

Cover Letter

My Husband and I would like to build a home on the Southwest corner of our 40 acre property, tax lot 8301. 2/3 of the property is currently a feedlot and the other 1/3 is sand dunes. We would be building on the corner of the sand dunes. We also own the land right across the street which is 123 acres of farm ground plus another 4 acres with a shop and home, tax lot 8300. The 123 acres has water rights but the 40 acres does not.

Thank you for your consideration.

Penny Jo Speelmon
208-899-0089



MALHEUR COUNTY

PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918

Phone (541)473-5185

File Number: _____
Application Fee: _____
Date Received: _____
Date Deemed Complete: _____

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Penny Spellmon
Address: 2432 Toombs Road
City/State/Zip: Nussa, OR. 97913
Phone: 208-899-0089
Email: pspellmon@live.com

APPLICANT INFORMATION

Check box if same

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

PROPERTY INFORMATION

Township: 20S Range: 46E Section: 36 Tax Lot: 8301 Ref #: 10428 Acres: 40 Zoning: C-A1
Address: _____
Current use: 1/3 Sanddunes 2/3 Feedlot Use of surrounding properties: Farm & Feedlot
Proposed use: house on corner of dunes & ^{the} Feedlot 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): We own acreage east of property
Name of road providing access: Toombs Rd. or Hwy 201

LEGAL PARCEL STATUS

Partition: _____ Subdivision: _____
or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: _____
Current Deed #: 12-0997 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): Penyngfa Spielmon Date: 3/23/22

Property Owner(s): [Signature] Date: 3/23/22

Applicant(s): Penyngfa Spielmon Date: 3/23/22

Applicant(s): [Signature] Date: 3/23/22

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?	<input type="checkbox"/> NO <input type="checkbox"/> YES
Assessor Property Class: _____ Zoning: _____	
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: _____	



MALHEUR COUNTY PLANNING DEPARTMENT

251 B Street West, #12 Vale, Oregon 97918

Phone (541)473-5185

CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN REQUEST

Would like to build a house on the upper Southwest corner of property where the sand dunes are. The rest of the property is being used as a feed lot and plan to keep it that way. The Sand dunes part of the property can't be used for other purposes & is why we would choose to build up there.
 (Ag)

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling				2500 - 3000
Driveway	400ft.			
Accessory Structure				
Agricultural Structure				
Other				
EXISTING				
Dwelling				
Accessory Structure				
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:

proposal is for just one single family dwelling.

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

not applicable

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

1 single family only

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

Property is currently non-developed.

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: Property can be accessed via Toombs Rd. & private drive.

Fire & Police Protection: Adrian Rural fire protection district (Letter attached)

Sewer & Water: Private septic system & well

Electrical & Telephone: Idaho Power

Solid Waste Disposal: Will contract with Ontario Sanitary Service.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?

Will not have a negative effect.

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.

Access to the river is private & the dwelling will not negatively impact it. The river side is more than 1400 ft. away from the proposed home site.

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?

The nearest home is more than 400 ft. away. The proposed home site is at the top of the sand dunes & will not overshadow any existing developments.

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?

It is just Sanddunes & Sagebrush now. We would be adding a house & yard.

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.

No widening or change to existing road. Just adding a short driveway off of existing road of about 600 ft.

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

minimum outdoor waste & storage.

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

Will not have any spotlights, only private use lights.

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?

It is far enough away that nothing would change. Farm & feed lot use within .25 miles

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:

Parcel is not currently engaged in any farming activity. There are no water rights.

2. Demonstrate that the dwelling will not interfere seriously with accepted farming practices on adjacent lands:

It is far enough away that it won't interfere & the sand dunes don't have water rights & can't be farmed.

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:

The proposed home site is covered in soils of class 8. It is unsuitable for farm production.

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? The majority of soils is class 8. There are small portions of soils of class 1, 3 & 4.

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

Primary Farm dwellings	26	Non-farm dwellings	21
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)?

Pasture, row crops, Hay, wheat, corn, sugar beets flood irrigated & pressurized irrigation

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

Lot of Record dwellings _____ Non-farm dwellings 21

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? 6

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? They are less than the minimum parcel size

G. What dwelling development trends have been identified within the study area since 1993? Minimal development. 2 to 5 new houses built.

H. What are the findings of fact that describe the existing land use pattern of what the study area looks like now? The existing farms were preestablished and the proposed development will not have a negative impact.

I. What are the findings of fact that describe what the study area would look like if all the potential development occurs? There will be little to no change.

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?

Will not have a negative impact and the parcel is not eligible for a split to facilitate more development.

To Whom It May Concern,

As it relates to my application process, I grant permission and access to all members of the Planning Department to drive on our property and evaluate the proposed actions.

Thanks

Penny Jo Speelmon

208-899-0089

Coming from Nyssa heading South on Hwy 201. Go one-mile past Owyhee Junction and turn left on Beet Dump Road. After about ½ mile the road will make a turn to the left and turns into Toombs Road. Head down Toombs Road about ½ mile and our property is on the left at the sand dunes.



* proposed home site



Dughee River

Dist Road

Powerline

Sand dunes

40 Acres
Tax lot #8301

Feed lot

Toombs Rd.

4 acres



existing home

Bynum Rd.

123
acres
Tax lot #8300