/State/Zip: Arock, OR 97902
Phone: 541-586-2901
Email: mikallequerica@gmail.com

APPLICANT INFORMATION Check box if same

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

PROPERTY INFORMATION

Township: 30 Range: 42 Section: 25 Tax Lot: 1800 Ref #: 12450 Acres: 124.88 Zoning: C-A2
Address: 3446 Lequerica Ln.

Current use: Farm Ground/ Range Use of surrounding properties: Farm ground
Proposed use: Section property for house Permitted subject to section: MCC 6-6-8-1 & 6-6-8-2
Water source: Well on property Sewage disposal method: Septic

Are the wetlands/water waterways on your property? No Yes (description): Irrigation ditches and canal

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

Name of road providing access: ION hwy

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____

or Most Recent Pre- 09/04/1974 Deed #: 1970-116283 Date Filed: 01/04/1971

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): Tony Leguerica Pres Leguerica REOS Lnc Date: 2/16/23

Property Owner(s): _____ Date: _____

Applicant(s): Tony Leguerica Pres Leguerica REOS INC Date: 2/16/23

Applicant(s): _____ Date: _____

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

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel	<input type="checkbox"/> NO <input type="checkbox"/> YES
Deed/Land Use Action: _____	
Previous Map and Tax Lot: _____	
Past Land Use Actions: If yes, list file #(s) _____	<input type="checkbox"/> NO <input type="checkbox"/> YES

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



CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN EQUEST

Non-farm partition of roughly 2.5 acres to allow for a family home to be built by owners son.

Partition will not be taking away existing farm ground. We are proposing to partition off a 2.5 acre parcel to site a single-family dwelling on it.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling	90'	40'	20'	2500'
Driveway	50'	26'		
Accessory Structure				
Agricultural Structure				
Other				
EXISTING				
Dwelling	n/a			
Accessory Structure	n/a			
Agricultural Structure	n/a			
Other	No structures			

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: Property will be used for a single family dwelling. Family works with parents to run the family

ranch.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:
Property will be used for a family dwelling.

Describe the number of people/employees/customers associated with the proposed use:
Family of four living in dwelling.

3. What are the existing developments and viewpoints of property owners in the surrounding area?
Surrounding area property owners all have the same business running cattle.
New dwelling will help the next generation continue on the family business.

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 addition roads will be needed other than a short driveway.

Fire & Police Protection: Rural fire service already serves the other homes on the property.

Sewer & Water: Existing well will be used to service the property. New septic system will be needed

Electrical & Telephone: Telephone and electrical services provide the existing houses on the property
they will easily access the new partion.

Solid Waste Disposal: Ontario Sanitation services the area.

- 5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
This will allow the family of four to live here and their children to continue to go to school at the local school. No changes will come to the community but will allow members to stay here.

- 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.
Area is not near fish habitat. The proposed area will not effect wildlife habitat.

- 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?
Proposed use will be for a single family dwelling that will allow the family to continue running the family business.

- 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?
Proposed use is for a single family dwelling. Dwelling will add value to the community and be aesthetically pleasing for the surrounding area.

- 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.
Proposed use will not increase traffic to the area. Existing roadway will be used.
The family currently resides in one of the existing houses on the property therefore already uses the current roadway.

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

Property is surrounded by farmland with existing homes approximately 1500' from proposed partition

Storage and waste areas around the dwelling will be out of site of the nearest dwelling.

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

Single family dwelling will not be within 1000' of near by neighbors.

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?

Proposed use will be used for a single family dwelling. No existing farm ground will be taken out

Parcel will be in an area that is not in use. Partition will allow the family to live on the property and help run the family ranch.

-Surrounding properties are all cattle ranches that have farm ground with alfalfa.

**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: Proposed partition will allow single family dwelling to be built. It will allow the succession of the ranch with owners son living closely to help run the ranch.

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? Proposed partition will not take away any existing farm ground. Partition will be of ground not currently in use.

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? Yes, the partition will be on ground that is not suitable for farming. Partition has never been used for farming due to lack of water.

- 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? Proposed partition is located next to an existing road.

Partition will not be in an area that is currently being used for cropland or pasture.

