Conditional Use Permit Application Preparation and Submittal

Submit 12 copies of your application, plus the original application with signatures.

Public notice will not be issued until your application is judged complete by the Planning Department. **It is strongly advised that the Planning Department review your application before copies are made.** Submission of an incomplete application may cause your application to be returned to you resulting in a delay in the Planning Commission hearing date.

Do not submit unassembled applications. The Planning Department will not assemble your application packet unless prior arrangements have been made.

Please do not staple your application or any individual parts of your application. Staples prevent the Planning Department from properly binding the final submittal to the Planning Commission.

Please paperclip the 12 copies of your application or separate them by a colored page.

Your plot plan need not be drawn to scale but must accurately depict the location of any existing or proposed building, wells, septic tanks, drainfields, and access to the parcel, roads, waterways and irrigation canals. (see Plot Plan Instructions)

The application material must be submitted to the Planning Department in the following order:

- Cover letter explaining your proposal. No more than one page.
- Application, including:
  - Application Plan (see instructions)
  - Map of water rights and statement of total water rights from irrigation co.
  - Accurate directions from the nearest city via main roads
  - Photographs (if any)
  - Study maps (soils, crops, water rights, dwellings)
- Permission to enter letter
- Agency letters (irrigation district, fire department, road department, and other as necessary)
- Support letters if any

To aid in preparation of the staff report, the Planning Department asks that you be available for a short site visit with Planning Staff during the two weeks preceding the Planning commission meeting.

If the parcel is not clearly obvious to those conducting a site visit, we suggest you put white flagging on the subject parcel no later than one week before the Planning Commission meeting.
MALHEUR COUNTY PLANNING DEPARTMENT
APPLICATION REQUIREMENTS

The following information will help acquaint you with the process and application requirements for proposals that require Planning commission approval, or conditional use approval before a permit may be obtained.

1. A pre-application conference with a staff member of the Planning Department is necessary. This is an informal meeting during which the applicant explains his/her proposal in detail. The staff can then assist the applicant by explaining the applicable State Statues, Administrative Rules and County Zoning Regulations and how they relate to the proposal.

2. Fill out the application form as complete as possible. Be thorough, use accurate drawings, maps and pictures to support your application. Use additional sheets if necessary when answering the questions on the application.

3. Malheur County is required to send notice of the proposed action to adjoining property owners. The Planning Staff will generate a current tax assessment map showing the subject parcel and a list of the names and addresses of all property owners within 750ft. of the borders of the subject parcel within the EFU, ERU or EFFU zones, and 250ft. within all other zones.

4. Obtain approval letters from the following agencies:
   a. Local Fire Department
   b. Appropriate Irrigation District
   c. Appropriate Road District

5. Payment of the required application fee must accompany the application.

6. **Scheduling:** Applications must be submitted thirty-five (35) days prior to the Planning commission hearing date. The Planning commission meets once a month on the fourth Thursday, except when the date falls near a holiday, in which the third Thursday is often used.

7. Applications will not be accepted until the Planning Director has determined that the requirements of Malheur County Code, Chapter 6, Section 6-9-5 have been met and the application is complete. An application is complete, when, in the judgment of the Planning Director, all applicable issues have been adequately addressed in the application. Acceptance criteria need to be addressed, or a later determination that additional information is needed to adequately address the applicable criteria.

MCC, Section 6-9-5 provides that applications for a land use action shall:

   a. Be submitted by the property owner or a person who represents in writing that he/she has authority from the property owner and defined herein to make the application.

   b. Be completed on forms prescribed by the Planning Director.
c. Include supporting information required by the zoning ordinance and that information necessary to demonstrate compliance with applicable criteria; and

d. Be accompanied by the appropriate filing fee, unless such fees are waived by the Planning commission.

It is recommended that the applicant make an appointment at least seven (7) working days prior to the cut-off date for a completeness review of the application with the Planning Department staff. If an application is submitted on the cut-off date and found to be incomplete when reviewed by the planning department staff, it may be returned to the applicant to complete and rescheduled for a later Planning Commission meeting.

8. **Location of meetings:** The Malheur County Extension Office, 710 SW 5th Ave., Ontario, Oregon, is the customary location for Planning Commission meetings.

9. **Time of meetings:** Meetings are routinely held in the evenings. Beginning time is generally 7:30pm. Check with the Planning Department for specific time of any particular meeting.

