



MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: 2024-12-004
Application Fee: \$ 200
Date Received: 12/22/2024
Date Deemed Complete: _____

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: jc251988@gmail.com

PROPERTY INFORMATION

Township: 18 Range: 46 Section: 3 Tax Lot: 101 Ref #: 20554 Acres: 1.14 Zoning: C-A1

Address: N/A

Current use: Empty lot. 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): _____

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

Name of road providing access: Foothill Drive

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____

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

Current Deed #: 2012-4372 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): Sherry Caplin Date: 12-23-24

Property Owner(s): _____ Date: _____

Applicant(s): Adrian G. ... Date: 12/23/24

Applicant(s): [Signature] Date: 12/23/24

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 Deed/Land Use Action: _____ Previous Map and Tax Lot: _____ Past Land Use Actions: If yes, list file #(s) _____ _____ Subject to previous conditions? _____ Assessor Property Class: _____ Zoning: _____ Water Resources: 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> 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? Address needs to be assigned after approval? Fire District: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES
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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

The subject property has been in applicant's family for many years. The applicant has started the application for non-farm dwelling to set a home on the existing housing site next to her widowed mother.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling	60 ft	26ft	12ft	1,560
Driveway				
Accessory Structure				
Agricultural Structure				
Other				
EXISTING				
Dwelling				
Accessory Structure				
Agricultural Structure				
Other	30ft	40ft		1,200

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 will be negligible. See letter from The Rural Road District #3

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 properties.

Solid Waste Disposal: Waste management 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 would 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 Foothill Drive and existing driveway.

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 productiv
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 1.14 acres with irregular boundaries. 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.
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.