Soils have not been surveyed on the subject parcel.

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: _____

Proposed partion will not be removing any existing cropland

- the watersheds: No water rights will be utilized on the partition.

- fish and wildlife habitat: No fish in the area. Partition will not remove any wildlife habitat

- soil and slope stability: Area where partiton is being proposed is flat ground.

- air and water quality: Partition will not have any impact on air and water quality.

- outdoor recreation areas: Partition will not be close to any outdoor recreation area.

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

No

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? _____

Ashy, fine sandy loam soils.

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

Primary Farm dwellings	<u>6</u>	Non-farm dwellings	<u>1</u>
Farm hand/labor dwellings	<u>3</u>	Hardship dwellings	<u>-</u>

C. What are the types of farm use occurring in the study area (row crops, pasture, range land, feed crops)? _____

Partition will have no crops or pasture. Partition is surrounded by cropland on 3 sides and

existing homes on the other side.

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

Lot of Record dwellings	<u>0</u>	Non-farm dwellings	<u>1</u>
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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? Study Area- 13

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

Other parcels already have an existing dwelling.

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

There has been 1 single family dwelling added to the study area since 1993.

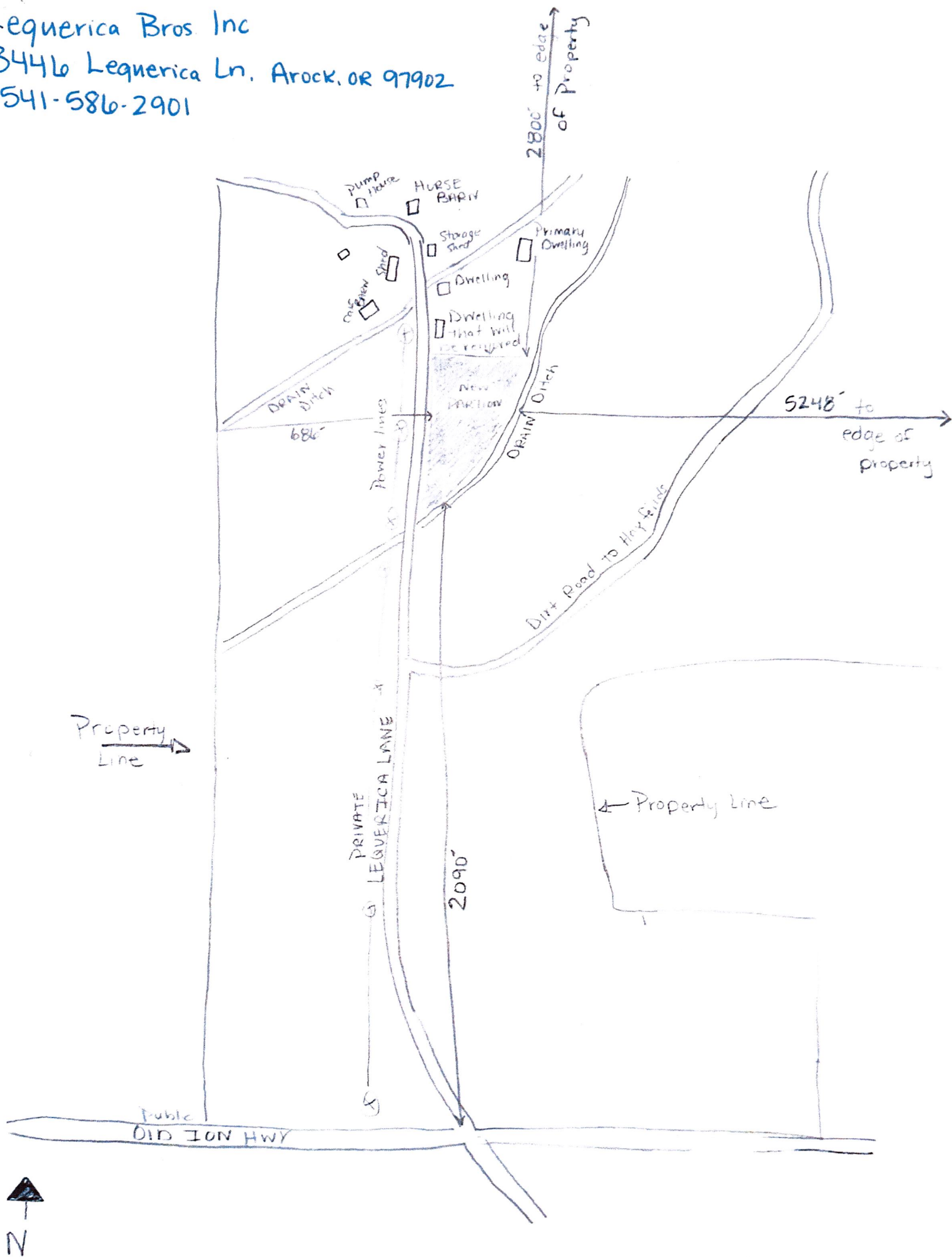
H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now?
Existing land use is majority farm ground, range and primary dwellings.

