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Chris & Allison Paulsen  
26511 Peckham Road  
Wilder, ID 83676  
(208) 739-0918  
paulsens358@gmail.com

20 November 2023

Malheur County Planning Commission  
% Malheur County Planning Dept.  
251 B Street West, #12  
Vale, OR 97918

RE: Conditional Use Permit Application; Ref: 10116

Dear Planning Commission Members,

We submit this application for consideration of a conditional use permit on a small plot of unusable farm acreage along Mitchell Butte Road, between Nyssa and Adrian. Allison's parents, Bruce and Patricia Sexton, have owned and farmed the acreage on Mitchell Butte Road for over 30 years. A large portion of the property has been utilized to grow corn, wheat, and alfalfa, but several corners, gulleys, and slopes of the property have been left unused due to poor soil or unfavorable geographical features. Mr. and Mrs. Sexton have expressed their desire for the property to remain within the family, in hopes that family members may continue to manage the property and even possibly add a family dwelling.

The enclosed application is submitted for consideration of an approximately 9.5 acre partition located in the northeast corner of Mr. and Mrs. Sexton's property. This section of the property is known to be of poor quality and sloped to the point that it has been left unused, showing no indication of any previous development or agricultural use. The proposed partition would not impede any irrigation or vehicular access to the surrounding properties, and would allow for the construction of a primary family dwelling to house ourselves and our eight children, accompanied by a small acreage.

Approval of this partition would allow for local and generational ownership of the property, the ability to live closer to Mr. and Mrs. Sexton as they retire, and the improvement of an otherwise unusable and unsightly plot of land. We thank you for your consideration of our application.

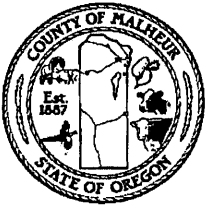
Sincerely,



Chris Paulsen



Allison Paulsen



# MALHEUR COUNTY

251 B Street West, #12 Vale, Oregon 97918

PLANNING DEPARTMENT

Phone (541)473-5185

File Number: \_\_\_\_\_  
Application Fee: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Date Deemed Complete: \_\_\_\_\_

## CONDITIONAL USE APPLICATION

### LANDOWNER INFORMATION

Name: Sexton, Bruce W & Patricia A  
Address: 1247 Cow Hollow Road  
City/State/Zip: Nyssa, OR 97913  
Phone: 541-372-2314  
Email: sextons10@gmail.com

### APPLICANT INFORMATION Check box if same

Name: Paulsen, Chris & Allison  
Address: 26511 Peckham Road  
City/State/Zip: Wilder, ID 83676  
Phone: 208-739-0918  
Email: paulsens358@gmail.com

### PROPERTY INFORMATION

Township: 20S Range: 45E Section: 45 Tax Lot: 1700 Ref #: 10116 Acres: 119.65 Zoning: C-A1  
Address: Mitchell Butte Road, Nyssa  
Current use: Farm Use/Zoned/VAC Use of surrounding properties: Farm Use/Zoned/VAC  
Proposed use: Non-farm partition Permitted subject to section: MCC 6-6-8-1 and 6-6-8-2  
Water source: Well to be proposed Sewage disposal method: Septic to be proposed  
Are the wetlands/water waterways on your property?  No  Yes (description): \_\_\_\_\_  
Do you own neighboring property?  No  Yes (description): \_\_\_\_\_  
Name of road providing access: Mitchell Butte Road

### 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.*

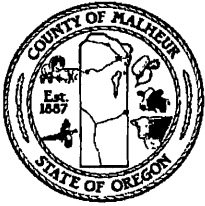
**SIGNATURES:**

Property Owner(s): Bernard Sexton Date: 16 Jan 2024  
 Property Owner(s): Bethany A Sexton Date: 1/16/24  
 Applicant(s): [Signature] Date: 01/16/2024  
 Applicant(s): Allison Paulson Date: 1/16/24

*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

## CONDITIONAL USE PERMIT

### DETAILED SPECIFIC WRITTEN REQUEST

Please see attached.

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*(Attach additional pages if necessary)*

### DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling	70'	75'	15'	approx 4,200
Driveway	200'	20'		
Accessory Structure	60'	30'	15'	1,800
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:

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

Not applicable - residential

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

Applicants and applicants' children

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

None

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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: Proposed non-farm partition will have direct access off Mitchell Butte Road.

Fire & Police Protection: Parcel is within Nyssa Rural Fire Protection District and Malheur County Sheriff's Office jurisdiction.

Sewer & Water: Proposed non-farm dwelling will have a private water source (well) and a DEQ approved waste water treatment system.

Electrical & Telephone: Electric will be obtained through Idaho Power. Any solar electrical panels will be designed for private supplemental use only.

Solid Waste Disposal: Solid waste disposal will be obtained through Ontario Sanitary Service.

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5. What effect will the proposed use have on the stability of the community's social and economic characteristics?  
The addition of a home site will contribute to the local tax base, as well as allow the Sexton family and their relatives stay within the community and continue supporting local businesses.

