



MALHEUR COUNTY

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

File Number: 2023-03-015
Application Fee: 200.00
Date Received: 3-23-2023
Date Deemed Complete: 3-21-2023

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Stacey Captein
Address: 801 Foothill Drive
City/State/Zip: Ontario, OR 97914
Phone: 541-212-1209
Email: _____

APPLICANT INFORMATION ☐ Check box if same

Name: Ashlee E. Garcia
Address: 801 Foothill Drive
City/State/Zip: Ontario, OR 97914
Phone: 541-212-5827
Email: aec0789@gmail.com

PROPERTY INFORMATION

Township: 18 Range: 46 Section: 10&15 Tax Lot: 801 Ref #: 20441,20442 Acres: 13.11 Zoning: C-A1
Address: n/a

Current use: farm Use of surrounding properties: farm, rural residential
Proposed use: rural residential Permitted subject to section: _____
Water source: well Sewage disposal method: septic tank

Are the wetlands/water waterways on your property? ☐ No ☒ Yes (description): Malheur River, Owyhee Siphon

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

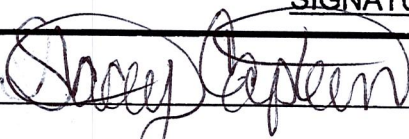
Name of road providing access: Lincoln Drive

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____
or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: _____
Current Deed #: 2012-4374 Date Filed: 11/29/12

*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: 3-27-23

Property Owner(s): _____ Date: _____

Applicant(s):  Date: 3-27-23

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: _____ | |



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 REQUEST

The subject property has been in applicant's family for many years. Applicant's father, now deceased, had started an application to a non-farm dwelling prior to his passing. Applicant now wishes to follow through with that dream and to build a home on the property.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

| PROPOSED IMPROVEMENTS | | | | |
|------------------------|--------|-------|--------|----------------|
| Structure/Development | Length | Width | Height | Square Footage |
| Dwelling | | | | 2400 |
| 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:
The proposed use is compatible with the current mix of farm uses, farm dwellings, and non-farm dwellings. The proposed house and garage will be similar in style and size to those in the surrounding area and will fit harmoniously in the area.

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

Describe the number of people/employees/customers associated with the proposed use:
Single family personal residence with 5 occupants - married couple and three young children.

3. What are the existing developments and viewpoints of property owners in the surrounding area?
The proposed use is compatible with the current mix of farm uses, farm dwellings, and non-farm dwellings. Neighbors are supportive.

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 traffic impact will be negligible. The Rural Road District #3 has issued a letter requesting a culvert drainage pipe be installed, which applicant is agreeable to.

Fire & Police Protection: Safety impact will be negligible. See letter from Ontario Rural Fire Protection District.

Sewer & Water: A compliant septic system and well would be added per all applicable rules and regulations.

Electrical & Telephone: Utilities are nearby and applicant will assume the expense of extending such services to the property.

Solid Waste Disposal: Ontario Sanitary Service provides solid waste removal service in the area and applicant will secure such services.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
The proposed non-farm dwelling will have no negative effect on the farming practices of the community and such use would not interfere with the stability of the community's social and economic characteristics.

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 dwelling is not located in an area that contains fish or wildlife deemed critical or sensitive and will not interfere with traditional fish and wildlife.

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 proposed dwelling would be set back on the property at sufficient distance from surrounding dwellings and will not overshadow any adjoining property.

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?
Native landscaping and maintenance of the parcel associated with the proposed dwelling will be visually appealing and improve the appearance of the 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.
The proposed dwelling will be accessed via Lincoln Road, an existing roadway. The road district has recommended installation of a 15" culvert drainage pipe at the access point to allow runoff/irrigation water to pass, which applicant is willing to do.

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

The proposed use will have minimal outdoor waste and storage areas, as it is a personal residence. Any such needs will be appropriately screened with aesthetically appealing landscaping.

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

Control of outdoor lighting will not be necessary as this is a proposed personal residence with minimal need for outdoor light and any such lighting will be low glare and contained within the property boundaries.

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?

The proposed home will not have any impact to any current uses in the area. No activities will conflict with farming or rural residential uses in the area. The non-resource dwelling proposed will not force significant change in accepted farm practices on surrounding lands devoted to farm use, nor increase the cost of accepted farm practices.

Last Updated 01/28/2020

NON-RESOURCE DWELLING – Malheur County Code (MCC) 6-6-8-1

1. Describe how the proposed dwelling is compatible with farm uses and is consistent with ORS 215.243:
The proposed dwelling is consistent with the other rural residential uses in the surrounding area that are in harmony with farm uses. The area has a current complement of well-spaced rural homes that do not compete or interfere with farm use and the ground is not productive.
2. Demonstrate that the dwelling will not interfere seriously with accepted farming practices on adjacent lands:
Access to area farmground will not be impacted in any way. This will not take farm ground out of production and deed restrictions can be incorporated protecting access and ensuring right to farm protections.
3. Demonstrate that the dwelling will 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:
The subject property is approximately 13 acres with irregular boundaries. It slopes down toward the Malheur River in the areas proximate to the river. It is not and has not been used for any purpose for many years due to terrain, poor quality soil, location, shape, and irrigation issues. All of the similar property along the Malheur River is similarly situated and not in production.
4. 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 soil map.
 - B. What are the types and numbers of existing dwellings that have been identified within the study area?

| | | | |
|---------------------------|----|--------------------|---|
| Primary Farm dwellings | 15 | Non-farm dwellings | 6 |
| Farm hand/labor dwellings | 0 | Hardship dwellings | 0 |
 - C. What are the types of farm use occurring in the study area (row crops, pasture, range land, feed crops)?
The area is primarily row crop, with some pasture ground. The balance of the study area is non productive ground.

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

Lot of Record dwellings 15 Non-farm dwellings 6

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? 7 in the study area

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

G. What dwelling development trends have been identified within the study area since 1993? Minimal development has occurred in the area in the last 20 years. Development has been limited to qualifying farm and non-farm dwellings, as well as replacement dwellings, consistent with and compliant with all 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 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 7 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 dwelling would not materially
alter the primary uses in the study area, which is agriculture with limited rural
residential. The proposed use would fit harmoniously within the existing uses.

1-24-23

TO Whom It may Concern.

Ashlee E. Garcia and Jose C. Garcia
Has my permission to enter the
property tax lot 801 Ref# 20441, 20442
13.11 Acres.

Stacey Marie Cipton

80

Mill
road

River



2400 sq ft

4 Bedrooms