10. Recent amendments to the Oregon Administrative Rules regarding the criteria that must be addressed for approval of a non-farm dwelling have significantly increased the level of review required to determine whether the land use pattern will be materially altered. Applicants for non-farm dwellings are now required to submit, with their applications, a "cumulative impacts analysis" (a map) This analysis requires the applicant to identify a 2,000 (or in some cases a 1,000) acre study area and the number and type of existing and potential dwellings (including dwelling trends since 1993.) The purpose of the study is to identify potential new non-farm dwellings and parcels that could be approved, determine the type of land use pattern that could result and analyze whether or not the total potential non-farm development would materially alter the stability of the land use pattern of the area.

The attached application packet contains an explanation of conditional uses and the quasi-judicial decision making process, an outline of the approval criteria that must be met for a non-farm dwelling, a guide to the procedures to conduct a "cumulative impacts analysis" and the application form.

Much of the information required to make the analysis can be taken from the records of the County Assessor, County Clerk and the Planning Department. Because of staff time limitations in these offices, they may not be able to provide you with this information. This may require you to obtain the services of an attorney, land use consultant or a land title company.

**IMPORTANT NOTE:** Your application can be subject to substantial and perhaps insurmountable legal difficulties if you risk discussing it with a Planning Commission or County Court member prior to a decision by each respective body. Such discussion is known as “ex parte contact” and may taint the judgment of the public body so that an impartial decision cannot be made. These documents may not be exhaustive of all the requirements for a land use action. Please consult the Malheur County Planning Department and the Malheur County Code.
The Malheur County Zoning Ordinance identifies allowed uses within the different zones as “permitted uses” (uses that are permitted after an administrative review) and “conditional uses” (uses that are permitted if specific criteria set forth in the Malheur County Code (MCC), Oregon Revised Statutes (ORS), and Oregon Administrative Rules (OAR) are met.

Conditional uses are reviewed by the County Planning Commission in a quasi-judicial land use hearing. Parties to a quasi-judicial land use hearing are entitled to a hearing and are to be given adequate notice of the hearing. Oregon land use regulations require that, within an agricultural zone, (Exclusive Farm Use, Exclusive Range Use) written notice is to be given to property owners within 750 ft. of the border of the property. The Planning Department will provide a list of the names and mailing addresses of the record owners of any parcel within 750 ft. of the borders of the subject parcel. The hearings are conducted in an orderly manner and all parties are allowed to present evidence and rebut evidence presented by the opposition.

A quasi-judicial land use decision must be accompanied by findings of fact supported by substantial evidence (substantial evidence is evidence that “a reasonable mind could accept as adequate to support the decision”) presented at the hearing. Findings of fact are required in land use decisions for two reasons. First, if the Planning Commission decision is appealed, the County appellate body (e.g. County court) and the State appellate bodies (e.g. Land Use Board of Appeals, LUBA, and the State Courts) may not under state or local law conduct a de novo review, i.e., rehear the land use application in the same manner as the Planning Commission. Findings of fact provide the appellate body a record of the land use decision being challenged. Second, findings of fact also encourage the applicant and the Planning Commission to use hard and clear reasoning in addressing the criteria and arrive at a decision that is within the bounds of the Planning Commission’s lawful authority.

The burden of proof in a land use decision is on the applicant. The applicant must provide the Planning Commission information supported by substantial evidence to enable them to make the decision. The decision can only be based upon the relevant criterion that is set forth in the land use regulations. Testimony that does not directly address the relevant criteria cannot be used by the Planning Commission in making their decision. Failure of the applicant to present evidence on a factual issue may result in a denial of the conditional use based on the applicant’s failure to carry the burden of proof. It is recommended that the applicants provide the Planning Commission with a draft proposal of findings of fact to support their application.

While it is clear that findings of fact that adequately address the criteria are necessary in making a land use decision, what constitutes “adequate” findings of fact is not so clear.
The Land Use Board of Appeals and the courts are quick to point out inadequate findings of fact; however, they have not set forth examples of adequate findings or given a clear definition of the term. ORS 215.416 (9) generally outlines the necessary elements of findings of fact required in a quasi-judicial land use hearing. These include:

1. **Criteria and standards relevant to the decision**: The relevant criteria used for various land use decisions will differ but generally will be found in the County Code, Oregon Revised Statutes and Oregon Administrative Rules. Planning Department staff will assist the applicant in determining which criteria are applicable to the request.