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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.  
Not applicable - residential.

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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?  
The nearest homesite is more than 2,000 feet away, with no possibility of overshadowing between dwellings. Noise and lighting will be minimal.

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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?  
Established acreage, pasture, and residential structure.

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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.  
Requirements were requested but not obtained from Nyssa's Road and Fire District. Driveway access point and right of way shall be designed to meet International Fire Code Requirements.

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

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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?

The nearest homesite is more than 2,000 feet away and minimal impact to the surrounding properties is expected.

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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?

Irrigated farmland and dry pasture exist within the 0.25 mile radius of the proposed development.

Proposed development will have little to no effect on surrounding agriculture, no impact on existing irrigation or water rights, or access to existing fields and properties.

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**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 proposed partition is for the development of nonused farmland,  
with no profitable or productive use, nor aesthetic value.

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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? No. All access points,  
irrigation, and other necessary farming resources for nearby acreages will not be impacted by  
proposed partition or dwelling.

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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? Yes. The proposed partition allows adequate  
space for one dwelling and a small acreage. The land is sloped and otherwise unusable. To  
applicants' knowledge, the land has never been used for agriculture or any other development.  
There will be no proposed displacement of water rights.

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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? Proposed partition is located on land with class IV and class III soils, with gravel, slopes, and pits making it unsuitable for agricultural use, while still allowing adequate space and buffer area between a potential dwelling and neighboring fields.

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: The proposed partition is situated on sloped and non usable farmland.

- the watersheds: No known impact.

- fish and wildlife habitat: There are no known fish or wildlife habitats near or on the proposed parcel.

- soil and slope stability: A partition may allow for the drilling of a well to irrigate the property, improving soil quality and allowing establishment of plantlife and root systems.

- air and water quality: No known impact.

- outdoor recreation areas: No known impact.

5. Will the proposed partition be created for an existing dwelling or for preserving a historical dwelling? No.

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 soils in the study area are class III. There are also small portions of soils of classes I, II, and IV.

The soils on the west side of the north canal have not been surveyed or classified by the National Resources Conservation Service.

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

Primary Farm dwellings	<u>12</u>	Non-farm dwellings	<u>1</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)? Crops within the study area may rotate but typically consist of alfalfa, wheat, and corn. Range land and pastures also exist within the study area. If irrigated, the majority of plots within the study area utilize pivots or gravity fed irrigation.

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

Lot of Record dwellings	<u>0</u>	Non-farm dwellings	<u>24</u>
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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? 12

F. On the parcels where you concluded no potential dwelling(s) will be sited, describe why? The parcels are below the minimum parcel size, and are currently irrigated and farmed.

G. What dwelling development trends have been identified within the study area since 1993? There has been little to no development within the study area since 1993, as it has been utilized primarily for agriculture.

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 land is currently being used for agricultural purposes, with few homes in the study area. There is minimal 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 potential homesite that would be available would presumably be placed on an area shown to be less productive than others.

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? No. There is no impact on the stability of the agricultural production in the local area due to the proposed non-farm dwelling sites. Activities and increased population will be very minimal and have no impact on surrounding production ground and its activities. There will be no net loss of farmed land.

