

Nate Lewis  
PO BOX 87  
Vale, OR 97918  
Phone: 541-216-3932  
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September 28, 2021

Malheur County Planning Department  
251 B Street West, #12  
Vale, OR 97918

To Whom It May Concern:

I am submitting this application for a Conditional Use Permit for property located at and near 2354 Bully Creek Road which is northeast of Bully Creek Road near the intersection with South Road "G" also known as Reservoir Road and by locals as Range Road. The ground is currently rangeland with sagebrush and is not useful as production ground.

I have attached pertinent documents for your consideration, and I am available to answer any questions you might have about this property and my plans.

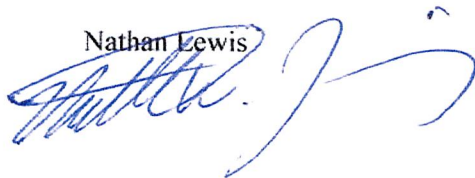
Thank you for your consideration.

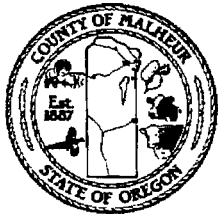
Directions from Vale:

Take Graham Boulevard to Bully Creek Road  
3 miles north from Graham Boulevard; property is on the right

This letter hereby grants anyone on the Malheur County Planning & Zoning Commission and any other persons from Malheur County permission to enter the property I own on at 2354 Bully Creek Road for the purpose of granting a Conditional Use Permit for my proposed project.

Sincerely,

Nathan Lewis  




# MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: 2021-09-013

Application Fee: \$ 350

Date Received: 9-29-2021

Date Deemed Complete: 9-29-2021

## CONDITIONAL USE APPLICATION

### LANDOWNER INFORMATION

Name: Nathan Lewis (& Dennis Lewis)  
Address: PO BOX 87  
City/State/Zip: VALE OR 97918  
Phone: 541-216-3932  
Email: lewislivestock@yahoo.com

### APPLICANT INFORMATION ☒ Check box if same

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

### PROPERTY INFORMATION

Township: 18 S Range: 44 E Section: 7 Tax Lot: 3700 Ref #: 13347 Acres: 278.25 Zoning: C-A2  
Address: 2354 BULLY CREEK RD, VALE OR 97918

Current use: 559 FARM USE/ZONED/M H Use of surrounding properties: FARM & RANGE  
Proposed use: 559 FARM USE/ZONED/M H Permitted subject to section: MCC 6-6-8-1 & 6-6-8-2  
Water source: WELL Sewage disposal method: SEPTIC & DRAINFIELD

Are the wetlands/water waterways on your property? ☒ No ☐ Yes (description): \_\_\_\_\_

Do you own neighboring property? ☒ No ☐ Yes (description): \_\_\_\_\_

Name of road providing access: BULLY CREEK ROAD

### LEGAL PARCEL STATUS

Partition: n/a Subdivision: n/a  
or Most Recent Pre- 09/04/1974 Deed #: 1931-109330 Date Filed: 7/20/1931  
Current Deed #: 2021-3679 Date Filed: 7/28/2021

*\*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): [Signature] Date: 9-28-21

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

Applicant(s): Nathan Lewis Date: 9-28-21

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: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Previous Map and Tax Lot:</b> _____	
<b>Past Land Use Actions:</b> If yes, list file #(s) _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
_____	
Subject to previous conditions?	<input type="checkbox"/> NO <input type="checkbox"/> YES
<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.)	<input type="checkbox"/> NO <input type="checkbox"/> YES
<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?	<input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Fire District:</b> _____	



# MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918

Phone (541)473-5185

## CONDITIONAL USE PERMIT

### DETAILED SPECIFIC WRITTEN REQUEST

We wish to partition two (2) non-farm parcels each for non-farm dwellings. One parcel will be for an existing dwelling and another parcel will be vacant ground. Both parcels do not have water rights. The ground is rangeland and have no designated soil classifications. The existing house parcel will be 19 acres and the new vacant parcel will be 15 acres.

*(Attach additional pages if necessary)*

### DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling				Large Family Home
Driveway	2000'	26'		
Accessory Structure				Outbuilding
Agricultural Structure				
Other				
EXISTING				
Dwelling	44	26	8	1144
Accessory Structure				Small Shed
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 proposal is to parcel out an existing dwelling with approximately 24 acres and create a second site with a similar dwelling with approximately 24 acres. It will be consistent with the surrounding area as both are not in farm production. The new vacant parcel will be out of sight.

