



MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: 2026-05-001

Application Fee: \$200.00

Date Received: 5/1/2026

Date Deemed Complete: _____

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Malheur Butte, LLC
Address: P.O. Box 386
City/State/Zip: Herald, CA 95638
Phone: 209-327-0991/209-327-0992
Email: dcomprecords@yahoo.com

APPLICANT INFORMATION ☐ Check box if same

Name: Jim & Jacqueline Captein
Address: P.O. Box 386
City/State/Zip: Herald, CA 95638
Phone: 209-327-0991/209-327-0992
Email: dcomprecords@yahoo.com

PROPERTY INFORMATION

Township: 18S Range: 46E Section: (10) Tax Lot: 802 Ref #: 20443 Acres: 15.98 Zoning: C-A1
Address: TBD Lincoln Drive, Ontario, OR 97914
Current use: Bare, undeveloped, unirrigated Use of surrounding properties: Farm/ag use
Proposed use: Single Family dwelling Permitted subject to section: 6-6-8-1
Water source: individual well Sewage disposal method: on-site septic
Are the wetlands/water waterways on your property? ☐ No ☒ Yes (description): Malheur River along north/west bdry.
Do you own neighboring property? ☐ No ☒ Yes (description): _____
Name of road providing access: Lincoln Drive

LEGAL PARCEL STATUS

Partition: Plat No. 11-05 Subdivision: N/A
or Most Recent Pre- 09/04/1974 Deed #: N/A Date Filed: N/A
Current Deed #: N/A Date Filed: N/A

*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): Malheur Butte LLC Jim Capt Date: 4-24-26

Property Owner(s): _____ Date: _____

Applicant(s): Jim Capt Date: _____

Applicant(s): Jacqueline Captein Date: 4-24-26

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: _____	☐ NO ☐ YES
Previous Map and Tax Lot: _____	
Past Land Use Actions: If yes, list file #(s) _____	☐ NO ☐ YES

Subject to previous conditions?	☐ NO ☐ YES
Assessor Property Class: _____ Zoning: _____	
Water Resources: Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties?	☐ NO ☐ YES
Describe (include setback distances): _____	
☐ Fish bearing ☐ Non fish bearing ☐ Seasonal Creek	
☐ Irrigation ditch ☐ Wetland ☐ Pond/Lake ☐ 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? ☐ NO ☐ YES, # _____	
Address: Address exists and has been verified to be correct?	☐ NO ☐ YES
Address needs to be assigned after approval?	☐ NO ☐ YES
Fire District: _____	



MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918

Phone (541)473-5185

CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN REQUEST

This application is to seek a conditional use permit for a single family dwelling. This parcel was originally partitioned in 2011 (Plat #11-05) and was conditionally approved for a dwelling. This permit has since expired. This application is being sought to update the permit. The current site is not utilized for resource (farm/ranch/ag/range) production.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling				
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 property was previously (2011) approved for a non-farm dwelling. The property will not encumber farming or ag practices, and will add to the housing inventory.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:
Operational characteristics will be consistent with single family use. No equipment not compatible with single family use is anticipated.

Describe the number of people/employees/customers associated with the proposed use:
It is estimated that approximately 2-6 people will use the premises, consistent with single family use. There will be no employees (use will not be a business).

3. What are the existing developments and viewpoints of property owners in the surrounding area?
No developments exist in the surrounding area. Existing land use is single family dwellings surrounded by ag lands. The current land is weeds, with no improvements so a new residence will be an improvement to the site/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: Existing roads are in place. Minimal traffic impact is expected from a single family dwelling. Letter from Road District is attached.
Fire & Police Protection: Effect on fire and police protection is minimal. A new residence may need to apply for inclusion in the fire district. Email string from fire protection district is attached.
Sewer & Water: No public facilities will be impacted. Individual well and on-site septic system is anticipated.
Electrical & Telephone: Effect on electrical and telephone will be minimal. Individual lines can be installed from existing infrastructure.

Solid Waste Disposal: Effect on solid waste disposal will be minimal. Single family dwelling is no a significant contributor to solid waste capacity.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
No negative impact is anticipated. Approval of this permit will allow another family to live in the community, thereby strengthening the social characteristics of the area. Additionally, an additional family unit will bolster and strengthen the economic characteristics of the area.

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 property does border on the Malheur River and contains wildlife habitat adjacent to the river. However, the ideal building site sits away from these areas, so minimal interference with traditional fish and wildlife use of habitats is anticipated.

