



MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185 Fax (541)473-5140

File Number: 2020-06-028
Application Fee: \$ 200
Date Received: 6-22-2020
Date Deemed Complete: 6-22-2020

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Jacob & Saije May
Address: P.O. Box 2302
City/State/Zip: Nyssa OR 97913
Phone: 541-212-3225
Email: jomay0010@gmail.com

APPLICANT INFORMATION Check box if same

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

PROPERTY INFORMATION

Township: 20 S Range: 46 E Section: 3 Tax Lot: 502 Ref #: 20571 Acres: 8.61 Zoning: C-A1
Address: n/a
Current use: non farm Use of surrounding properties: farming & dwelling
Proposed use: dwelling Permitted subject to section: MCC 6-6-7 & 6-6-8-1
Water source: private well Sewage disposal method: septic
Are the wetlands/water waterways on your property? No Yes (description): _____
Do you own neighboring property? No Yes (description): _____
Name of road providing access: Heritage Drive

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____
or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: _____
Current Deed #: JVR4972 Date Filed: June 3, 2013

**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): JACOB MAY Date: 6-21-2020

Property Owner(s): Saije May Date: 6-21-2020

Applicant(s): Jacob May Date: 6-21-2020

Applicant(s): Saije May Date: 6-21-2020

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: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
Previous Map and Tax Lot: _____	
Past Land Use Actions: If yes, list file #(s) _____ _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
Subject to previous conditions? Assessor Property Class: _____ Zoning: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
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 <i>(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)</i>	<input type="checkbox"/> NO <input type="checkbox"/> YES
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?	<input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES
Fire District: _____	



CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN EQUEST

We would like to build a single dwelling on the before said parcel. Approximately in the middle of the 8.6 acre parcel. Future plans will have a small shed for storage. With average yard of grass, trees, shrubs, and sprinkler system.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling				3200
Driveway	1/4 mile			600
Accessory Structure				
Agricultural Structure				
Other				
EXISTING				
Dwelling	none			
Accessory Structure	none			
Agricultural Structure	none			
Other	none			

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 currently land that can not be farmed, will not effect future farming, and does not encroach on current personal dwellings. It also has a 75 ft easement for access. It has already been approved "2013-02-007". We chose to let it expire.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:
Personal home use. There will be no negative impact on farms. This ground is unfarmable and has no water rights.

Describe the number of people/employees/customers associated with the proposed use:
none

3. What are the existing developments and viewpoints of property owners in the surrounding area?
A dwelling is located 1/4 mile east of the property, a house a 1/4 north of the property, and a house 1/2 mile south of the property.

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: An easement of 75 ft. through the adjacent eastern property to Heritage Dr.(see map)

Fire & Police Protection: The property is within Nyssa Rural Fire District and within the Malheur Co Sheriff's office jurisdiction.

Sewer & Water: A personal well would be dug and a pump installed upon approval. Along with county approved septic system.

Electrical & Telephone:
Under ground electrical will be placed upon approval.

Solid Waste Disposal: We will obtain a contract with a licensed garbage hauler. (ex: S&S Disposal or Sanitary)

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?
A new home will add value to both current and surrounding properties. And helping our family stay in this community and support local businesses.

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.
N/A

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?
Due to the distance of the other homes, noise, lighting, odor, or overshadowing would be extreme minimal, if any. Closet home is 1/4 mile away.

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 plan on having a large yard with trees, shrubs, and plants of many kinds that will enhance the visual appearance of the surrounding areas.

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.
The road will be 25 ft wide located in the middle of the 75 ft easement. It will be graveled, and maintained well. the county has seen and approved the location on heritage drive.

10. What is the proposed visual screening of the outdoor waste and storage areas?
We don't foresee a problem in the future concerning this parcel, plans area single dwelling home with no large towers or structures. But to keep the area appealing visually, if needed we plan to build a small shed for storage and will have a extra storage in the garge to place additional items in.

11. What efforts will be in place to control and focus the outdoor lighting to avoid glare being directed beyond property limits?
No LED lights will be used on the property. Only simple outside lighting will be installed on th the exterior of the home, and one yard light.

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 increase the cost of farming practices because the improvements will not add any power lines that may affect aerial spraying. All farming equipment will be able to access the farmable land the same as they have previously. This property does not share access f farm use. And the home will be placed in the middle of the said property to reduce once chances of it being in the way of adjacent agriculture practices.

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:
It is covered in sagebrush with a steep hillside making it nonfarmable.

The home being built will not affect any agriculture.

2. Demonstrate that the dwelling will not interfere seriously with accepted farming practices on adjacent lands:
The parcels are both on a steep hillside that is not conducive to farming.

There are also no water rights attached to the property. The home will also be located away from the edges of this property.

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:
N- Hay field with pasture. (mainly goats, a couple horses)

E- Non farm ground with house on 8.6 acres.

