MALHEUR COUNTY

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

File Number: 2026-BRH-018.
Application Fee: $ 750
Received: 9/17/2026

BRH REZONING APPLICATION

LANDOWNER INFORMATION

Name: Don and Angela Williams
Address: 654 Columbia Ave
City/State/Zip: Nyssa, OR 97913
Phone: 801-805-0545
Email: dcwi@hotmail.com

APPLICANT INFORMATION ☑ *Check box if same*

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

ORIGINAL PROPERTY INFORMATION

Township: 19S Range: 46E Section: 24 Tax Lot: 1000 Ref #: 9530 Acres: 30.43 Zoning: C-A1

Address/General Location: _____

BRH REZONING APPLICATION REQUIREMENTS:

Applications for BRH rezoning or associated land divisions will only be accepted if pre-clearance eligibility requirements are met.

**The following shall be met for all rezoning applications:*

□ *If a land division is proposed*, the applicant must complete the required partition or subdivision application and submit with this rezoning application.

□ BRH Pre-Clearance Map showing location of proposed homesites (parcels or lots) within the eligibility area.

**This map demonstrates that the proposed lots/parcels for rezoning are:*

1. *Within the Border Region, Zoned EFU/ERU, privately-owned and within a Rural Fire District*
2. *Not classified as high value farmland as described in o ORS 195.300(10), except for subsections 10(c)B and 10(f)(E). [Note: all Class I-III soils in the Border Region are mapped by the state as High-Value Farmland.]; does not have a lower soil classification which, if irrigation, is classified as having Class III soil*
3. *Not within a designated critical groundwater area per ORS 537.730-740 or within an area where groundwater withdrawals are restricted by the Oregon Water Resources Commission*
4. *Not shown having a Point of Use permit by the Oregon Water Resource Department*
5. *Not within the 100-year floodplain as defined on Federal Emergency Management Agency maps and referenced in Malheur County Title 5, Chapter 2 – Flood Control*

☐ A scale drawing showing the location and dimensions of each proposed homesite within the eligibility area for the subject property and show the location of proposed structures on each 2-acre homesite (parcel or lot) and setbacks from proposed property lines. The drawing must comply with BRH zone development standards. (MCC 1-13-5-E). It is recommended that this drawing be prepared by a surveyor licensed in the state of Oregon.

☐ A description of how access will be provided to the site from a public road, and how water and sanitation will be provided to each homesite. (See also partitioning and subdivision application requirements.)

□ Aerial photographs for the last 3 years showing the proposed homesites, remaining land under the same ownership, and all adjacent tax lots (including those directly across the road).

EXHIBIT # 1

□ An affidavit form, signed by the property owner, stating that the land proposed for rezoning has not been employed for farm use in the prior 3 years.

□ A signed form from the applicable irrigation district certifying whether the land proposed for BRH rezoning has an irrigation water right.

□ A letter from the applicable Rural Fire District confirming that the land proposed for rezoning has fire protection and including emergency access and fire protection requirements.

□ Tax assessor records showing whether each proposed 2-acre homesite (parcel or lot) has been subject to farm tax deferral in the last three years.

□ A signed form from the tax assessor stating that the land proposed for rezoning has not been assessed for purposes of open space under ORS 308A.300 to 308A.330, riparian habitat under ORS 308A.350 to 308A.383, wildlife habitat under ORS 308A.403 to 308A.430 or having a conservation easement under ORS 308A.403 to 308A.430 within the prior 10 years.

□ A written narrative and evidence demonstrating that ***the area proposed for rezoning has not been actively farmed for three years prior to application submission***. In addition to the signed affidavit from the property owner, evidence should include aerial photographs, tax records, affidavits from abutting property owners, or other means acceptable to the Review Board.

□ A written narrative and evidence to demonstrate that ***the area proposed for rezoning is not viable for reasonably obtaining a profit through farm use***. Expert testimony from experienced farmers, the Farm Bureau or the Oregon State University Extension Service may be considered by the Review Board in making its determination.

□ A written narrative and evidence to demonstrate that ***the proposed rezoning, if approved, would not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.*** To address this criterion, the applicant must describe the accepted farming practices on abutting agricultural properties and explain why the proposed residential use will not force a significant change in such practices. In addition to the signed non-complaint agreement, the Review Board may consider geographic buffers between proposed dwellings and actively farmed agricultural land, such as intervening rural development, stream corridors, slope differentials, or dedicated roads as evidence towards meeting this this criterion.

□ If natural hazards exist on land proposed for rezoning, the applicant has provided studies and recommendations for addressing the natural hazard identified at the pre-application conference.

