Before the Planning Commission

Planning Department File No. 2026-07-008

CONDITIONAL USE APPLICATION
FOR
A DUPLEX IN RURAL RESIDENTIAL ZONE

Planning Commission Meeting Date: August 27, 2026

1. **APPLICANT**: K3, LLC
   451 Thayer Drive
   Ontario, OR 97914

2. **OWNER OF RECORD:** K3, LLC
   451 Thayer Drive
   Ontario, OR 97914

3. **PROPOSED ACTION:** Conditional Use Permit approval to construct a residential duplex on an existing 2.16-acre parcel within the Bar-O-Ranch Estates Subdivision. The proposed duplex will consist of two, 2-bedroom, single-story dwelling units with attached garages separated by a code-compliant fire-rated wall.

4. **PROPERTY IDENTIFICATION**: Tax Lot 1103, T17S, R47E, Sec. 29; Assessor's Map 17S47E29B; Malheur County Reference #20249.

5. **PROPERTY LOCATION AND DIRECTIONS:** The subject property is located within the Bar-O-Ranch Estates Subdivision on Thayer Drive, Ontario, Oregon. From Love's Travel Stop, 1041 Washington Ave, Ontario, travel toward NW 10th Street/N Park Boulevard. Turn left onto NW 10th Street/N Park Boulevard, then right onto US-30 Business West. Turn right onto OR-201 North and continue north on OR-201. The subject property will be on the right.

6. **ZONING**: Rural Residential - CRR

7. **PARCEL SIZE:** The parcel is 2.16 acres.

8. **PARCEL USE:** The subject property is currently a vacant residential lot.

9. **SURROUNDING USE:** Adjacent properties are primarily residential and are located within the Bar-O-Ranch Estates Subdivision.

10. **ACCESS**: Access is directly off Thayer Drive.

11. **SANITATION REQUIREMENTS:** The applicant proposes private on-site septic

systems for the two dwelling units. A DEQ-approved sanitation system will be required for each dwelling. The applicant is responsible for obtaining all required site evaluations, permits and approvals from Malheur County Environmental Health and/or DEQ prior to development.

12. **FIRE PROTECTION:** The parcel is located within the Ontario Rural Fire Protection District.

13. **NATURAL HAZARDS**: No natural hazards have been identified.

14. **WATER RIGHTS:** The property is not within an irrigation district.

15. **SOIL TYPE**: The entire property is covered in soils of class 6.

16. **ZONING HISTORY:** There is no other known zoning history associated with the subject property.

GENERAL CONDITIONAL USE CRITERIA
MCC 6-6-7 - GENERAL CRITERIA TO EVALUATE SUITABILITY: In considering the suitability of proposed conditional uses, the Planning Commission shall base its decision upon the following criteria:

A. Comprehensive Plan goals and policies, as applicable.

B. Specific plan recommendations

Proposed Finding: MCC 6-3C-3 regulates the conditional use process for a duplex in the Rural Residential zone. The proposal is residential in nature and is subject to the general conditional use criteria of MCC 6-6-7.

C. Existing development and viewpoints of property owners in the surrounding area.

Proposed Finding: Letter notice was sent to adjoining landowners on August 5, 2026 and published in the Argus Observer on August 5, 2026. No comments were received as of the date of this staff report.

D. Availability of services and utilities.

Proposed Findings:

ROADS: Access to the property is from Thayer Drive using the existing residential access. No additional access points are proposed.

FIRE & POLICE PROTECTION: The proposed duplex is located within the Ontario Rural Fire Protection District. The development shall comply with applicable fire and life-safety requirements. There is anticipated to be little to no

additional impact on police protection.

SEWER & WATER: The proposed duplex will be served by a private well and approved on-site sanitation systems. The applicant shall obtain all required Environmental Health and/or DEQ approvals prior to development.

ELECTRICAL & TELEPHONE: Electrical and communication services are available to the area. Any new or modified service shall be installed in accordance with applicable provider and permitting requirements.

SOLID WASTE DISPOSAL: Domestic solid waste will be disposed of through existing residential solid waste service.

E. The effect of the proposed use on the stability of the community's social and economic characteristics.

Proposed Finding: The proposal is for two residential dwelling units within an existing rural residential subdivision. The use is residential in nature and is not anticipated to adversely affect the stability of the community's social or economic characteristics.

F. It does 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.

Proposed Finding: The subject property is an existing residential lot within an approved subdivision. No evidence has been identified that the proposed duplex will interfere with traditional fish and wildlife use of habitats determined critical or sensitive.

G. General Criteria

1. Increasing setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances.

   Proposed Finding: The proposed duplex is single-story and will be required to meet applicable setbacks. Residential noise, odor and lighting impacts are expected to be comparable to other residential uses in the area. Exterior lighting shall be directed so that glare does not project beyond the property boundaries. This criterion can be met subject to the conditions of approval.

2. Landscaping improvements for the visual benefits of the subject site and for the improved appearance of the neighborhood and County.