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 use (single family dwelling) is approximately 1300 ft. from the nearest residence. Heights of structures and area lighting will be consistent with single family residence. Noise, odor, and light nuisances will remain consistent with the characteristics of the area.

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?

Typical rural landscaping is anticipated, consisting of grass, trees, bushes, flowers, etc. Fencing is anticipated to be residential type vinyl or wood fencing. No business signage or industrial type landscaping/improvements are anticipated.

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.

An easement has already been established and approved by the county. An existing gravel driveway is established and used to currently access the property. It is approximately 2300' in length.

There are no proposed changes or additions to any points the property currently uses to access the current public access. The location and size of the existing driveway will remain the same. No right-of-way widening is anticipated.

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

There are no proposed screening for the outdoor waste and storage areas, as it will be used for residential purposes only.

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

Lighting will be consistent with single family dwelling requirements, which are consistent with adjoining properties and area lighting characteristics. Main lighting will be from a pole mounted yard light, which has minimal glare beyond its immediate vicinity.

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 use will not have an impact on farming practices in the area. The single family dwelling site will not damage, deplete, or take away any existing farm or forest use. There is no farming or forest use currently being undertaken on the property.

The area is surrounded by different agricultural uses include grazing, wheat, corn, alfalfa, onions, and sugar beets, irrigated by pivot, flood, sprinkler, and furrow irrigation methods.

The proposed use will not interfere with the surrounding agricultural uses.

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:
There is currently no farm use on the existing property, and it is bare ground. The proposed use (single family dwelling) is consistent with the characteristic of the surrounding area.

2. Demonstrate that the dwelling will not interfere seriously with accepted farming practices on adjacent lands:
The use and access to the property will not be changed, so the dwelling will not impact accepted farming practices on adjacent lands.

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 proposed dwelling site is situated on ground not currently under production for farm crops or livestock. The terrain is flat, there are no adverse soil conditions, and the property sits higher than the base flood elevation of the Malheur River.

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? Soils are: 20, Notus-Falk variant; 26, Poden Silt Loam; 27, Powder Silt Loam; 31, Stanfield silt loam; 34, Umapine silt loam; 36E, Xeric Torriorthents, moderately steep; 36F, Xeric Torriorthents, very steep.

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

Primary Farm dwellings	<u>10</u>	Non-farm dwellings	<u>5</u>
Farm hand/labor dwellings	<u>1</u>	Hardship dwellings	<u>0</u>
 - C. What are the types of farm use occurring in the study area (row crops, pasture, range land, feed crops)?
The farm uses in the study area include row crops (wheat, corn, alfalfa, onions, and sugar beets), pasture and range land.

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

Lot of Record dwellings 3 Non-farm dwellings 5

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? 2

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

G. What dwelling development trends have been identified within the study area since 1993? Development trends are farm dwellings being split off from farm parcels to become non-farm dwellings. Zoning regulations for farm use land have not allowed densification of land development

Also, Border Region Housing has been implemented to allow 2.00 acre tracts within non-farmable lands.

H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now? Farming/Agriculture is the activity that predominates the land use pattern in the area.