SIGNATURES

Property Owner(s): _____ Date: 9-16-26

Property Owner(s): _____ Date: 9-16-26

Applicant(s): _____ Date: 9-16-26

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BRH LAND DIVISION APPLICATION

LANDOWNER INFORMATION

Name: Don and Angela Williams
Address: 654 Columbia Ave
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Phone: 801-805-0545
Email: dcwie@hotmail.com

APPLICANT INFORMATION ☑ Check box if same

Name: _____
Address: _____
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Phone: _____
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ORIGINAL PROPERTY INFORMATION

Township: 19S Range: 46E Section: 24 Tax Lot: 1000 Ref #: 9530 Acres: 30.43 Zoning: C-A1

Names and addresses of the lien holder/mortgage, if applicable

Names of the engineer or surveyor employed (to be employed) to make necessary surveys and prepare the legal descriptions of each new parcels/lots

DETAILED SPECIFIC WRITTEN REQUEST:

**Indicate number of parcels to be created and their proposed sizes*

Using BRH option, we are requesting a 2-acre lot for a home site on the southwest corner of the property (see attached map). Access will be provided directly off of Columbia Ave, west of the Ontario-Nyssa Canal crossing. Water source will be a private well. A private septic system will also be installed.

TENTATIVE PLAN REQUIREMENTS:

**All proposed Border Region Housing (BRH) land partitions must adhere to ORS 92 and Malheur County Title 7. At a minimum, the following shall be submitted for review:*

C. Proposals for land partitioning in all zones other than those specified in subsection B of this section at minimum shall submit a tentative map for partitioning as provided below:

1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and adjoining land use and ownership patterns. The map must include names of all existing roadways shown therein. (An assessor's tax lot map may be used for this item.)

2. A plan of the proposed partitioning on forms provided by the planning department, showing approximate tract boundaries and dimensions, the approximate area of each tract or parcel, locations of all easements, and the names, right of way widths and improvement standards of existing roads.

3. Names and addresses of the landowner, the applicant (if different), a mortgage if applicable, and the engineer or surveyor employed or to be employed to make necessary surveys and prepare the legal descriptions of each parcel to be created.

4. A statement regarding contemplated water supply, sewage disposal, fire protection and access.

5. North point, scale and date of map, and property identification by tax lot, section, township and range.

6. Statement regarding past, present and intended use of the parcels to be created, or the use for which the parcels are to be offered.

7. If a tract of land has water rights, [...]

8. Location of all existing buildings, canals, ditches, septic tanks and drainfields.

9. Location of any topographical feature which could impact the partition, such as canyons, bluffs, rock outcroppings, natural springs and floodplains. (Ord. 25, 3-2-1983; amd. 1989 Code)

10. For partitioning to accommodate legally existing dwelling site: [...] For all other partitions: intended route of proposed new road right of way necessary to provide frontage upon a public road or street for all parcels created and to serve lands beyond, and a legal description of that proposed right of way. Location of any proposed right of way shall be agreed to by the planning director after consultation with the county engineer and shall be consistent with the transportation system plan. Direct preliminary discussion with the county engineer is recommended.

11. Location, width, name, approximate location and approximate grade of all proposed rights of way.

12. The location and design of all proposed pedestrian and bicycle facilities, including accessways if required by this title or the zoning ordinance. (Ord. 125, 6-20-2000)

Provide a statement regarding contemplated water supply, sewage disposal, fire protection and access.

Water: Private well, installed per Oregon Building Code

Sewage Disposal: Private septic system

Fire Protection: Rural - within Nyssa rural fire protection area

Access: Direct access from Columbia Ave

ADDITIONAL SUBDIVISION REQUIREMENTS:

**The following is also required for proposed subdivision applications (Land divisions resulting in four or more lots).*

7-4-2: STREETS:

A. Relation To Adjoining Street System: A subdivision or major partition shall provide for the continuation of the principal streets existing in adjoining subdivisions and for their proper projection when adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements set forth in this title and the transportation system plan. Where, in the opinion of the commission, topographic conditions make such continuation or on a formation or conformity impractical, exception may be made.

Where the plat submitted covers only a part of the subdivider's tract, a drawing of the prospective future street system of the entire tract shall be furnished.

Also, taking topography into consideration, a shadow subdivision layout shall be prepared for abutting undeveloped property to demonstrate the adequacy and appropriateness of streets within the proposed development which are to be provided for future extension.

B. Access: The dividing of the land shall be such as to provide each lot or parcel access by means of a public street, with satisfactory access to an existing public street or to a proposed street as shown in the proposed plat. New public streets and private drives shall meet the access management guidelines for rural roadways.

C. Existing Streets: Whenever existing streets adjacent to or within a development are of inadequate width, additional right of way shall be required at the time of division. In those cases where improvement of the road is below standard, improvement may be required including paving.

D. Road Widths: Unless otherwise indicated on the official map, the width of rights of way and roadway improvements shall be in compliance with the following:

1. Rural Minor Arterial: A right of way width of sixty to eighty feet (60–80') measured from property line to property line.

