

MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: 2020-05-014
Application Fee: \$ 200
Date Received: 5-12-2020
Date Deemed Complete: 5-15-2020

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Barry Moreland
Address: 21401 NW 43 Ave
City/State/Zip: Ridgefield, WA 98642
Phone: 503-201-9382
Email: bmoreland@nietc.org

APPLICANT INFORMATION

Check box if same

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

PROPERTY INFORMATION

Township: 20S Range: 46E Section: 36 Tax Lot: 1302 Ref #: 20128 Acres: 8.33 Zoning: EFU

Address: _____

Current use: Bare land Use of surrounding properties: Farm & Feedlot

Proposed use: Small single family dwelling Permitted subject to section: _____

Water source: Private well to be installed Sewage disposal method: Private septic to be installed

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

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

Name of road providing access: Beaumont Rd

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____

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

Current Deed #: 2026-1329 Date Filed: 4/14/2026

**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): Benny M. [Signature] Date: 5-12-20

Property Owner(s): _____ Date: _____

Applicant(s): Benny M. [Signature] Date: 5-12-20

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 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 (Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.) 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

My wife and I would like to build a small, single family dwelling on this property.

The previous owner, Mr. Zylstra, was granted a CUP NFD but it has since expired.

Please refer to planning file # 2014 -04-006 - attached as exhibit #1.

The original partitian was also part of this file. The property was disqualified from farm ue status at the same time.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS

Structure/Development	Length	Width	Height	Square Footage
Dwelling				1600
Driveway	150			
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:
Adding 1 dwelling / driveway and leaving rest of land as is. The proposed use is
consistant with the other nearby dwellings located on and around Beaumont road.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:
Typical domicile activities. Just my wife and I. Kids are grown and out of house.

Describe the number of people/employees/customers associated with the proposed use:
2 - my wife and I

3. What are the existing developments and viewpoints of property owners in the surrounding area?
My property is currently non-developed and the addition of one home on it would not have
an impact on other property owners in the surrounding area.

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 significant impact as property can be easily accessed via Beaumont Road. This
was previously identified in the original CUP NFD application and approval.

Fire & Police Protection: The property is located in the Adrian Rural Fire Protection District and
was previously identified in the original CUP NFD application and approval.

Sewer & Water: Private septic and well water

Electrical & Telephone: Idaho Power - access to existing utility lines running parallel to Beaumont
road on the west side.

Solid Waste Disposal: Will contract with Ontario Sanitary Service

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
Will not have any negative effects as identified and approved on the previous CUP NFD application.

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.
Construction of single family dwelling and driveway to have zero impact on fish habitats on the Snake River and wildlife use on this parcel. 7 + acres of this property will remain as natural habitat for native species of animals.
Home and driveway to have small footprint.

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?
Home to have minimal outdoor lighting only as required at entry / exit doors. No large spotlights or security type lighting planned.

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?
Landscaping around home to include lawn and shrubs - rest of property left natural.

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.

No widening to existing road (Beaumont) needed to facilitate one or two car family activities.
Please see attached letter from Nyssa Road District.

**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: Parcel is not currently engaged in any farming activity. There are
no water rights. Not proposing any partitions as this was completed at the time of original
CUP NFD application - please refernce exhibit #1.

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?
All farming practices in the area will remain as-is. No interference will happen by the
additon of this home.

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 parcel is only 8 acres located
adjacent to the Snake River. It is a long narrow piece that will allow for addition of home,
garage and driveway with room for any mandatory buffer areas.

- 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? _____

Yes - the parcel is only 8 acres located adjacent to the Snake River.

It is a long narrow piece that will allow for addition of home, garage and driveway with room for any mandatory buffer areas. Type 6 S soil - not productive.

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: Not proposing any partitions.

- the watersheds: _____

- fish and wildlife habitat: _____

- soil and slope stability: _____

- air and water quality: _____

- outdoor recreation areas: _____

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

Not proposing any partitions.

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:
Dwelling structure is limited to a small parcel that is not being used in any farm capacity.

Daily operations there will not have any effect on existing and established farming.

2. Demonstrate that the dwelling will not interfere seriously with accepted farming practices on adjacent lands:
Small dwelling on 8 acre parcel - all existing farming activities in the immediate area will

continue as normal. No impact to their operations.

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:
Dwelling is located on land not desirable for farming as small, narrow parcel with no water

rights. Soil type is 34 - Umapine silt loam.

Capacity 6s with severe limitations for cultivation.

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? _____

Property soil type legend 34 - Umapine silt loam. Capacity 6s - Severe limitations,
unsuitable for cultivations with those being primarily root zones in shallow, droughty
or stony areas.