222nn2nnn,,maintained in a manner consistent with the residential character of

the subdivision.

3. Location and size of driveway access points and right-of-way widening and improvement for present and future traffic circulation and safety.

   Proposed Finding: Access is existing from Thayer Drive. No new access points are proposed. Parking associated with the duplex will be contained within the subject property.

4. Visual screening of outdoor waste and storage areas.

   Proposed Finding: No outdoor waste or storage areas are proposed other than normal residential refuse containers.

5. Control and focusing of outdoor lighting to avoid glare being directed beyond property limits.

   Proposed Finding: Exterior lighting will be residential in nature and shall be directed downward and away from adjoining properties to avoid glare beyond the property limits. This criterion can be met subject to the conditions of approval.

6. Special criteria listed below, as applicable:

OREGON REVISED STATUTE 215.416: Permit applications; approval criteria:
ORS 215.416(4)(a) provides that a county may not approve an application if the proposed use of land is found to be in conflict with the county comprehensive plan or other applicable land use regulation or ordinance provisions. Approval may include conditions authorized by statute or county legislation.
Proposed Finding: The proposed duplex is being reviewed under the applicable provisions of the Malheur County Comprehensive Plan and Malheur County Code. Based upon the findings contained in this staff report, the proposed use can comply with the applicable land use regulations subject to the proposed conditions of approval.

ORS 215.416(8)(a) requires approval or denial of a permit application to be based on standards and criteria set forth in the zoning ordinance or other appropriate county ordinance or regulation and related to the applicable zoning ordinance and comprehensive plan.
Proposed Finding: The Planning Commission's decision on this application will be based on the applicable criteria of the Malheur County Code and Comprehensive Plan identified and addressed in this staff report.

ORS 215.416(9) requires approval or denial of a permit to be accompanied by a brief statement explaining the criteria and standards considered relevant to the decision, the facts relied upon, and the justification for the decision.
Proposed Finding: The findings contained in this staff report identify the applicable criteria,

facts relied upon and justification supporting the Planning Commission's decision.

OTHER PROPOSED FINDINGS OF FACT
The applicant has submitted additional proposed findings of fact in the conditional use application.

BAR-O-RANCH ESTATES SUBDIVISION COVENANTS, CONDITIONS AND RESTRICTIONS
The subject property is located within the Bar-O-Ranch Estates Subdivision and is subject to the Declarations Establishing Covenants, Conditions and Restrictions of Bar-O-Ranch Estates Subdivision, recorded as Instrument No. 2008-621.
Article V, Section 5.01(a) states: "Residential Lots: All lots shall be used exclusively for single-family residential purposes."
The applicant is requesting County land use approval for a duplex. The recorded covenants are private civil restrictions and are not Malheur County Planning and Zoning regulations or approval criteria. Approval of this Conditional Use Permit does not determine whether the proposed duplex complies with the recorded covenants and does not invalidate, terminate, interpret, amend, waive or otherwise alter the covenants.
The County does not enforce private covenants. Matters concerning interpretation, amendment, enforcement or compliance with the covenants are to be resolved by the property owner, other owners within the subdivision and/or the Property Owners Association.

CONDITIONS OF APPROVAL

1. PREREQUISITE:

a. The applicant shall obtain all required sanitation, building, electrical, plumbing, mechanical, fire and other applicable permits and approvals prior to construction or occupancy.

b. The applicant shall obtain all required Environmental Health and/or DEQ approval for the on-site sanitation system(s) serving the proposed duplex.

2. PERFORMANCE STANDARDS:

a. Development shall substantially conform to the application, site plan and representations submitted under Planning Department File No. 2026-07-008. Any substantial deviation may require additional land use review.

b. The duplex and all associated improvements shall comply with applicable setbacks and development standards of the C-RR Rural Residential zone.

c. Access and parking shall remain within the subject property and comply with applicable County and road requirements.

d. Exterior lighting shall be directed downward and shall not create unreasonable glare beyond the property boundaries.

e. Domestic water and on-site sanitation shall comply with all applicable County, DEQ and other agency requirements.

f. If approved, this Conditional Use Permit for a duplex under the Rural Residential Zone of Malheur County does not invalidate, terminate, interpret, amend, waive or alter the Declarations Establishing Covenants, Conditions and Restrictions of Bar-O-Ranch Subdivision recorded as Instrument No. 2008-621 stating at 5.01(a.): "Residential Lots: All lots shall be used exclusively for single-family residential purposes". Covenants are not

enforced by the County. They are a civil contract/agreement and not planning and zoning regulations or criteria. Owners in the subdivision/Property Owners Association are to resolve covenant matters.

g. Authorization of this conditional use is subject to the applicable time limits of Malheur County Code 6-6-12.

EXHIBITS

1. Application
2. Assessor's Map / Vicinity Map
3. Site Plan
4. Declarations Establishing Covenants, Conditions and Restrictions of Bar-O-Ranch Estates Subdivision, Instrument No. 2008-62

Chad Gerulf, Chair

9-24-26
Date