2. Rural Major Collector: A right of way width of sixty feet (60').

3. Rural Minor Collector: A right of way width of fifty to sixty feet (50–60').

4. Rural Local: A right of way width of forty to fifty feet (40–50') except in cases where the topography or other physical conditions make such a width impractical. This determination shall be at the discretion of the county engineer.

5. Cul-De-Sac: A right of way width of fifty feet (50') and shall terminate in a turnaround with a minimum property line radius of fifty feet (50').

E. Road Improvement Standards:

1. Compliance: Standards for all design and road improvements shall be in accordance with those specifications and requirements prescribed by the county road department in the adopted "county road standards" or by the appropriate road district.

2. Street Or Road Acceptance: Any street or road which is not constructed to standards prescribed by the county shall not be accepted for maintenance by the county. The county court must determine whether a road or street is to be accepted by the county.

3. Connection To Existing Roads: Property which is developed so as to include the creation of a road shall have connection to an existing road which is maintained by public agency. This connector road shall be built to county or appropriate road district standards by the developer.

4. Street Alignment: Streets located on opposite sides of an intersecting street shall have their centerline directly opposite each other where possible, otherwise, the centerline shall be separated by not less than two hundred feet (200').

5. Intersection Angles: Street intersection shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than sixty degrees (60°).

F. Streets Adjacent To Railroads: When the proposed division of land contains or is adjacent to a railroad, a street parallel to the railroad may be required on each side of such railroad. A land strip of not less than twenty five feet (25') in width shall be provided along such railroad right of way for screen planting between the railroad and residential lots.

G. Future Extension Of Streets: Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead end streets may be approved without a permanent turnaround. Reserve strips and street plans may be required to preserve the objectives of street extension.

H. Street Grades: Street grades shall not exceed eight percent (8%), except where under unavoidable topographic conditions grades to ten percent (10%) may be permitted.

I. Street Names: Street names shall not duplicate the name of any other street or way within the county or the larger emergency service area.

J. Cul-De-Sacs And Accessways: Cul-de-sacs, courts or similar type streets shall be permitted; however, through streets are encouraged except where topographical, environmental, or existing adjacent land use constraints make connecting streets infeasible. The maximum length of cul-de-sacs shall be no more than one thousand feet (1,000') from the entrance to the center of the turnaround radius of fifty feet (50') at the property line and not less than forty feet (40') at the curb line or traveled way.

Where cul-de-sacs are planned, accessways shall be provided connecting the ends of cul-de-sacs to each other, to other streets, or to neighborhood activity centers. The hearings body or planning director may determine, based upon evidence in the record, that an accessway is impracticable. Such evidence may include, but is not limited to:

1. Physical or topographic conditions make an accessway connection impractical. Such conditions include, but are not limited to, freeways, railroads, extremely steep slopes, wetlands, or other bodies of water where a connection cannot reasonably be provided.

2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.

3. Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of June 20, 2000, that preclude a required accessway connection.

K. Pedestrian And Bicycle Circulation: On site facilities shall be provided that accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi- family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half (1/2) mile of the development. Residential developments shall include streets with sidewalks and accessways. Pedestrian circulation through parking lots shall be provided in the form of accessways.

Bikeways shall be required along arterial and collectors with ADTs greater than three thousand (3,000). Sidewalks shall be required along arterials, collectors, and most local streets, except that sidewalks are not required along controlled access roadways (freeways). (Ord. 125, 6-20-2000)

7-4-3: UTILITY LINES:
Where such services and utilities are available, water, electrical, phone and TV cable shall be installed when property is developed. Such installation shall be underground if possible. Lines shall be laid and stubbed to the property lines before road surfacing is placed. Easements for utility lines need to be wide enough to accommodate trenching and service equipment. This should not be less than ten feet (10') in width and in many cases may need to be fifteen feet (15') or more wide dependent upon the number and depth of utilities anticipated to be placed there. (Ord. 25, 3-2-1983; amd. 1989 Code; Ord. 125, 6-20-2000)

7-4-4: DOMESTIC WATER:
A. Central water distribution systems may be installed in all subdivisions or major partitions and where available shall

connect to a public distribution system.