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

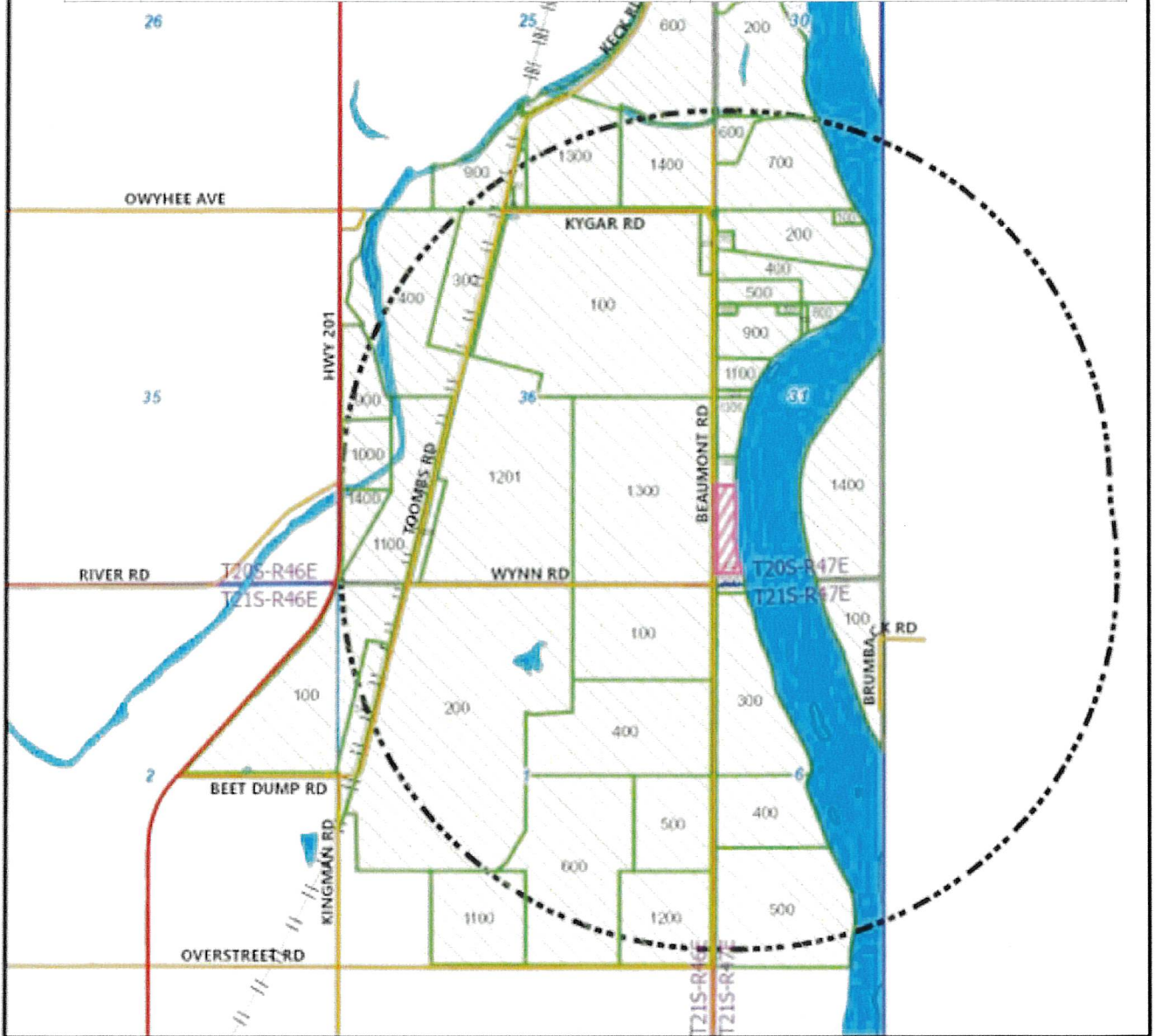
Primary Farm dwellings _____ Non-farm dwellings _____

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)? _____

Combination of row crops, irrigated crop circles (corn), pasture / range land and
commercial feed lot activities. See breakdown next page.

Parcel	Type of Farming Activities	Parcel	Type of Farming Activities
100	Irrigated crop circle - corn	900	Row crops and pasture land
200	Residence w/ pasture and irrigated crop circle - corn	1000	Residence no apparent farming
300	Row crops, pasture and grassland	1100	Heavily treed parcel 1, feed lot on parcel 2
400	Horse / cow grazing and row crops	1200	Pasture and row crops
500	Pasture, row crops and irrigated crop circles	1201	Irrigated crop circle - corn
600	Residence no apparent farming	1300	Irrigated crop circle - corn
700	Pasture	1301	Residence no apparent farming
800	Residence no apparent farming	1302	My parcel - no farming



Legend

- 1 Mile Radius
- Sections
- Township and Range
- Moreland, Barry
- Property owners within mile radius from Moreland property

1 Mile Radius Map

MORELAND, BARRY

20S46E36, 1302
Reference# 20128

Map is prepared for assessment purposes only

0 2000
Feet

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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? 3 parcels within study area are large enough to be divided (200,1201&100)

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? High class farm soils and heavily irrigated lands

G. What dwelling development trends have been identified within the study area since 1993? There has been limited dwelling development in the area since 1993 as the vast majority of the area continues to be used for agricultural purposes.

H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now? The findings of fact are that due to the intense agricultural use that continues to permeate the area, the land use pattern has remained essentially unchanged.

This application does not intend to change that in any way as the proposed dwelling will be located on a small parcel of land which has soil types not ideally suited for cultivation.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? As only 3 parcels within the study area are large enough to be partitioned

for future non-farm dwellings, the area as a whole would still remain almost entirely still agricultural based.

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 will be located on the outskirts of the main farming areas within the study and have zero impact to the current, and future agricultural activities taking place. Existing farms will not be impacted by this additional dwelling, as the property is not desirable for farming nor will the approval of this request limit or have any effect on their ability to acquire water rights. They will be able to continue business as usual.