2. **Facts relied upon in the decision**: The findings of fact document needs to bring together the relevant factual information submitted by the applicant as evidence at the land use hearing. The facts should be stated in sufficient detail to give the reviewing body a clear understanding of the justification of the action being requested.

3. **An explanation tying the facts to the criteria and justifying the land use decision**: The criteria and the facts should be tied together in an explanation of the applicant’s conclusions justifying the approval of the conditional use. These conclusions must justify the ultimate decision by stating the reasons for the decision. They should explain in detail how the criteria were met in making the decision, rather than merely stating the applicable criteria is met.

On May 28, 1998, the Land Conservation and Development Commission (LCDC) adopted amendments to their Goal 3, Agricultural Lands, Oregon Administrative Rules (OARs). LCDC adopted the amendments under an emergency clause making them effective June 1, 1998. One of the main areas of impact of the new rules affects the non-farm dwelling. One criterion for approval of a non-farm dwelling is that the dwelling does not “materially alter the stability of the overall land use pattern of the area.” LCDC has significantly increased the level of review required to determine whether the land use pattern will be materially altered.

Applicants for non-farm dwellings will now be required to submit, with their application, a “cumulative impacts analysis.” This analysis requires the applicant to identify a 2000 (or in some cases 1000) acre study area and the number and type of existing dwellings, the number of potential farm and non-farm dwellings, dwelling trends since 1993, potential number of non-farm partitions, farm uses and soil types within the study area. The purpose of the study is to identify potential new non-farm dwellings and parcels that could be approved, determine the type of land use pattern that could result and analyze whether or not the total potential non-farm development would materially alter the stability of the land use pattern in the area.

Attached is an application form, an explanation of the criteria and instructions on how to conduct the cumulative impact analysis. If you have any questions contact the Malheur County Planning Department.
Malheur County’s Approval Criteria for Non-resource Dwellings in EFU, ERU or EFFU Zones

Effect on nearby resource lands standard

a. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm uses:

To demonstrate compliance with the significant change/increased cost standard, the findings must:

a. describe the farm practices (not just the use) on specified surrounding lands devoted to farm or forest use;

b. explain why the proposed use (non-farm dwelling) will not force a significant change in those practices; and

c. explain why the proposed use will not significantly increase the cost of those practices.

Note: The requirement is to identify conflict with nearby farm lands, not non-farm uses.

The “generally unsuitable” standard

b. The dwelling will be situated upon land that is generally unsuitable for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.

Explanation: The entire parcel does not have to be considered generally unsuitable for the production of farm crops, however, the portion of the parcel that is the proposed location of the non-farm dwelling must be found to be generally unsuitable for the production of farm crops.

(1) A lot or parcel, or portion of a lot or parcel, shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other adjacent land.

(2) A lot or parcel, or portion of a lot or parcel, is not generally unsuitable simply because it is too small to be farmed profitably by itself. If a lot or parcel, or portion of a lot or parcel, can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch it is not generally unsuitable.

(3) A lot or parcel, or portion of a lot or parcel, is presumed to be suitable if it is composed of predominately NRCS (Natural Resource Conservation Service) Capability Unit Class I-VI soils.

(4) A lot or parcel, or portion of a lot or parcel, being unsuitable for one farm use does not mean it is unsuitable for all farm uses.
The “materially alter the stability” standard

c. The dwelling and/or partition will not materially alter the stability of the overall land use pattern of the area:

Explanation: Generally, the intent of the “materially alter” standard is to consider the cumulative impact of possible new non-farm dwellings and parcels, and new non-farm dwellings on existing lots or parcels in the area; and, if the application involves the creation of a new parcel for the non-farm dwelling, to also consider whether or not creation of the new parcel will lead to the creation of other non-farm parcels to the detriment of agricultural practices in the area. To address this materially alter standard, the applicant shall provide a “cumulative impacts analysis”. The cumulative impacts analysis shall consist of the following:

(1) **Study Area:** The applicant shall identify a study area which must include at least 2,000 acres or a smaller area of not less than 1,000 acres if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other adjacent agricultural areas.

(a) If a study area of less than 2,000 acres is selected, then findings shall describe the study area and explain why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the required analysis.