B. A statement of all water rights shall be provided.

C. All water systems and/or wells shall meet the standards of the following agencies, when applicable:
Oregon state health division, County health department, and other state or federal agencies which have requirements applicable to wells and water systems. (Ord. 25, 3-2-1983; amd. 1989 Code; Ord. 125, 6-20-2000)

7-4-6: DRAINAGE:
The subdivider shall provide such drainage structures or improvements necessary to prevent the ponding of surface water within the roadway of a street, and to assure the unimpeded flow of water within natural drainage courses transversed by a street. (Ord. 25, 3-2-1983; amd. 1989 Code; Ord. 125, 6-20-2000)

7-4-7: STREAM EASEMENTS:
The reservation of an easement along any stream or surface drainage course located in the area for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course. (Ord. 25, 3-2-1983; amd. 1989 Code; Ord. 125, 6-20-2000)

7-4-8: SEWAGE DISPOSAL:
The method of sewage disposal for each lot within a land division shall be in accordance with the requirements and standards for sewage disposal administered by and under the jurisdiction of the following agencies when applicable:
Oregon state department of environmental quality,
County health department, and
Other state or federal agencies which have regulations applicable to septic tank/drainfields, community disposal.

Subdivider shall be responsible for providing the necessary information required to determine the adequacy of the method of sewage disposal proposed. (Ord. 25, 3-2-1983; amd. 1989 Code; Ord. 125, 6-20-2000)

7-4-9: BLOCKS:
The width of blocks shall be such as to allow two (2) tiers of lots unless exceptional conditions are, in the opinion of the commission, such as to render this requirement undesirable and that makes a relatively short length of double frontage lots unavoidable. (Ord. 25, 3-2-1983; amd. 1989 Code; Ord. 125, 6-20-2000)

7-4-10: LOTS:
A. Lots shall not be greater in average depth than three (3) times their average width. A ten percent (10%) variation in depth may be allowed to accommodate irregular topography or other factors. Where individual septic systems are to be used, the buildable area of the lots or parcels shall be a nominal (approximate) one acre. Where a public or central septic system will be used, lot area may be reduced to one-quarter (1/4) of a nominal (approximate) acre or as specified in the specific zone of the proposed division of land.

B. Lots shall have frontage upon a dedicated public road or street of not less than seventy five percent (75%) of their average lot width. Exceptions exist: flag lots as provided in section 7-4-11 of this chapter, and lots around the end of a cul-de-sac, and lots around the external radius of a ninety degree (90°) or similar sharp street corner. (Ord. 25, 3-2-1983; amd. 1989 Code; Ord. 125, 6-20-2000)

7-4-11: FLAG LOTS:
Flag lots offer an opportunity to utilize ground which might otherwise go to waste within a residential district. The access stem of a flag lot shall not be less than twenty feet (20') in width. In addition to other setbacks, a fifty foot (50') radius shall be provided from the end point of the access stem nearest the buildable portion of the lot. This is to secure adequate turnaround for emergency vehicles, guests and errant vehicles. One flag lot is prohibited from being placed behind another flag lot unless a canal, river, major topographical obstruction or existing development makes a public street or cul-de-sac impracticable in the judgment of the planning director. (Ord. 125, 6-20-2000)

7-4-12: LOT BOUNDARY OR RIGHT OF WAY LINES:
No lot shall be divided by the boundary line of a county or city, school district or other taxing district or by the right of way or easement of an irrigation facility or utility line. (Ord. 25, 3-2-1983; and. 1989 Code; Ord. 125, 6-20-2000)

7-4-13: FIRE PROTECTION:

A. If the development or subdivision is not within an existing fire protection district, the subdivider shall make prospective buyers aware of that fact.

B. Fire hydrants connected with the public water supply shall be installed in all land divisions with central water supply.

C. Provisions for fire protection shall be made where forest or other vegetation is likely to constitute a fire hazard as follows:

1. Fire Breaks: Fire breaks shall be provided as may be specified by the appropriate fire protection agency. Access roads may be used as fire breaks where provided at suitable locations.

2. Emergency Access: Two (2) or more improved all weather access points from the development, subdivision or major partition may be required by the commission for the purpose of fire protection egress and ingress to ensure public safety as may be specified by the appropriate fire protection agency. (Ord. 25, 3-2-1983; amd. 1989 Code; Ord. 125, 6-20-2000)

7-4-14: OTHER IMPROVEMENTS:

In addition to the improvements required by the provisions of this title, the subdivider may be required to provide other improvements because of specific features of the land, or the design of the subdivision or major partition. Improvements such as bridges, culverts and the fencing of watercourses, right of way and the creation of recreation areas and facilities may be required where necessary for health, safety and general welfare of residents of the subdivision or major partition. (Ord. 25, 3-2-1983; amd. 1989 Code; Ord. 125, 6-20-2000)

SIGNATURES

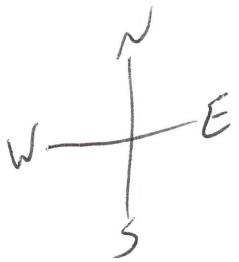
Property Owner(s): _____ Date: 9-16-26

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Applicant(s): _____ Date: 9-16-26

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654 Columbia Ave
Measure distance
Click on the map to add to your path
Total area: 87,117.51 ft² (8,093.48 m²)
Total distance: 1,447.43 ft (441.18 m)
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