The town of Arock sits in the lower corner of 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? Only potential development to the area would be family dwellings to continue the succession of local ranches.

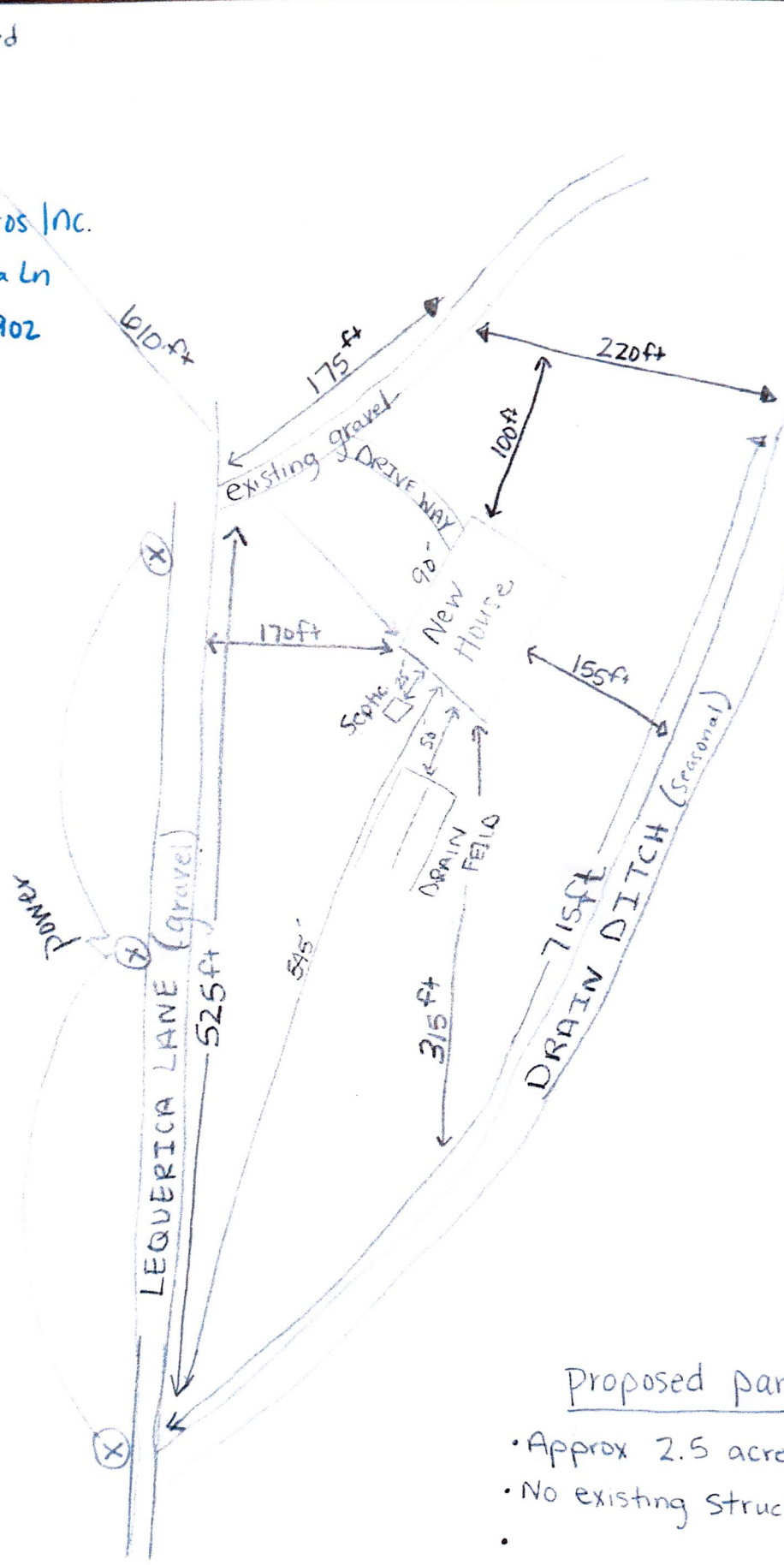
J. Determine that the proposed dwelling will not materially alter the stability of the overall land use pattern of the study area. Does the cumulative impact of the existing and proposed non-farm dwelling and the potential new non-farm dwellings within the study area make it more difficult for the existing 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 potential new non-farm dwelling will benefit the study area. The dwelling will keep the succession of the family ranch as well as allowing family children to attend the local school.

