



# MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: 2024-04-017  
Application Fee: \$ 200-  
Date Received: 4/27/2024  
Date Deemed Complete: 4/27/2024

## CONDITIONAL USE APPLICATION

### LANDOWNER INFORMATION

Name: Stoney B Stchulthies  
Address: 738 Enterprise Ave  
City/State/Zip: Nyssa Oregon 97913  
Phone: 208-941-1775  
Email: \_\_\_\_\_

### APPLICANT INFORMATION Check box if same

Name: Jason Kelly  
Address: 10303 Highway 95  
City/State/Zip: Payette Idaho 83661  
Phone: 208-405-1383  
Email: thefinalflush541@gmail.com

### PROPERTY INFORMATION

Township: 20 Range: 42 Section: 02 Tax Lot: 1000/1100 Ref #: 99729972 Acres: 142.75 Zoning: EFU  
Address: \_\_\_\_\_  
Current use: farming, dwelling Use of surrounding properties: farming, dwelling  
Proposed use: shooting preserve Permitted subject to section: \_\_\_\_\_  
Water source: \_\_\_\_\_ Sewage disposal method: \_\_\_\_\_  
Are the wetlands/water waterways on your property?  No  Yes (description): \_\_\_\_\_  
Do you own neighboring property?  No  Yes (description): \_\_\_\_\_  
Name of road providing access: \_\_\_\_\_

### LEGAL PARCEL STATUS

Partition: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
or Most Recent Pre- 09/04/1974 Deed #: \_\_\_\_\_ Date Filed: \_\_\_\_\_  
Current Deed #: \_\_\_\_\_ Date Filed: \_\_\_\_\_

\*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): Stacy Schultz Date: 4-27-26

Property Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Applicant(s): Jordan Date: 4-27-26

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**

<b>Legal Parcel</b> Deed/Land Use Action: _____ <b>Previous Map and Tax Lot:</b> _____ <b>Past Land Use Actions:</b> If yes, list file #(s) _____ _____ Subject to previous conditions? _____ <b>Assessor Property Class:</b> _____ <b>Zoning:</b> _____ <b>Water Resources:</b> 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.) <b>Access:</b> County or ODOT approach permit on file? <input type="checkbox"/> NO <input type="checkbox"/> YES, # _____ <b>Address:</b> Address exists and has been verified to be correct? _____ Address needs to be assigned after approval? _____ <b>Fire District:</b> _____	<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 Fax (541)473-5140

**CONDITIONAL USE PERMIT**

DETAILED SPECIFIC WRITTEN REQUEST

I would like to use the property for a shooting preserve. SEE ATTACHMENT A.

*(Attach additional pages if necessary)*

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling				
Driveway				
Accessory Structure				
Agricultural Structure				
Other	signs-12"	1"	12"	1 foot
EXISTING				
Dwelling	82.5	36	10	2970
Accessory Structure	87	36	10	3132
Agricultural Structure				
Other	net-150 feet	50 feet	15 feet	15000

## ATTACHMENT A

I would like to use the property for a shooting preserve. On the preserve we will be planting upland birds for hunting. We will be abiding by all laws for the shooting preserve. We will be following all laws with the roadways, irrigation, fire, police agency as well. We have received letters from the correct authorities to use this property for a shooting preserve. Owyhee irrigation for the water purpose. The road district for the road ways leading to the preserve. The fire department for the listed address. We have spoken and got letters from the Oregon fish and wildlife department about the location. We have also spoken and have a letter from the Malheur county biologist. The property meets all requirements from both fish and game, fire, road district, and the water district for our proposal. We will have customers come to this location where we will plant birds and they can use them for training or harvesting. We will have groups of hunters some days and we will have as little as zero or one hunter some days. Our goal is to maintain safety at all costs and have a safe and exciting place where all types of hunters, and dog trainers can come and enjoy themselves. We will be using a sixteen foot enclosed trailer as a storage and a mobile office to conduct our business. We will have a net on site to hold birds. Most of the birds will be brought over the day of or within a few days of the hunt or training session. For the safety of the birds we won't be leaving birds in the net any longer than is necessary. We will keep the property neat and clean from trash and debris. We will also have an outhouse and a trash can for our waste.

**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:

It is compatible because it does not interfere with the farm season. It will not cause any issues in the day to day activities of the surrounding properties. Safety is our highest priority so we will have no significant impact on the abutting properties.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:

August 1st- March 31 is the general season. Sometimes it can be estended until march 15  
We will be following all laws set forth by the oregon departmant of fish and game for hunt times. We will use a four wheeler or UTV to plant Birds. Net to hold birds.

Describe the number of people/employees/customers associated with the proposed use:

1-5 employees. 1-3 hunter groups a day on average. It will depend if its a special event.  
Military, Youth, Womens, FFA, Seniors, ect...

3. What are the existing developments and viewpoints of property owners in the surrounding area?

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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: Zero significant impact we do have a letter.

Fire & Police Protection: Zero significant impact we do have a letter.

Sewer & Water: Zero significant impact we do have a letter.

Electrical & Telephone: Zero significant impact.

Solid Waste Disposal: Zero significant impact, we will be using a trash can and a porta potty.

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5. What effect will the proposed use have on the stability of the community's social and economic characteristics?  
A possitive effect. We will bring customers that will buy gas, shop at local stores, stay in local hotels,motels. The customers will shop at local grocery stores and gas stations. The customers will buy hunting supplies at local hunting stores and stores that have hunting supplies. Walmart-d&b-bi mart ect. We will also sell hunting licenses. TAXES ON SALES

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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 hunting area is farm land. This land is turned, burned, burried, or left until next season to be tended to. There is no habitats or fish that will be affected. We do have letters/email from the oregon fish and game and the malheur county biologist.