S- Row crop field with house 1/2 mile away

W- Open draws directly below with row crop fields past that.

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? See attached map.

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

Primary Farm dwellings _____ Non-farm dwellings 15

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)? _____

No farm activities. Property has no water rights.

In study area there are row crops (ex. onions, beets, corn) and small pastures.

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

Lot of Record dwellings 5 Non-farm dwellings 17

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? To the best of our knowledge we think there are 5 potential parcels.

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? Houses are not being built due to parcels being too small or already having a current home.
And other parcels being used under farm or agricultural development.

G. What dwelling development trends have been identified within the study area since 1993? There has been no significant development in the study area since 1993. There is a double wide manufactured home on a foundation west of property. There is a newer home and small out building just north of the subject property, and a home built 5 years ago just 1/4 mil east of the property.

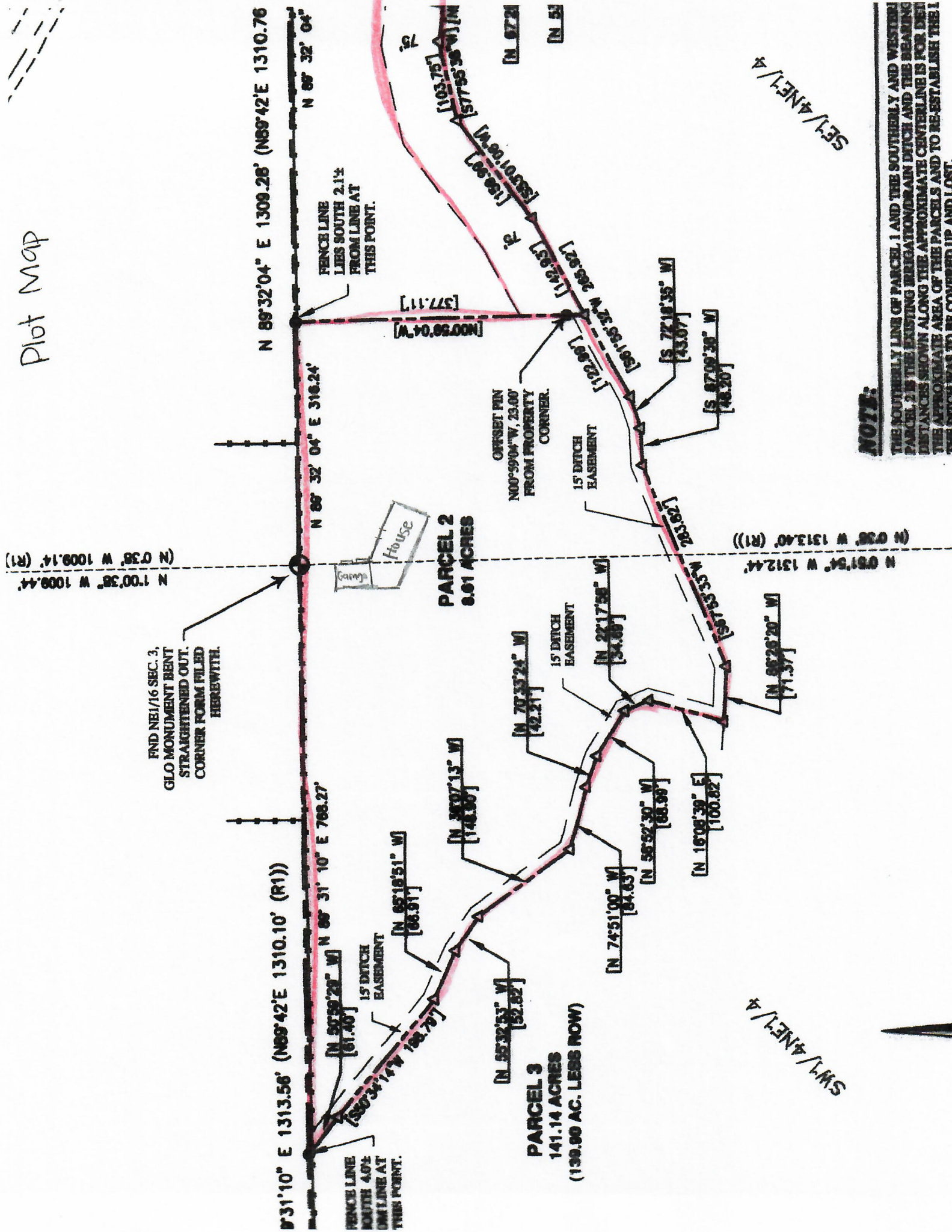
H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now? The majority of the current land is being used for agricultural purposes.
There are very few homes in this study area and most parcels that have the ability to have home already have a current dwelling on them. There is not a lot of potential for future development.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? The only development that would occur would be the single dwelling we put on our property. No other change will occur to the surround area due to the development of this lot.