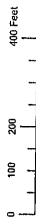
MapNumber	Taxlot	REF	OWNERSNAME	ADD2	CITYSTATE	ZONING	Acres	Dwellings	Type	Owned since 1985
18S46E02	1600	7471	MILNER, R W & S W	1195 RUBY FARM WAY	MANTECA, CA	C-A1	82.09	1	farm dwelling	2015
18S46E02	1700	7472	GILLESPIE, DAVID S & WANDA	757 FOOTHILL DR	ONTARIO, OR	C-A1	22.58	1	non-farm	x
18S46E02	1701	20614	MALHEUR BUTTE LLC	11072 EXCELSIOR AVE	HANFORD, CA	C-A1	55.44	0	n/a	x
18S46E02	1800	7469	RUSSELL, BONNIE JO	511 SW 2ND ST	FRUITLAND, ID	C-A1	81.9	0	n/a	2006
18S46E03	201	20166	FORSYTH ENTERPRISES INC	540 SE 9TH AVE	ONTARIO, OR	C-A1	27.48	0	n/a	x
18S46E03	300	6664	GREEN ONTARIO III LLC	ONE EMBARCADERO CNTR STE #3860	SAN FRANCISCO, CA	C-A2	74.21	0	n/a	2020
18S46E03	400	17892	U S A	GEN DEL	WASHINGTON, D C	C-A1	1.43	0	n/a	x
18S46E03	500	17891	LOWHEE IRRIGATION DIST	17 S 1ST ST	NYSSA, OR	C-A1	26.11	0	n/a	x
18S46E04	100	14177	GREEN ONTARIO III LLC	ONE EMBARCADERO CNTR STE #3860	SAN FRANCISCO, CA	C-A2	566.14	0	n/a	x
18S46E09	100	17894	U S A	GEN DEL	WASHINGTON, D C	C-A1+	112.1	0	n/a	x
18S46E09	200	14207	VERMEER, DAVID M & JILL L	P O BOX 555	ONTARIO, OR	C-A1+	239.16	1	farm dwelling	2020
18S46E09	700	14211	RKT FAMILY TRUST	950 FOOTHILL DR	ONTARIO, OR	C-A1	62.13	1	farm dwelling	x
18S46E09	800	14213	RKT FAMILY TRUST	950 FOOTHILL DR	ONTARIO, OR	C-A1	10.84	0	n/a	x
18S46E09	900	14212	MALHEUR BUTTE LLC	P O BOX 386	HERALD, CA	C-A1	25.73	1	farm dwelling	2006
18S46E10	100	6671	MURRAY, HOWARD & ANNE	4073 LINCOLN DR	ONTARIO, OR	C-A1	10.57	1	non-farm	2020
18S46E10	300	6670	HEBERG, LAURA	4063 LINCOLN DR	ONTARIO, OR	C-A1	48.72	1	farm dwelling	2021
18S46E10	400	6667	WETTSTEIN, WESTON L	141 SW 3RD ST	ONTARIO, OR	C-A1+	28.15	0	n/a	x
18S46E10	500	17893	U S A	GEN DEL	WASHINGTON, D C	C-A1	76.78	0	n/a	x
18S46E10	600	19942	WARMERDAM, TED A & JOANNE M	11072 EXCELSIOR AVE	HANFORD, CA	C-A1	100.29	1	farm dwelling	2012
18S46E10	700	7475	TURNER, TATE T	820 BUTLER BLVD	ONTARIO, OR	C-A1	39.28	1	non-farm	2004
18S46E11	300	7485	TRENEL, FRED & PAT LLC	270 MEADOW VIEW DR	PAYETTE, ID	C-A1	79.1	0	n/a	x
18S46E11	400	7477	RODRIGUEZ FARM HOLDINGS LLC	719 MORGAN AVE	ONTARIO, OR	C-A1	78.58	1	farm dwelling	2018
18S46E11	500	16431	NAVARRETE, ANTONIO	604 BUTLER BLVD	ONTARIO, OR	C-A1	56.16	0	n/a	2006
18S46E11	600	7476	GONZALEZ, EMILIO M & TERESA A	790 SUGAR AVE	ONTARIO, OR	C-A1	21.21	0	n/a	2008
18S46E11	700	7478	ORTEGA, EDITH	4806 HOWARD LN	NAMPA, ID	C-A1	4.72	1	non-farm	2022
18S46E11	800	7479	EIDER FARMS LLC	18 CRESCENT KEY	BELLEVUE, WA	C-A1	107	0	n/a	2021
18S46E11	900	7480	EIDER FARMS LLC	18 CRESCENT KEY	BELLEVUE, WA	C-A1	38.12	1	farm dwelling	2021
18S46E11	1000	7483	EIDER FARMS LLC	18 CRESCENT KEY	BELLEVUE, WA	C-A1	79.08	0	n/a	2021
18S46E11	1300	7481	EIDER FARMS LLC	18 CRESCENT KEY	BELLEVUE, WA	C-A1	36.37	0	n/a	2021
18S46E11	1400	18492	WOOD, MARGARET E	746 BUTLER BLVD	ONTARIO, OR	C-A1	0.68	1	non-farm	1992
18S46E14	100	7528	HIDA, GEORGE S & KATHY L	560 RAILROAD AVE	ONTARIO, OR	C-A1	107.25	1	farm dwelling	2007
18S46E14	200	6672	SVATY, RYAN	790 RAILROAD AVE	ONTARIO, OR	C-A1	152.36	1	farm dwelling	2021
18S46E14	300	7532	SVATY, RYAN	790 RAILROAD AVE	ONTARIO, OR	C-A1	147.46	1	farm dwelling	2020
18S46E15	100	7533	MALHEUR BUTTE LLC	P O BOX 386	HERALD, CA	C-A1	66.67	1	farm dwelling	2004
18S46E15	200	7534	NAVARRETE, HECTOR	718 U S 20-26 HWY	ONTARIO, OR	C-A1	5	0	n/a	x
18S46E15	300	6677	DEBBAN FAMILY TRUST	3964 BUTTE DR	ONTARIO, OR	C-A1	37.56	1	non-farm	x
18S46E15	400	6676	WILLIAMS, MAX K & TERRIL	880 RAILROAD AVE	ONTARIO, OR	C-A1	234.58	1	farm dwelling	2002
18S46E15	500	6673	NAVARRETE, HECTOR	718 U S 20-26 HWY	ONTARIO, OR	C-A1	74.29	0	n/a	1993
18S46E15	600	6674	ITO FAMILY LLC	837 U S 20-26 HWY	ONTARIO, OR	C-A1	67.9	1	farm dwelling	x
18S46E15	700	6675	DLS DIGS LLC	4731 KERSHNER AVE	ANCHORAGE, AK	C-A1	72.34	1	farm dwelling	1995
18S46E16	100	14215	HERRIMAN, RUSSELL & ROBIN	1000 FOOTHILL DR	ONTARIO, OR	C-A1	263.75	1	farm dwelling	2003
18S46E16	200	17895	WALLACE, JOHN JOSEPH	822 ADAMS AVE	METOLUS, OR	C-A1	6.5	0	n/a	1993
18S46E16	300	14214	ANDERSEN, DAN & LYNETTE	3750 MORGAN LN	ONTARIO, OR	C-A1	38.82	0	n/a	x
18S46E16	700	14216	TOP ONIONS USA INC	170 E ISLAND RD	ONTARIO, OR	C-A1	139.84	0	n/a	2000
18S46E16	800	6669	MALHEUR BUTTE LLC	P O BOX 386	HERALD, CA	C-A1	97.18	0	n/a	2004
18S46E16	801	20441	CAPTEIN, STACEY M	801 FOOTHILL DR	ONTARIO, OR	C-A1	12.09	0	n/a	x
18S46E16	802	20443	MALHEUR BUTTE LLC	P O BOX 386	HERALD, CA	C-A1	11.45	0	n/a	x
18S46E16	803	20856	MALHEUR BUTTE LLC	P O BOX 386	HERALD, CA	C-A1	17.86	0	n/a	x