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

Proposed use is residential.

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

Small family.

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

Existing dwelling is a 2 bedroom and 2 bathroom home. The new vacant parcel will be to determined later.

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 dwelling has an existing driveway from Bully Creek Road. The new vacant parcel is accessible from an existing gravel county road known as Range Rd and accessed from Bully Cr R

Fire & Police Protection: Both parcels are within Vale Rural Fire District and the new home/partition is in the process of securing fire covered through the requested letter from them.

Sewer & Water: Existing dwelling has well, septic, & drain field. The new vacant parcel will need a new well, septic, & drain field.

Electrical & Telephone: Existing dwelling has electrical power and telephone. The new vacant parcel will need new electrical power and telephone development.

Solid Waste Disposal: Owner will contract with garbage removal or self-deliver to landfill.

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5. What effect will the proposed use have on the stability of the community's social and economic characteristics?  
There are no foreseeable potential impacts but a possible addition of a family single residence availability which could add to the economic stability in 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.  
There are no known fish and wildlife critical habitats on the subject parcel; and there are no known potential impacts.
- 
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?  
There will be no increase of activities or operation beyond the minimal use of a family dwelling and parcel. The new vacant parcel will be out of sight from the main county road (Bully Creek). Also, there is an existing dwelling across the Rd from the existing home site, which is more than ½ mile away from the new proposed home site and there are no other existing dwellings within immediate proximity to be overshadowed.
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?  
There will be typical small residential landscaping not to exceed 0.5 acres surrounding the home and would not be easily visible without venturing off the main county road (Bully Creek).
- 
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 new vacant parcel will be accessed from existing county road known as South Road "G" which is a minor collector and is also known as Reservoir Road and known by the locals as Range Road. Please see County Road Department letter for additional information on the Range Road.  
The landowner and successors will recognize that this road is rarely maintained and will require some self-reliance and access maintenance. The landowner and or successors will abide by the recommendations from the County Road Department and Rural Fire Department.
-

10. What is the proposed visual screening of the outdoor waste and storage areas?  
The new vacant parcel will be out of sight from the main traveled county roadway (Bully Creek).  
The new development is for a single family dwelling and outdoor waste would be minimal.

11. What efforts will be in place to control and focus the outdoor lighting to avoid glare being directed beyond property limits?  
Potential home site would be out of sight from the main county road (Bully Creek).

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 new potential dwelling would be beyond 0.25 miles from the main county road and out of sight. There is no known potential impact on any current use in the area and no activities will conflict with adjacent current uses.

**NON-RESOURCE DWELLING and NON RESOURCE PARTITION –  
Malheur County Code (MCC) 6-6-8-1 and (MCC) 6-6-8-2**

1. Describe how the proposed dwelling and the creation of the proposed partition(s) is compatible with farm uses and is consistent with ORS 215.243: The new vacant parcel and proposed dwelling is currently

non-productive ground.

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2. Will the proposed dwelling and creation of the proposed partition(s) interfere seriously with accepted farming practices on adjacent lands and what conditions exist to avoid this problem? The new vacant parcel and proposed dwelling is currently non-productive ground because of adverse soil conditions and no
- water rights existing for the property for irrigation.
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3. Will the proposed dwelling/partition 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:

☒ No, if yes:

- Is the proposed parcel only as large as necessary to accommodate the use and provide any buffer area needed to ensure compatibility with adjacent agricultural uses? n/a
- 
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- Is the proposed parcel located on land with predominantly low productivity V-VII soils not suited for agricultural use and is large enough to accommodate the use and provide any buffer area needed to ensure compatibility with adjacent agricultural uses? How so? No. The parent parcel has not been classified and is rangeland
- 
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- 

4. In what ways will the proposed partition avoid conflict with and have no significant adverse impact on:

- the quality of farm or range land: Soils are unsuitable for farming and the rangeland consist of sagebrush and some high slopes with few low slopes.
  - the watersheds: No known watersheds. Uphill and opposite side of county road and stream channel.
  - fish and wildlife habitat: Uphill and opposite side of county road and stream channel.
  - soil and slope stability: Existing ground is rangeland with no known soil classifications. There are some high slopes with few low slope areas with potential dwelling sites.
  - air and water quality: There are no known potential impacts on air and water quality.
  - outdoor recreation areas: Bully Creek Reservoir is nearby about a mile.
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5. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling? No. The existing dwelling is a manufactured home built in 1996 which is not considered a historical dwelling nor does it require historical preservation.