Lequerica Bros Inc
3446 Lequerica Ln. Arock, OR 97902
541-586-2901



Shared Well

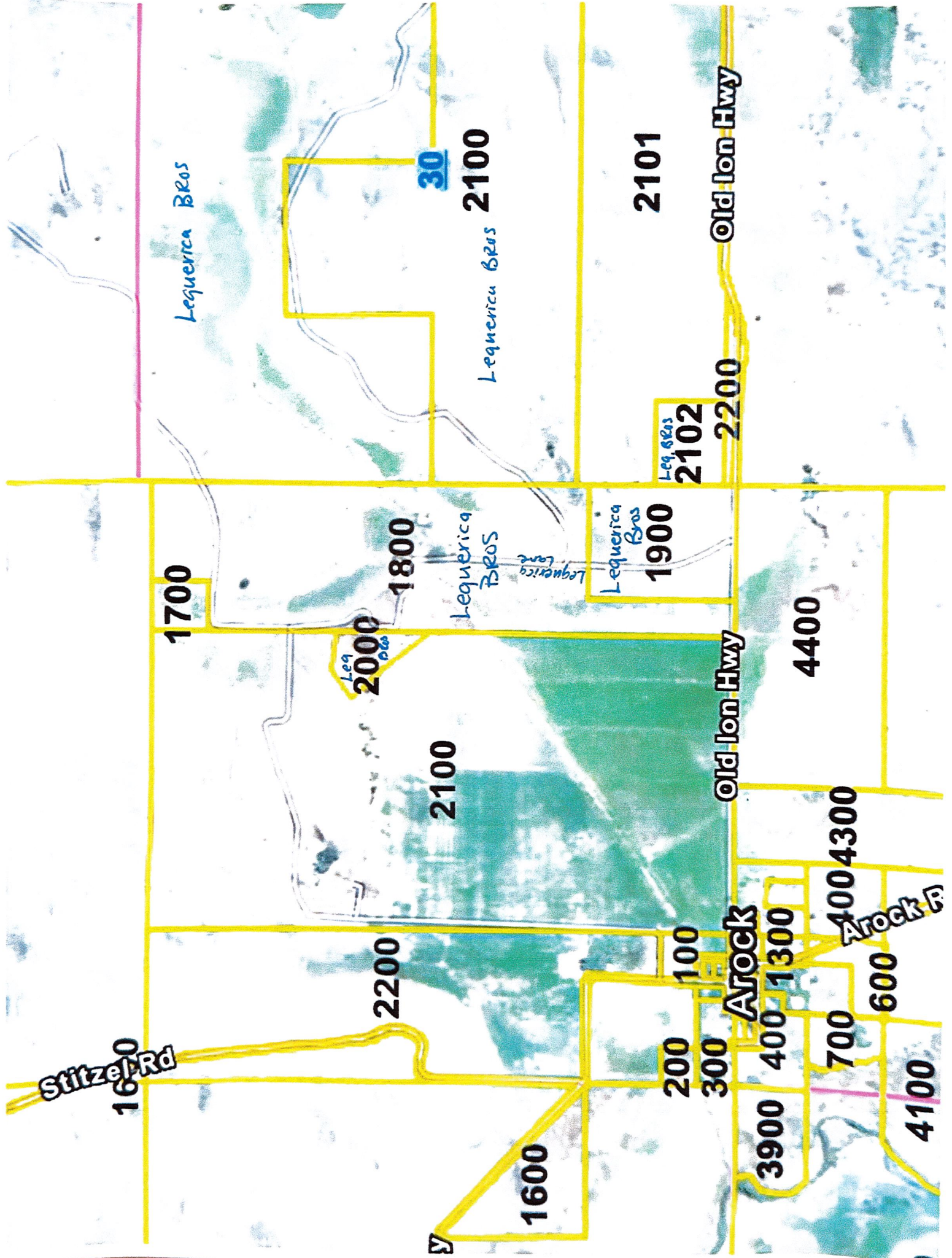
Lequerica Bros Inc.
3446 Lequerica Ln
Arock, OR 97902
541-586-2901