18S46ED02	100	6665	CAPTEIN, STACEY M	801 FOOTHILL DR	ONTARIO, OR	C-A1	1.2	0	n/a	1994
18S46ED02	101	20554	CAPTEIN, STACEY M	801 FOOTHILL DR	ONTARIO, OR	C-A1	1.14	0	n/a	x
18S46ED02	102	20555	MALHEUR BUTTE LLC	P O BOX 386	HERALD, CA	C-A1	132.72	0	n/a	x
18S46ED02	1400	6666	GREEN ONTARIO III LLC	ONE EMBARCADERO CNTR STE #3860	SAN FRANCISCO, CA	C-A1	0.99	0	n/a	2014

15 farm dwelling
6 non farm dwelling



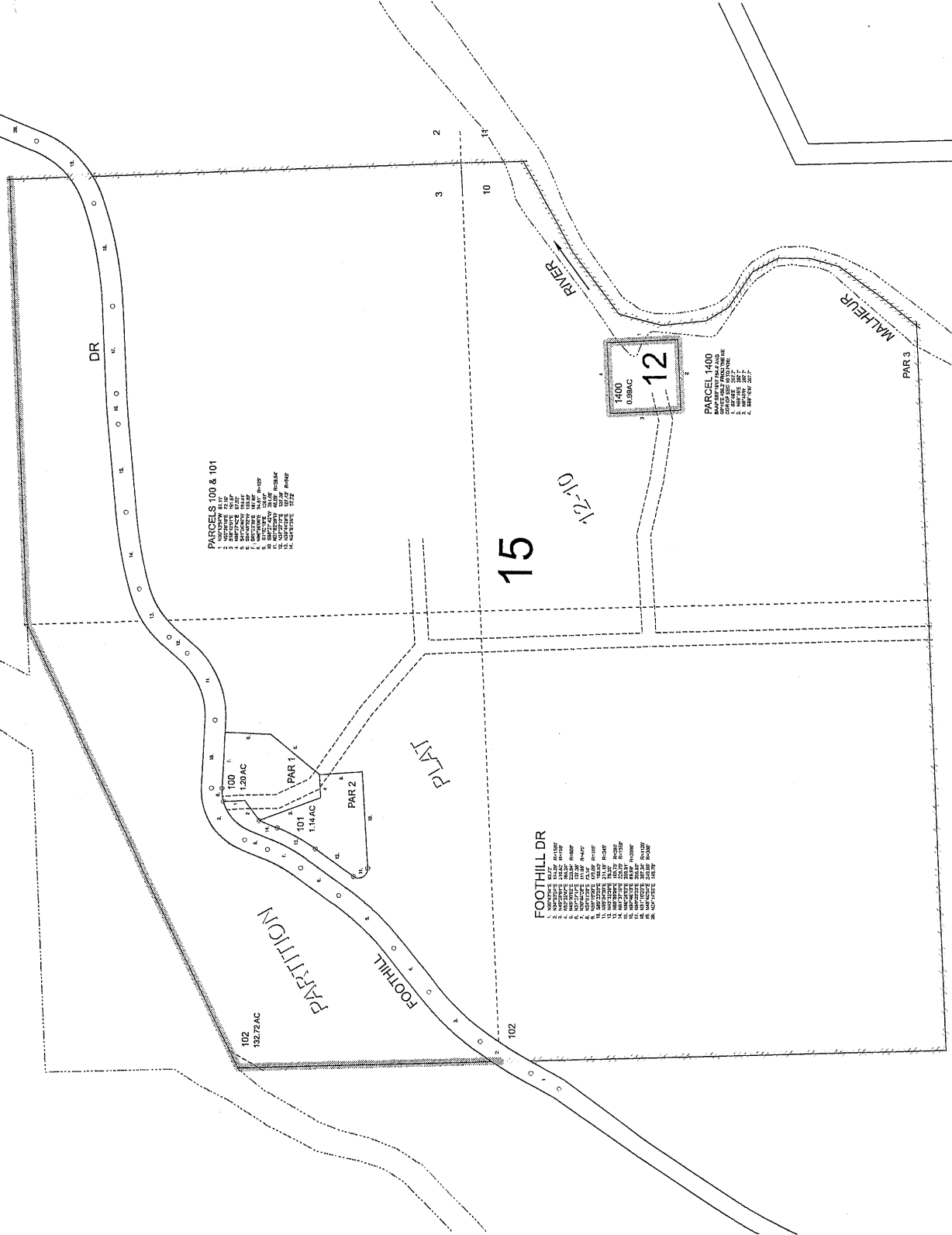
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



DETAIL MAP NO. 2
T.18S. R.46E. W.M.
MALHEUR COUNTY

1" = 200'

18S46E
DETAIL MAP NO. 2
CANCELLED:



Revised: MA
12/26/2012
DETAIL MAP NO. 2
18S46E