(b) A map shall depict the study area boundaries and show the location of the subject parcel within the study area. The Malheur County Planning Department staff will assist applicants in developing a study area map.

(c) Lands zoned for rural residential, other urban or non-resource uses shall not be included in the study area.

(2) **Analysis:** Within the study area described above, the applicant shall identify the following information for the study area identified in Part 1:

(a) the broad types of farm uses (i.e. irrigated or non-irrigated crops, pasture or grazing land, etc.);

(b) the number, location and type of existing dwellings (i.e. farm, non-farm, hardship, etc.);

(c) predominant NRCS (Natural Resource Conservation Service) soil classifications. The Malheur County Planning Department staff will assist the applicant in developing a soils map.

(d) parcels larger than the minimum lot size of 80 acres in an Exclusive Farm Use Zone and 160 acres in an Exclusive Range use Zone that may be divided to create new parcels for non-farm dwellings;

(e) parcels less than 80 acres in Exclusive Farm Use Zone and 160 acres in an
Exclusive Range Use Zone that do not have a dwelling located on them.

Determine:

(f) dwelling development trends in the study area since 1993;

(g) the potential number of non-farm and owner-of-record dwellings that could be approved; and,

Develop Findings:

(h) findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings previously determined.

(3) Determination: The County shall determine whether approval of the potential non-farm and lot-record dwellings, together with existing non-farm dwellings, will materially alter the stability of the land use pattern in the study area.

(a) The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area:

i. to continue operation due to diminished opportunities to expand.

ii. to purchase or lease farmland.

iii. to acquire water rights.

(b) The stability of the land use pattern will also be materially altered if the existing and potential number of non-farm an owner-of-record dwellings will diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

Disqualification from tax definition standard

For final approval the parcel on which the proposed non-farm dwelling will be sited must be disqualified from farm use appraisal in accordance with ORS 215.236 and final approval shall not be granted until these requirements have been met. This may require the payment of back taxes.

Miscellaneous standards

The dwelling complies with other conditions as the approving authority considers necessary.
PROCEDURES TO CONDUCT CUMULATIVE IMPACTS ANALYSIS

The following is a step-by-step guide to completing the application map and data sheets. The steps are listed in order and should be completed as listed to avoid repetitive work.

1. Identify the study area

   A. Identify a tentative study area on a study area map. Planning Staff will assist you in developing a base map using Malheur County Assessor’s maps. With a black marker outline the study area on the study area map.

   The study area must include at least 2,000 acres or a smaller area of at least 1,000 acres if the smaller area is a distinct agricultural area based on topographic features (rivers, valleys, hillsides, etc.) variable soil conditions and types, existing land use development patterns, or the type of farm or ranch operations that distinguish it from other adjacent agricultural areas.

   If a study area of less than 2,000 acres is selected, then the applicant must make findings of fact, supported by substantial evidence, that describe the study area, the location of the subject parcel within the study area, and explain why the area is representative of the surrounding land use pattern and is adequate to conduct the cumulative impact analysis.

   Areas zoned for urban, rural residential or other non-farm uses cannot be included within the study area. Shade or outline and identify these areas on the study area map. Do not complete any of the data analysis steps for parcels within this area.

   B. List the County Assessor’s map number, tax lot number and reference number in the “location” column on the data sheet for each tax lot located within the study area.

   C. List the owner’s name for each tax lot in the study area in the “owner” column on the data sheet and the acreage of the parcel in the acreage column.

   D. Identify the soils in the study area that are Natural Resource Conservation Service (NRCS) Soil Capability Classes I through VI. Soils can be identified on a NRCS soils map. Planning Staff will assist you in developing a soils base map. List the soil type and soil capability class on the data sheet for each parcel in the study area. (Example: 35B-Virtue Silt Loam...Capacity unit IIe-4, list 35B in the Soil Type column and IIe-4 in the Soil Class Column.)

2. Identify what is happening in the study area identified in step 1.

   A. Identify tax lots with existing dwellings. On the study area map with a black marker, place a dot at the dwelling location on the tax lot of each farm dwelling and place a dot with a red marker at the location of each
non-farm dwelling. List the number and type (farm, non-farm, farm labor, hardship) of dwellings on the parcel in the “Home Site Developed” column on the data sheet. Dwellings located on parcels receiving farm use appraisal must be considered farm dwellings.