Proposed parcel

- Approx 2.5 acres
- No existing structures on parcel
-





Lequerica Bros

2100

Lequerica Bros

2101

Old Ion Hwy

Leq. Bros
2102

2200

1700

1800

Lequerica Bros

1900

Lequerica Bros

Leq. Bros
2000

2100

4400

Old Ion Hwy

Stitzer Rd
1600

2200

1600

200
300

Arock R

3900

400

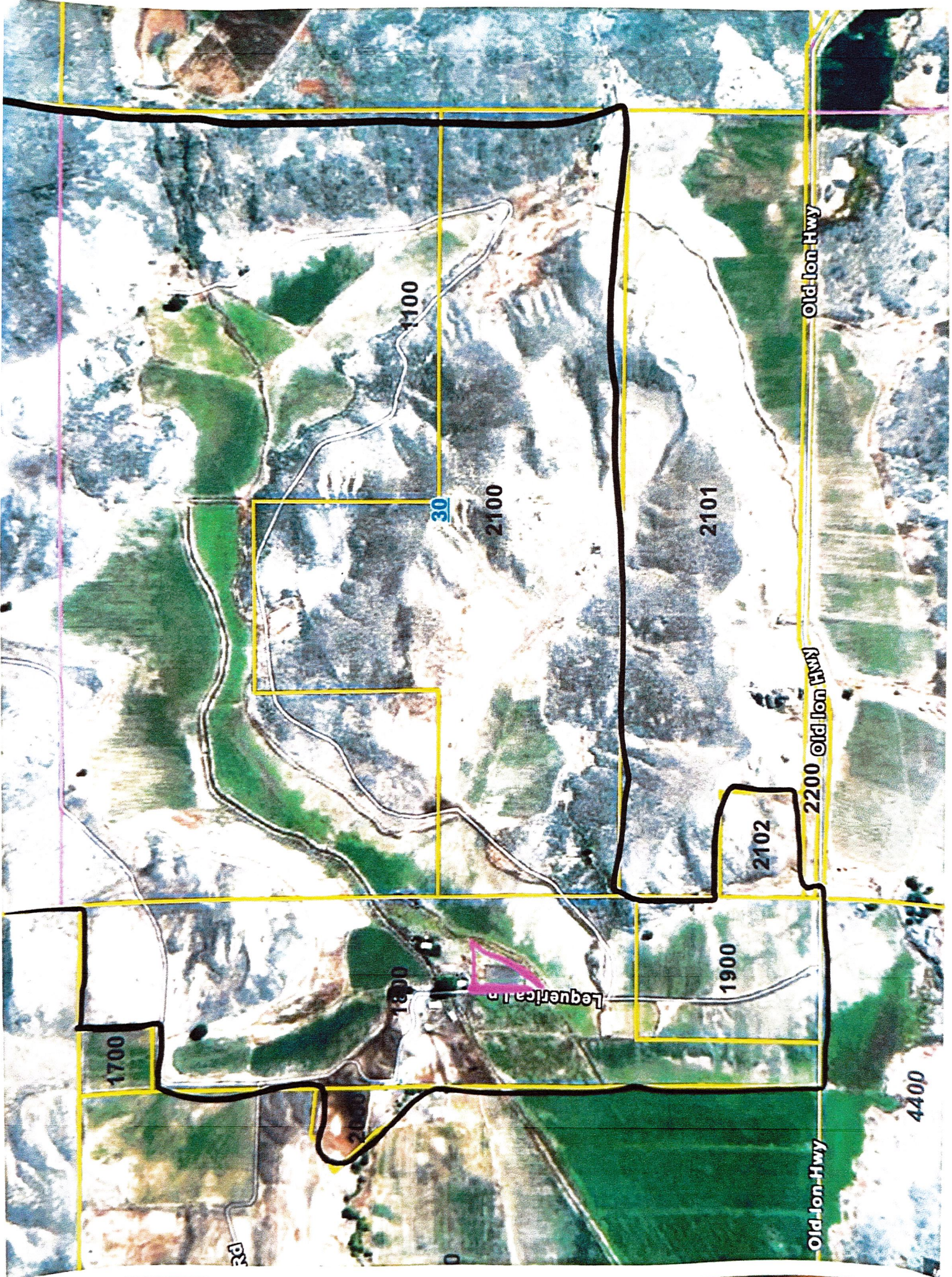
700

600

4100

400
4300

Arock R



1700

1300

1900

1100

2100

2101

2102

4400

30

Lequerical Ln

Old-Ion-Hwy

2200 Old-Ion-Hwy

Old-Ion-Hwy

32

EXHIBIT A

Land in the Unincorporated Town of AROCK, Malheur County, Oregon, as shown by the Plat thereof on file, as follows:

In Block 2: East 39 feet of Lot 4, ALL of Lots 5, 6, 7, 8 and east 39 feet of Lot 9.

Land in Malheur County, Oregon, as follows:

In Twp. 29 S., R. 41, E.W.M.:
Sec. 9: SE $\frac{1}{4}$.
Sec. 16: NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
Sec. 21: NW $\frac{1}{4}$ NE $\frac{1}{4}$.

In Twp. 29 S., R. 42, E.W.M.:
Sec. 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$.

In Twp. 30 S., R. 42, E.W.M.:
Sec. 9: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

ALSO, the following described parcel:
Beginning on the East line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25, at a point 654 feet South of the Northeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25; thence West 420 feet, more or less, to the East margin of the County Road; thence South along the East side of said road to the North line of the Plot of Arock; thence East along the said line to the Northeast corner of said Plot; thence South along the East line of the said Plot to the South line of Sec. 25; thence East to the Southeast corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 660 feet to the point of beginning.

Sec. 35: That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North and East of Jordan Creek.