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6. 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? The majority of the soils in the study area have not surveyed by NRCS nor classified. However, SE of the subject property along the Bully Creek Road, there are a variety of soils of class I, III, IV, VI, VIII.
- 
- B. What are the types and numbers of existing dwellings that have been identified within the study area?
- |                           |          |                    |          |
|---------------------------|----------|--------------------|----------|
| Primary Farm dwellings    | <u>1</u> | Non-farm dwellings | <u>4</u> |
| Farm hand/labor dwellings | <u>0</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)? 15% row crops. 80% rangeland. 5% Bully Creek Reservoir.
- 
- D. What are the number of potential “lot of record” dwellings and non-farm dwellings within the study area?
- |                         |          |                    |          |
|-------------------------|----------|--------------------|----------|
| Lot of Record dwellings | <u>5</u> | Non-farm dwellings | <u>5</u> |
|-------------------------|----------|--------------------|----------|
- 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? 5
- F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? Most are zoned agricultural use only and most other rangeland are too far off for development.
- 
- G. What dwelling development trends have been identified within the study area since 1993? The surrounding area is largely rangeland with a small portion used for farming. Building permits in the area have been little to none.
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H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now? Current land use is focused on agricultural production with row crops and grazing with  
minimal housing and development. Current house are owned/occupied by owners/operators of  
surrounding production ground.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? Should the potential development occur, there would be minimal impact on production  
ground as potential home sites would presumably be placed on areas that have no  
production. Additionally, there should not be any net loss of land currently actively employed  
in farming activity.

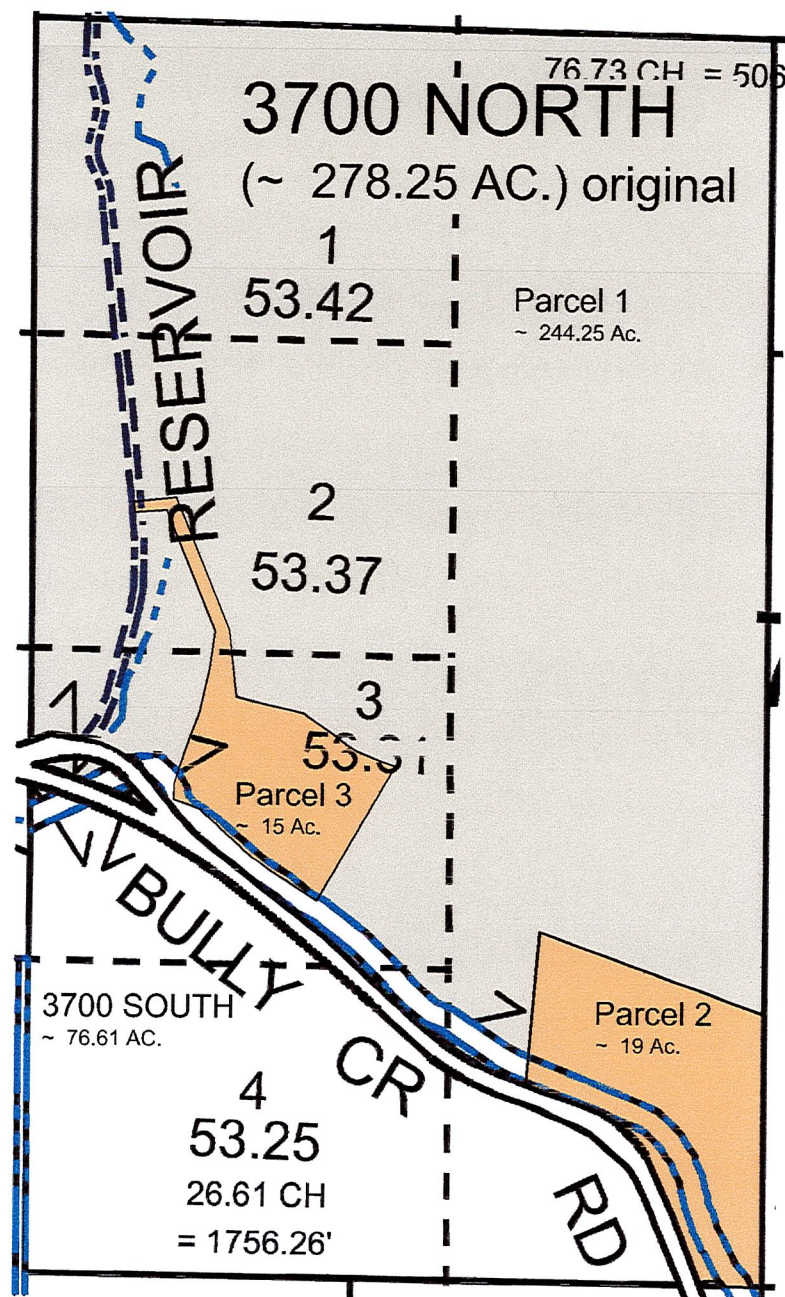
J. Determine that the proposed dwelling will not materially alter the stability of the overall land use pattern of the study area. Does the cumulative impact of the existing and proposed non-farm dwelling and the potential new non-farm dwellings within the study area make it more difficult for the existing 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? There are no foreseeable impacts on the stability of  
production in the area. The new vacant parcel will be sited nearby an existing county road  
without changes or an significant increase to impacting the existing conditions nearby.