B. Identify all contiguous ownerships within study area (example - if John Smith owns contiguous tax lots 100 and 200, note on the map, by use of a hook symbol [hook] to indicate that he owns contiguous tax lots.)

C. Identify those areas within the study area that are irrigated and not irrigated. This information can be obtained from the appropriate irrigation district. (Using two markers of different colors, shade the areas that are irrigated and not irrigated.)

D. Identify the types of farm use occurring in the study area (row crops, pasture, range land, feed crops such as alfalfa and hay) and undeveloped land. Indicate on the study area map the predominate farm use of each parcel. (This can be done by labeling each parcel with a symbol identifying the farm use of the property, i.e., row crop-RC, pasture-P, range-R, feed crops-FC, undeveloped-U.) Aerial photos and land classifications from the County Assessor's Office identify the present use of the property.

E. Determine the potential number of “lot of record” dwellings within the study area.

To qualify for a “lot of record” dwelling, the parcel must be lawfully created, acquired and owned continuously by the present owner as defined in OAR 660-33-130 (3)(g) prior to January 1, 1985.

F. Determine the potential number of non-farm dwellings within the study area.

To qualify for a non-farm dwelling the parcel should be less than 160 acres in an Exclusive Farm Use Zone or 320 acres if located within an Exclusive Range Use Zone and have some soils that are not NRCS Soil Capability Class I through VI soils.

G. Determine the number of parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings.

To qualify for a non-farm partition the parcel must be greater than 80 acres within an Exclusive Farm Use Zone and 160 acres within an Exclusive Range Use Zone and have some soils that are not NRCS Soil Capability Class I through VI soils.

There are additional approval standards contained in ORS 215.284 (2), (3) and OAR 660-33-130(4)(c) which, if evaluated, may prevent the parcel from being eligible for a non-farm dwelling or non-farm partition.
3. **Develop findings of fact that describe the existing land use pattern of the study area and that address:**

   A. What the study area looks like now; and,

   B. What the study area would look like if all the potential development occurs.

4. **Determine if the proposed dwelling and/or partition will not materially alter the stability of the overall land use pattern of the area.**

   A. Does the cumulative impact of the proposed non-farm dwelling, and/or non-farm partition, and the potential new non-farm dwellings and parcels within the study area make it more difficult for the existing farming operations within the study area:

   a. To continue operation due to the diminished opportunity to expand; and the

   b. diminished opportunity to obtain water rights; and the

   c. Diminished land in farm use such that the study area will be destabilized; and the

   d. Diminished opportunity of crop and livestock producers to carry on normal production practices due to increased population and associated activities.
MALHEUR COUNTY PLANNING DEPARTMENT

CONDITIONAL USE PERMIT APPLICATION
For Non-Farm Dwelling
In the EFU, ERU or EFFU Zones

A conditional use is an activity which is basically similar to the uses permitted in a zone but which may not be entirely compatible with the permitted uses. An application for a non-farm dwelling requires review to ensure that the proposed dwelling complies with non-resource dwelling criteria and may be made compatible with the permitted uses in the zone or other adjacent permitted uses which may be adversely affected.

1. APPLICANT:
   Name: ___________________________  Phone: ___________________________
   Address: _________________________  City: _______  State: ______  Zip: ______

   DEED HOLDER OF THE SUBJECT PROPERTY:
   Name: ___________________________  Phone: ___________________________
   Address: _________________________  City: _______  State: ______  Zip: ______

   CONTRACT PURCHASER OR LESSEE OF THE SUBJECT PROPERTY:
   Name: ___________________________  Phone: ___________________________
   Address: _________________________  City: _______  State: ______  Zip: ______

2. SPECIFIC DIRECTIONS TO SUBJECT PROPERTY:

3. SPECIFIC DESCRIPTION OF PROPERTY:
T _____  R _____  Sec(s). _________

   ASSESSOR’S MAP NO.(S) ________________________________

   TAX LOT NO.(S): __________________________

   COMPUTER REFERENCE NO.(S): __________________________

   SIZE OF PARENT PARCEL: __________________________
4. GENERAL DESCRIPTION OF PROPERTY:

Current Use: __________________________________________________________

____________________________________________________________________

____________________________________________________________________

Topography: __________________________________________________________

____________________________________________________________________

____________________________________________________________________

Does it front as a public road? □ Yes □ No

Name of road: _________________________________________________________

• Attach a letter from the appropriate road district or State Highway Division

Does it front a private road? □ Yes □ No

Name of road: _________________________________________________________

What buildings are on the property? ______________________________________

____________________________________________________________________

____________________________________________________________________

Does the property have water rights attached to it? □ Yes □ No

• Attach a letter from the appropriate irrigation district addressing water rights

Means of water supply: _______________________________________________

Means of sewage disposal: ____________________________________________

Is the parcel located within a rural fire protection district? □ Yes □ No

• Attach a letter from the appropriate fire protection district regarding the availability of fire protection for the parcel

What other improvements are on the property? _____________________________

____________________________________________________________________

____________________________________________________________________

5. Cite the section in the land use and development ordinance under which you are applying for a conditional use permit: ____________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________
6. **GENERAL DESCRIPTION OF ADJOINING PROPERTY:**
Identify any buildings or structures on the adjacent property and give their approximate distance from your property lines:


Identify the current uses of adjacent property:


7. **PROVIDE PLOT PLAN (See attached example)**


**NON-FARM DWELLING CRITERIA**

8. **Effect on nearby resource lands standard:** The dwelling or activities associated with the dwelling will not force a significant change in, or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm use:

   a. **Describe farm practices (not just the use) on surrounding lands devoted to farm or forest use:**


   b. **Explain why the proposed use (non-farm dwelling) will not force a significant change in those practices:**


c. A lot or parcel, or portion of a lot or parcel, being unsuitable for one farm use does not mean it is unsuitable for all farm uses. Explain how the proposed site for the dwelling is unsuitable for all farm uses:

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

9. The “materially alter the stability” standard: The dwelling and/or partition will not materially alter the overall stability of the overall land use pattern of the area.

Explanation: Generally, the intent of the “materially alter” standard is to consider the cumulative impact of possible new non-farm dwellings and parcel, and new non-farm dwellings on existing lots and parcels in the area, and, if the application involves the creation of a new parcel for a non-farm dwelling, to also consider whether or not creation of the new parcel will lead to the creation of other non-farm parcels to the detriment of agricultural practices in the area.

a. Identify and attach a map of the study area that includes at least 2,000 acres. Lands zoned for rural residential or other urban or non-farm use may not be included in the study area.

If a study area of less than 2,000 acres is selected, attach findings of fact supported by substantial evidence, explaining why the selected area is representative of the land use pattern surrounding the subject parcel and why it is adequate to conduct the required “cumulative impact analysis”.

b. List the broad types of farm uses (i.e. irrigated or non-irrigated crops, pasture, range, etc.) within the study area.

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

__________________________________________________________________________________________

c. List the number of existing dwellings within the study area. (Mark location of existing dwellings on the study area map)

Primary Farm Dwellings _______ Accessory Farm Dwellings _______

Non-Farm Dwellings: _______ Hardship Dwellings: _______
d. List the number of potential dwellings within the study area:

1. Potential Farm Dwellings _______

2. Potential Non-Farm Dwellings _______

3. Potential “Lot of Record” Dwellings _______

10. On those parcels where you conclude no potential dwelling(s) will be sited, describe why?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

11. Describe what the study area looks like now and what the study area will look like if all potential development occurs.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

12. Does the approval of potential non-farm and “lot of record” dwellings, together with existing non-farm dwellings within the study area, materially alter the stability of the overall land use pattern of the area? The stability of the land use pattern will be materially altered if the cumulative effect of the existing and potential non-farm dwellings will make it more difficult for the existing farms in the area to continue operation due to diminished opportunities to expand, the diminished opportunity to purchase or lease farmland such that the area will be destabilized and diminished opportunity to acquire water rights.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
13. Describe dwelling development trends in the study area since 1993:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

FEE: A non-refundable fee, as specified in the most recent “Malheur County Code, Section 1-6-5, must accompany this application. Make all checks payable to the Malheur County Planning Department.

I (We), ________________________________________________________________
(print name in full)

am (are) the applicant(s) and hereby certify that the statements and information contained herein are, in all respects, true, complete and correct to the best of my (our) knowledge and belief.

Signed: ______________________________________________________________________
_____________________________________________________________________________

PROPERTY OWNER OR AUTHORIZED AGENT MUST ALSO SIGN:

_____________________________________________________________________________
Property Owner

Date: __________________________