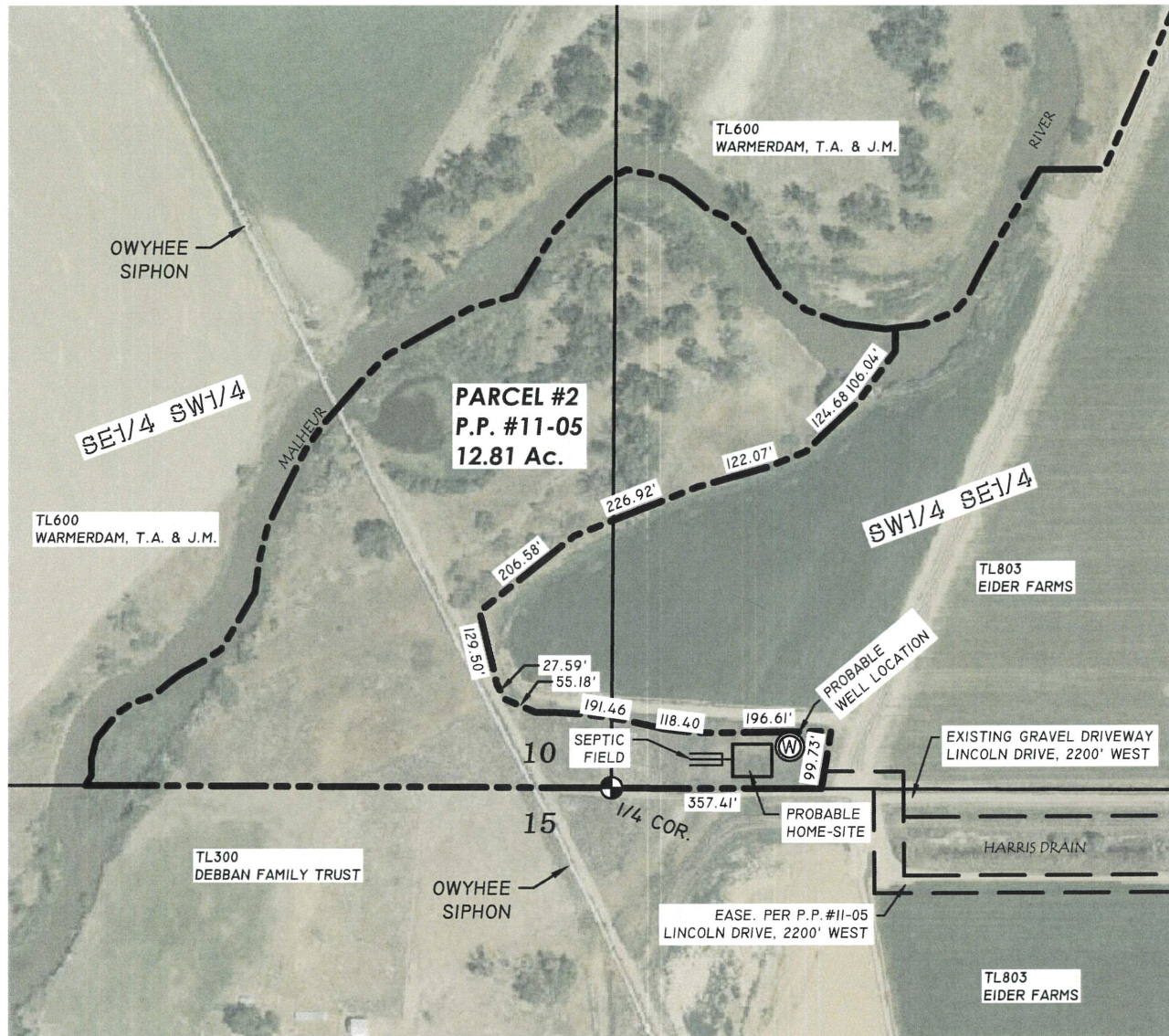
These farmed lands have single family dwellings that support the agricultural land use. that will tend to be the land use pattern for the foreseeable future, until land use laws are changed.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? If all development occurs within the study area, there would be minimal, scattered individual, single family dwellings, and possibly a number of 2.00 acre BRH parcels on non-farmable, low quality lands. Generally the area is extremely low density housing that supports, or is a result of, existing farm use.

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 not materially alter the stability of the overall land use pattern, as it fits the overall land use pattern of using
ground for a home site that not suitable for farming. Generally, existing and proposed
non-farm dwellings do not destroy any farmland. This proposal uses an existing non-
farm parcel for a new dwelling. It will not make current farming operations more difficult and
will not impede normal production practice as the proposed site will not change any access
points or current field arrangements.

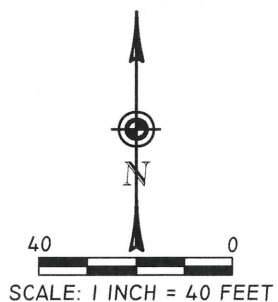
CONDITIONAL USE PERMIT - SITE PLAN

PARCEL #2, PARTITION PLAT #11-05
WITHIN THE SE1/4 SW1/4 AND SW1/4 SE1/4 OF SECTION 10
TOWNSHIP 18 SOUTH, RANGE 46 EAST, W.M.
MALHEUR COUNTY, OREGON



NOTES:

- 1) PROPOSED HOME 20' FROM NORTH AND SOUTH PROPERTY LINES
- 2) PROPOSED HOME APPROXIMATELY 630 FEET FROM MALHEUR RIVER
- 3) SEPTIC DRAINFIELD 35' FROM NORTH AND SOUTH PROPERTY LINES



OWNER:
MALHEUR BUTTE, LLC
P.O. BOX 386
HERALD, CA 95638
209-327-0991



PREPARED BY:
ATLAS LAND SURVEYING
202 NE 9TH STREET
FRUITLAND, ID 83619
208-452-6462
APRIL, 2026