# PROPOSED PARTITION

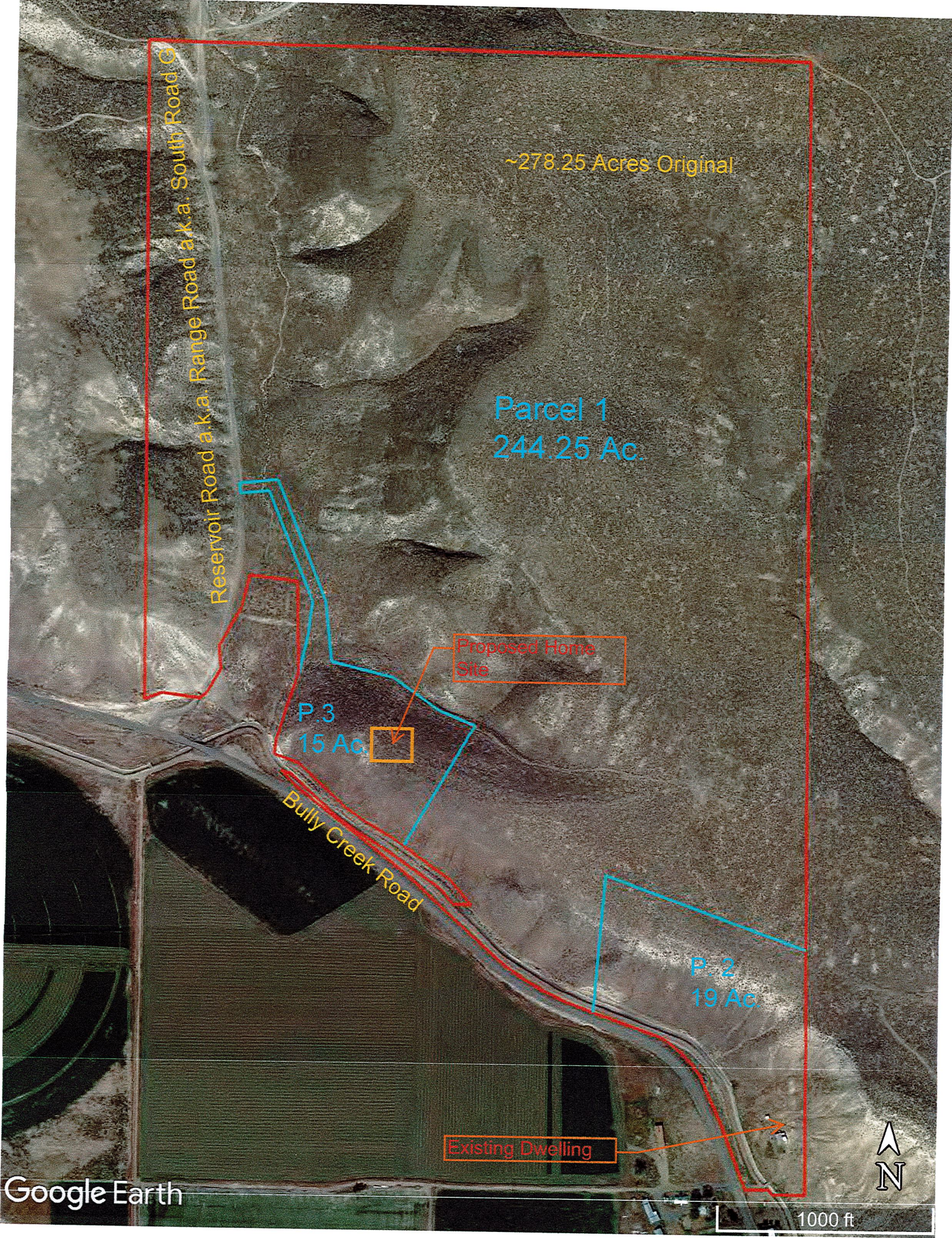
Parcels after Partition

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

NORTH PORTION OF TAX LOT 3700, MAP 18S44E  
MALHEUR COUNTY, OREGON