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? _____

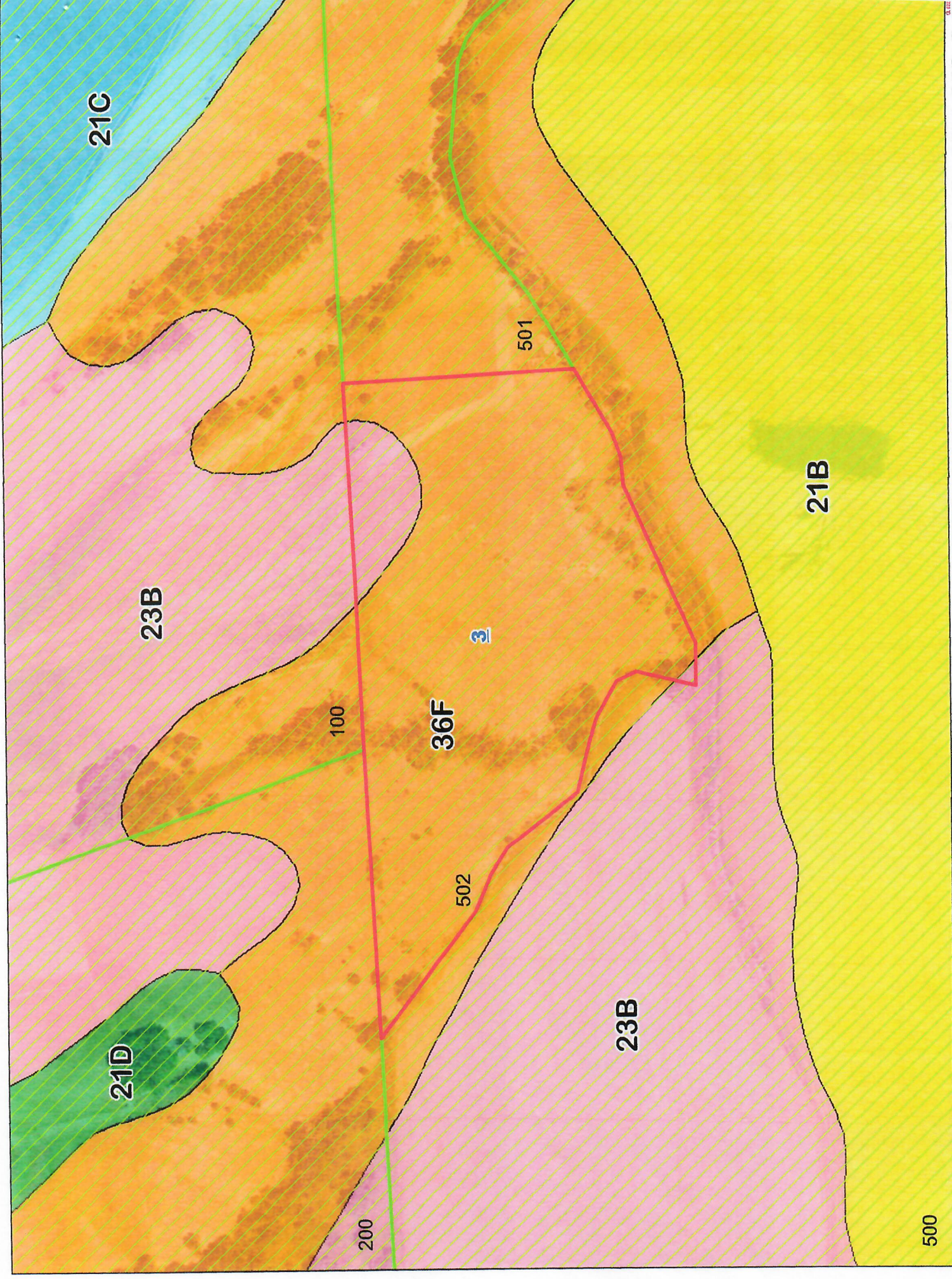
The dwelling will be built in the middle of the property that has no water rights. It is not located near any irrigation canals or ditches. Access to the property does not share an existing road used for farm use now. Because we ourselves are involved in agriculture we would take into consideration any improvement on how they might affect the use of future agriculture around us.

Plot Map



NOTE:

THE SOUTHERLY LINE OF PARCEL 1 AND THE SOUTHERLY AND WESTERLY PARCEL 2 BY THE EXISTING BRIGADOON DITCH AND THE BEARING DISTANCES SHOWN ALONG THE APPROXIMATE CENTERLINE IS FOR DETAIL THE APPROXIMATE AREA OF THE PARCELS AND TO RE-ESTABLISH THE DITCH WAS TO BE COVERED UP AND LOST.








X - NON farm dwelling

Map is prepared for assessment purposes only

1 Mile Radius Map _ May _ Ref#20571

Legend

-  May, Jacob & Saue
-  Property Owners 1 Mile radius fr May Ref#20571
-  1/4 Mile Radius