Sec. 36: SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and a parcel of land containing 1.3 acres lying in the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and East of the Town of Arock, Oregon

In Twp. 30 S., R. 43 E.W.M.:
Sec. 7: S $\frac{1}{4}$.
Sec. 8: S $\frac{1}{2}$.
Sec. 9: S $\frac{1}{2}$.
Sec. 17: All.
Sec. 18: All.
Sec. 19: All.
Sec. 25: All.
Sec. 30: Lots 1, 2 and 3, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Lot 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

In Twp. 31 S., R. 41 E.W.M.:
Sec. 25: S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Sec. 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPTING 5.02 acres for Highway right of way conveyed to the State of Oregon.

In Twp. 31 S., R. 43, E.W.M.:
Sec. 1: N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

INDEXED

STATE OF OREGON

County of Malheur

SS

Inst No. 116283, certify that the within instrument of writing was received for record on the 27 day of January 1927 at 1:27 O'clock P.M.

ROBERT L. MCGROOM,
County Clerk

By *Jeanie Stokes* Deputy

INSTRUMENT NO. 116283

RECORDING DATE 1-4-71

WARRANTY DEED

LEQUERICA BROS., a partnership composed
of JOHN LEQUERICA and RUFUS LEQUERICA

called grantor(s) herein, hereby convey(s) to LEQUERICA BROS., INC., an Oregon
corporation

whose address is Jordan Valley, Oregon

the following described real property:

Land in Malheur County, Oregon as shown on
attached Exhibit A, which is attached hereto and
by this reference wholly incorporated herein

and covenant(s) that grantor(s) is-are the owner(s) of the above described property free of all en-
cumbrances (except)

and will warrant and defend the same against all persons who may lawfully claim the same, except
as shown above.