~278.25 Acres Original

Parcel 1  
244.25 Ac.

Reservoir Road a.k.a. Range Road a.k.a. South Road

Proposed Home Site

P.3  
15 Ac.

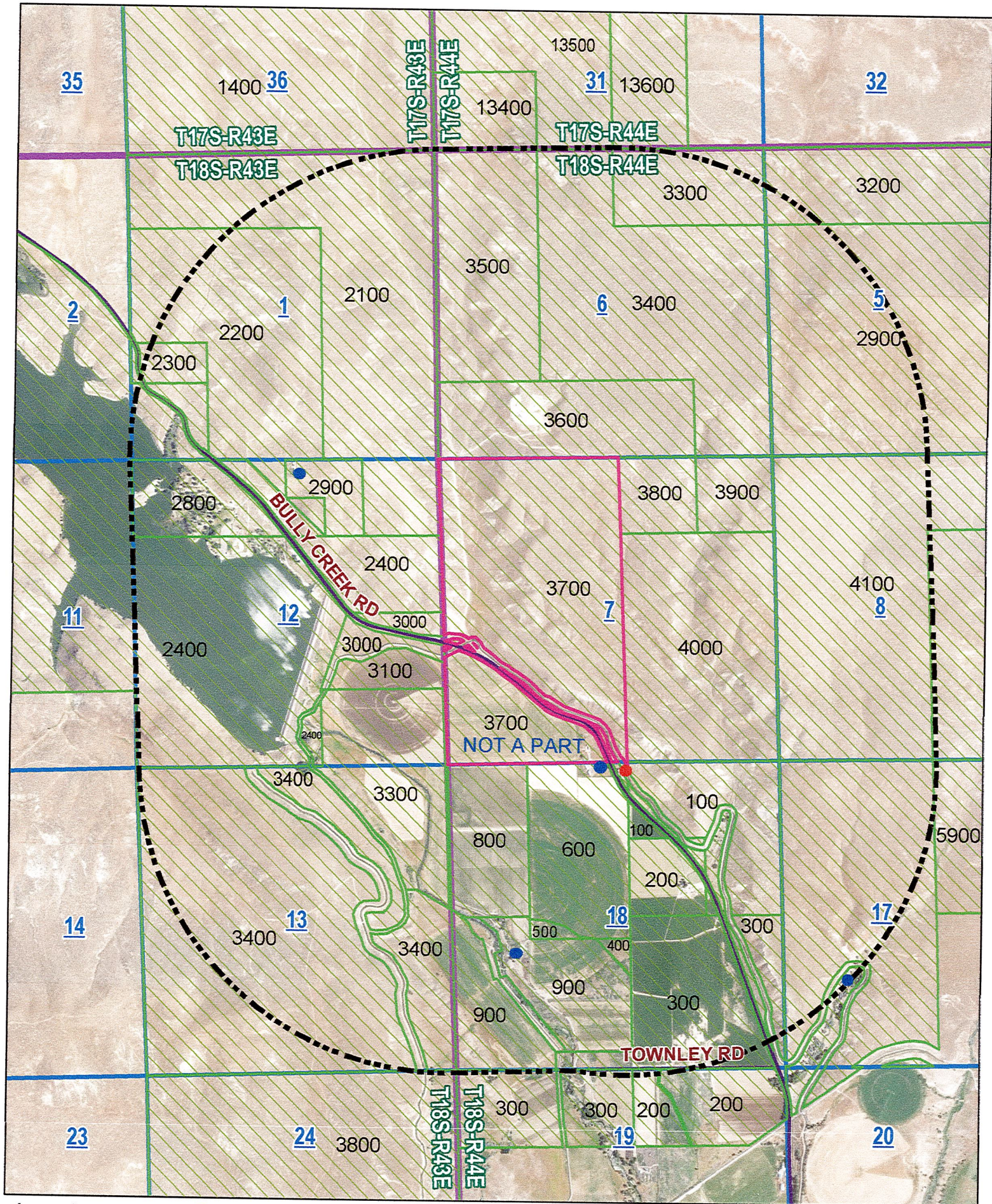
Bully Creek Road

P.2  
19 Ac.