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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?  
It will have zero significant setbacks. We are a daylight operation and wont be using artificail lighting. If we do have to use lights for setting up an event we are hundreds of feet from any homes and we will be mindful of our lighting direction. Very little noise and no dust as we will be foot traffic during colder wetter months.

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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?  
We won't be doing any building on the property. We will be putting up a holding net for birds, and signs that are printed on metal poles to mark the preserve.

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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.  
We will be using existing roadways and an existing parking lot. We won't be making any changes to any roadways.

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

The outdoor waste will be stored in the trash can we have next to our porta potty. It will be dumped daily.

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

We are a day time operation. If we do use lighting it would be at the parking lot which is hundreds or thousands of feet away from any homes. We will be mindful of our lighting but should not need any.

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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?

We will not be making any changes or using any public services, (phone, power, water, sewer, irrigation, or private roadways on surrounding lands. We wont significantly increase the cost or force a significant change to farm or forest practices mainly because there is no forest, and we will be responsible and abide by all laws and stay on our property. The main reason it wont affect the surrounding farms is our season is after and before the farm season. The surrounding agriculture uses are not going to be affected because we dont use any of the resources they need. We are also during different times.

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*Last Updated 01/28/2020*

## CONDITIONAL USE APPLICATION 1-12

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2. The preserve is compatible with the surrounding area and properties because it has no influence on the properties or surrounding area. The preserve will not be using any of the neighboring properties private roads for parking or passing through them to access preserve. The preserve will not be using any of the surrounding properties water for any reason. The preserve will not be using any of the neighbors electricity for any reasons. The preserve will not be using any of the homes or out building's on the preserve property. There is no forest neighboring the preserve property. The neighboring or abutting property is farm land.

2-a Hours of operation will be 6am until 10 pm 7 days aweek. We will follow all laws for shooting preserve set forth by the oregon fish and game. That includes the care of the birds and shooting hours. We will be open during those hours but only shooting during legal state appointed hours. There will be some stocking and care of the preserve that will be done outside of shooting hours. The equipment used will be a truck, enclosed trailer, atv-utv-motorcycle-electric bicycle to help with the preserve. There will be a net on the property that will hold a small amount of birds and in that we will have a water and feed supply. Most birds will be brought to the property the day of the event.

2-b. The number of employees for the first year will be anywhere between 1-5. That number could grow dependent on the growth of the preserve and the responsibilities of the preserve. If we raise our own birds, number of hunts, number of properties, all can affect how many employees the preserve will have. The customers will be determined on the event that is held that day. We will have days of specific events which could have specific groups like (VETERANS, YOUTH, FEMALE, SCHOOLS, CLUBS, CHURCH, and training days) all will determine the number of customers. We will also have days with no customers. We are hoping for two customers a day.

3.

4. The preserve will not exceed or significantly burden any of the public facilities and services. Roads, Fire, Water, Electrical, Telephone, Sewer, Police will have ZERO burden or significant impact from the preserve. We have provided the letters from the appropriate entities.

5. The affects of the social and economic characteristics for the community will be job creation and growth. The preserve will produce several job opportunities. Its customer base will also bring thousands of dollars of growth to our community through sales. The customers potentially will be using hotels and motels in our community. They will be shopping at the gas stations, retail stores such as the out doors man or walmart. They will be buying groceries at the grocery stores in our community. They will be using gas and may be using ride programs in our area. The preserve it self has an opportunity to have thousands of dollars in sales which will

turn tax revenue for the community. The preserve will also sell hunting licences to its customers.

6. The preserve will have zero habitat impact with the fish and wildlife habitat. This is farmland and is turned, burned, plowed to grow new crops each season. The Oregon fish and game and the biologist of Malheur County have both looked over the property and deemed it perfect for a preserve since there is no sustainable habitat for fish or wildlife.

7. The proposed use will have no setbacks to adjoining property. There is no new overshadowing issues as we are not building anything anywhere at anytime. The noise will be very limited and we are in some cases thousands of feet from any neighboring houses. There will be legal shooting only and only in safe areas. The noise will be much less than the farm equipment being ran. There will not be an issue with odor. This is a small operation not like a dairy or a feedlot with thousands of animals. There will be little night time activity. All hunting will be done accordance to the law at all times. We won't be putting up large lights for any reason. If we do need to use lights to set up an event we will be hundreds or thousands of feet from anyone's house and will be mindful of our lights.

8. We are not making any changes to the property or surrounding area besides nice printed preserve signs. We will do our part of picking up debris like tube weed brush or trash around the property that is blown in by the weather.

9. We will be using existing roads and driveways and parking lots. We will not be altering the preserve property or the neighboring properties roadways what so ever.

10. Our outdoor waste visual area will consist of a porta potty and a trash can with a lid. The storage area will be a 16 foot enclosed white mirage trailer that will store supplies for the preserve. It will act as an office to do the paper work for the hunting licences as well.

11. We won't be using outdoor lighting unless it's a flashlight or a flood light to help set up for an event. There won't be any glare directed towards the neighboring properties. Our preserve will operate during daylight hours because we will follow all legal laws that come with legal shooting hours. If we need to get set up in the dark for an event we will be extremely mindful of our lighting. There are only two houses on the neighboring properties and they are thousands of feet away from where we will be setting anything up.

12. The proposed use will not significantly increase the cost or force a significant change to farm or forest practices on surrounding lands because we will not be occupying or interacting with any of the adjoining or neighboring lands. We won't be using any part of any property that is not part of the preserve property. Our operation is at the end or after the farming is completed. We won't be using any power, water, sewer, that would affect anyone.

12a The land around the preserve is all farming no forest. Our operation is after or near the

end of the farm season and ends before the farming begins. We will have zero significant change to the cost or practices of the farm lands.