The consideration for this transfer is: \$ in exchange for corporate stock

Dated: Dec 31, 1970

John Lequerica
Rufus Lequerica

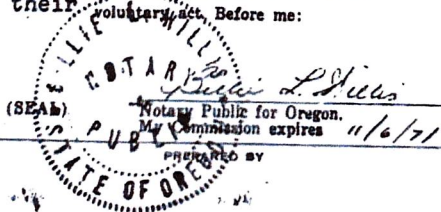
STATE OF OREGON, County of Malheur

ss:

Dec 31, 1970 :

Personally appeared the above named
John Lequerica and
Rufus Lequerica

and acknowledged the foregoing instrument to be
their voluntary act. Before me:



(FOR RECORDERS USE)

RETURN TO

Arthur Turner

NORTHSIDE UNIT
CANALSOUTHSIDE UNIT
CANAL

LARRUSEA CATTLE COMPANY

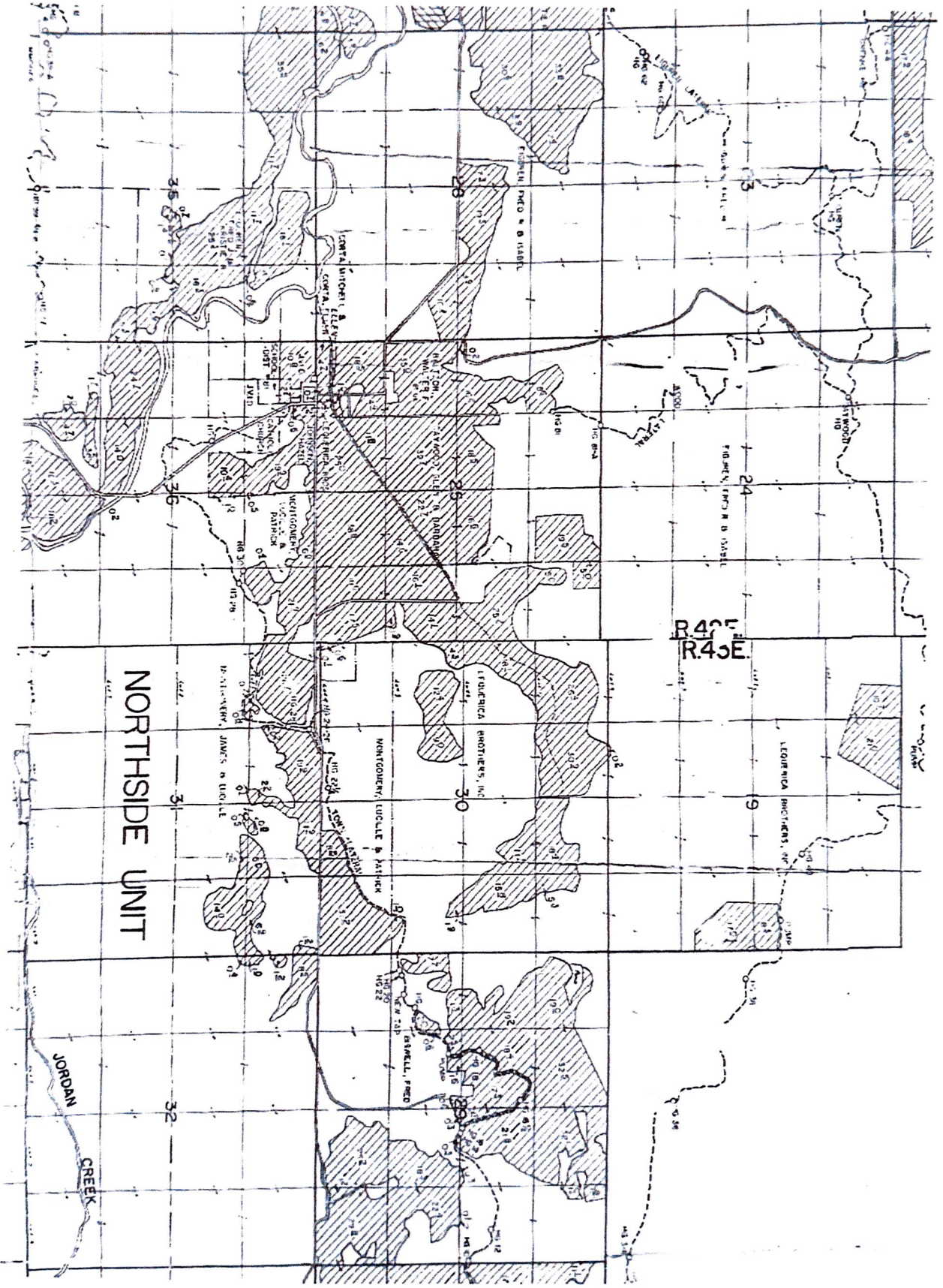
NE 1/4 SE 1/4 SECTION 35 TOWNSHIP 30 SOUTH, RANGE 42 EAST, W.M.	5.3 ACRES
NE 1/4 SW 1/4	14.0 ACRES
NW 1/4 SW 1/4	24.7 ACRES
SW 1/4 SW 1/4	3.7 ACRES
SE 1/4 SW 1/4	24.5 ACRES
NW 1/4 SE 1/4	0.2 ACRE
SW 1/4 SE 1/4 SECTION 36 TOWNSHIP 30 SOUTH, RANGE 42 EAST, W.M.	18.2 ACRES
LOT 2 (NW 1/4 NE 1/4)	8.1 ACRES
LOT 3 (NE 1/4 NW 1/4)	20.6 ACRES
SW 1/4 NW 1/4	2.9 ACRES
SE 1/4 NW 1/4 SECTION 1 TOWNSHIP 31 SOUTH, RANGE 42 EAST, W.M.	0.1 ACRE