Existing Dwelling







# Legend



1MileRadius



FARM DWELLINGS



NON-FARM DWELLINGS



Sections

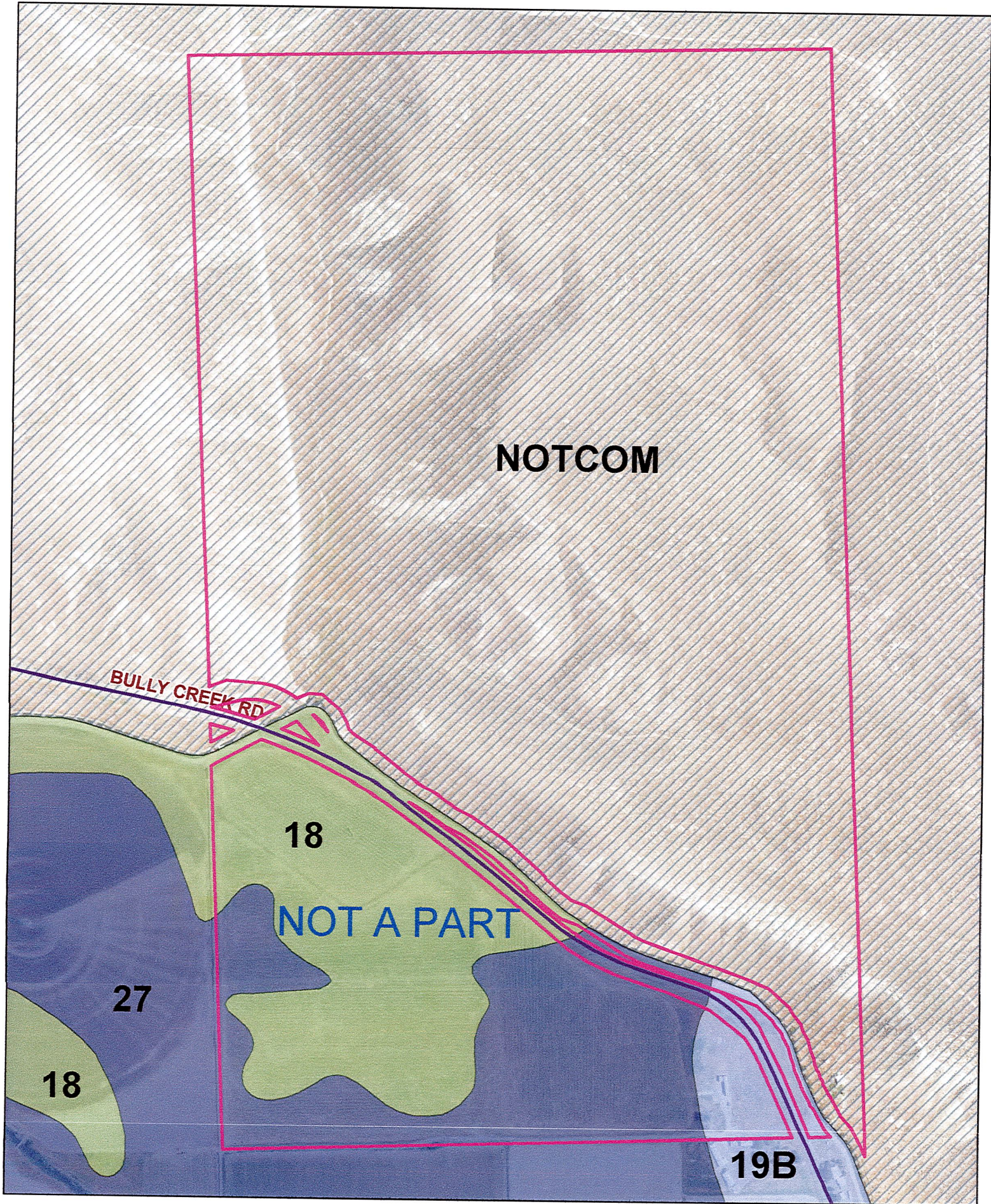


PropOwners w/n 1MileRad fr Flying Double F Ranch Inc

## Mile Radius Map

Map is prepared for assessment purposes only  
01 Aug 2021





**SOIL MAP**  
**Flying Double F Ranch Inc**

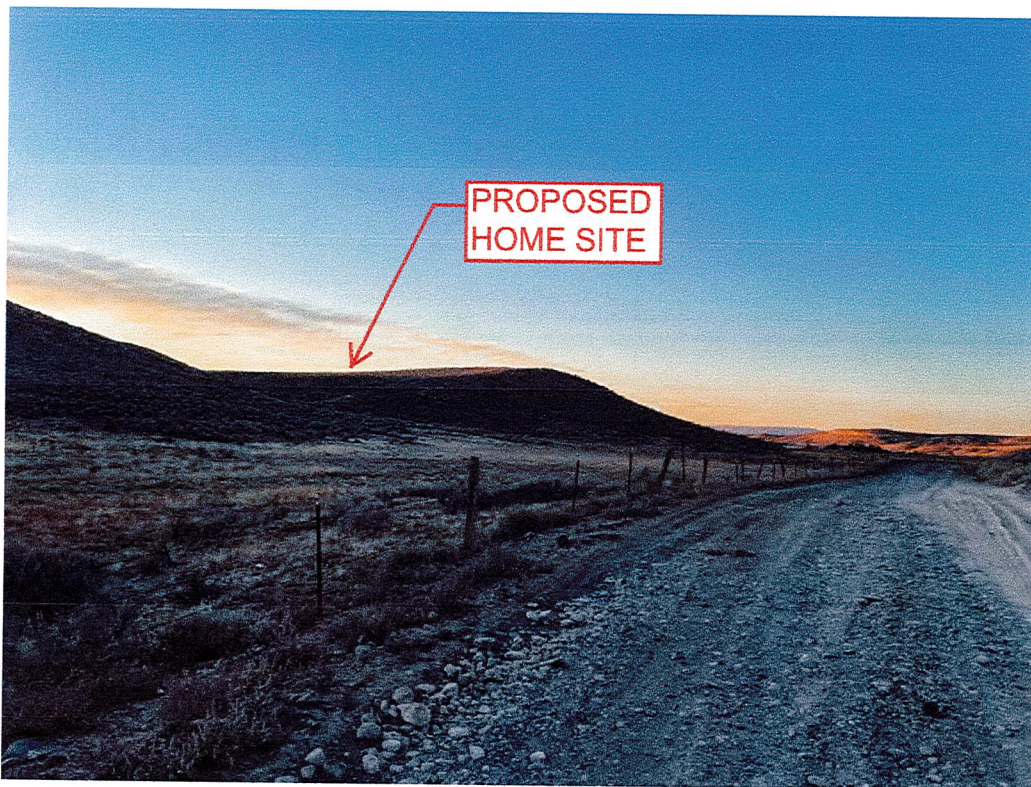
*Map is prepared for assessment purposes only*  
GL Aug2021



2354 BULLY CREEK RD



POTENTIAL PARCEL





# NEW VACANT PARCEL #3 PLOT PLAN



PLOT PLAN

SCALE: 1" = 200'

OWNER(S): NATHAN LEWIS (& DENNIS LEWIS)

ADDRESS: PO BOX 87

CITY: VALE

STATE: OREGON

ZIP: 97918

LEGAL: T18S., R44E, SECTION 7, WM, TAX LOT: 3700

THE INFORMATION ON THIS PLOT PLAN HAS BEEN PROVIDED AND REVIEWED BY THE PROPERTY OWNER WHO, BY SIGNING BELOW:

- 1) ACKNOWLEDGES AND ACCEPTS FULL RESPONSIBILITY FOR ITS ACCURACY AND COMPLETENESS;
- 2.) IS RESPONSIBLE TO ENSURE THAT THE IMPROVEMENTS TO THE SITE TAKE PLACE IN CONFORMANCE WITH THIS PLAN;
- 3.) WILL ESTABLISH CODE SETBACKS REQUIRED OF THIS PROPERTY.