LEQRICA BROTHERS, INC.

SW 1/4 SE 1/4 SECTION 9	4.1 ACRES
NE 1/4 NE 1/4	5.0 ACRES
SE 1/4 NE 1/4	25.2 ACRES
SW 1/4 SW 1/4	3.4 ACRES
NE 1/4 SE 1/4	32.1 ACRES
SE 1/4 SE 1/4 SECTION 25	36.1 ACRES
NW 1/4 NW 1/4 SECTION 36 TOWNSHIP 30 SOUTH, RANGE 42 EAST, W.M.	1.2 ACRES
SE 1/4 NE 1/4	8.3 ACRES
NE 1/4 NW 1/4	21.0 ACRES
LOT 1 (NW 1/4 NW 1/4)	10.7 ACRES
SE 1/4 SW 1/4	0.2 ACRE
NE 1/4 SE 1/4 SECTION 19	17.0 ACRES
NE 1/4 NE 1/4	5.3 ACRES
NW 1/4 NE 1/4	18.4 ACRES
SW 1/4 NE 1/4	11.3 ACRES
SE 1/4 NE 1/4	15.8 ACRES
NE 1/4 NW 1/4	30.9 ACRES
LOT 1 (NW 1/4 NW 1/4)	26.4 ACRES
LOT 2 (SW 1/4 NW 1/4)	18.1 ACRES
NE 1/4 SW 1/4	9.0 ACRES
LOT 3 (NW 1/4 SW 1/4)	16.7 ACRES
LOT 4 (SW 1/4 SW 1/4)	0.6 ACRE
NE 1/4 SE 1/4 SECTION 30 TOWNSHIP 30 SOUTH, RANGE 43 EAST, W.M.	2.9 ACRES

SEE NEXT PAGE

310.LMT



NORTHSIDE UNIT

JORDAN CREEK

R42E
R43E

LEONORICA BROOKERS, INC.

WINTGORDEN, LUCILLE & PATRICK

LEONORICA BROOKERS, INC.

MONTGOMERY, LUCILLE & PATRICK

COMPTON, RAYMOND

MONTGOMERY, LUCILLE & PATRICK

ST. WOODS

Office

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30

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