## **B2. CONDITIONAL USE PERMIT APPLICATION (ATTACHMENTS)**

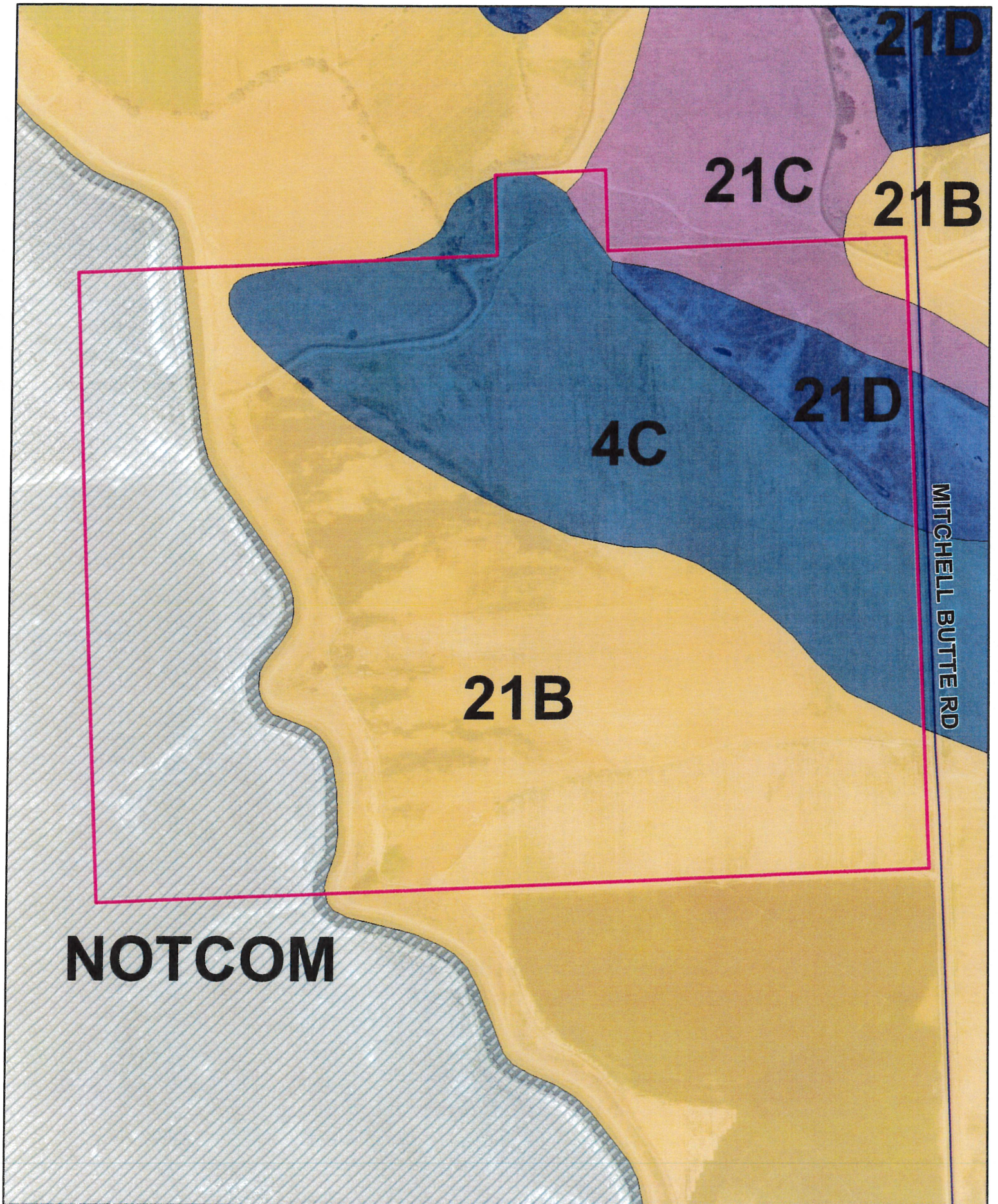
### **Specific Written Request:**

Allison Paulsen's parents, Bruce and Patricia Sexton, have owned and farmed the acreage on Mitchell Butte Road for approximately 30 years. A large portion of the property has been used to grow corn, wheat, and alfalfa, but several corners, gulleys, and slopes of the property have been left unused due to poor soil or unfavorable geographical features. Bruce and Patricia Sexton have expressed their desire for family to continue ownership and management of the property, including the possibility of a family dwelling. The proposed partition is situated on the NE corner of the property, known to be of poor quality and sloped to the point that it has been left unused. The proposed partition would section off this unused area of approximately 9.5 acres from the parent parcel, without impeding any irrigation access or other access roads to the surrounding property. If approved, the partition would allow the construction of a primary family dwelling with an accompanying small acreage. Approval of this partition would also allow for generational ownership of the property and the improvement of an otherwise unusable and unsightly land.

#### **E. DIRECTIONS FROM NEAREST CITY**

From Nyssa City Hall, located at 301 Main Street, Nyssa:

- Travel west on Main Street
- Turn left and travel southwest on Adrian Blvd/Succor Creek Hwy
- Follow Adrian Blvd/Succor Creek Hwy south onto OR Hwy 201
- Continue for approximately 4 miles before turning left and traveling west on Grand Ave
- Continue on Grand Ave for approximately 5 miles
- Turn left and travel south on Norwood Ave
- Turn right and travel west on Cow Hollow R
- Continue on Cow Hollow Rd before turning left and traveling south on Mitchell Butte Rd
- Entrance to proposed partition located on the west side of Mitchell Butte Rd, approximately 2,000 feet south from the intersection of Cow Hollow Rd and Mitchell Butte Rd



**SOIL MAP**  
**Stephen\_Sexton\_10116**

*Map is prepared for assessment purposes only*  
GL.M491021

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Bruce & Patricia Sexton  
1274 Cow Hollow Road  
Nyssa, OR 97913  
(541) 372-2314  
sextons10@gmail.com

20 November 2023

Malheur County Planning Commission  
% Malheur County Planning Dept.  
251 B Street West, #12  
Vale, OR 97918

RE: Permission to Enter Property; Ref: 10116

Dear Planning Commission Members,

This letter serves as written permission for members of the Malheur County Planning Commission, employees of the Malheur County Planning Department, and contracted individuals as allowed or deemed necessary by either Chris or Allison Paulsen to enter the proposed partition as detailed within the enclosed Conditional Use Permit Application. This permission shall be used only as determined necessary by Chris or Allison Paulsen, and the Malheur County Planning Department. I reserve the right to revoke this permission to enter the property at any time by either written or verbal notice to the parties seeking access. Parties may utilize either the NE or SE access points to the property (pictured within the Conditional Use Permit Application) to gain entrance. Unless otherwise terminated, this permission shall expire on January 1, 2025.

Sincerely,



Bruce Sexton

F. PHOTOGRAPHS OF PROPOSED PARTITION

PHOTO 1

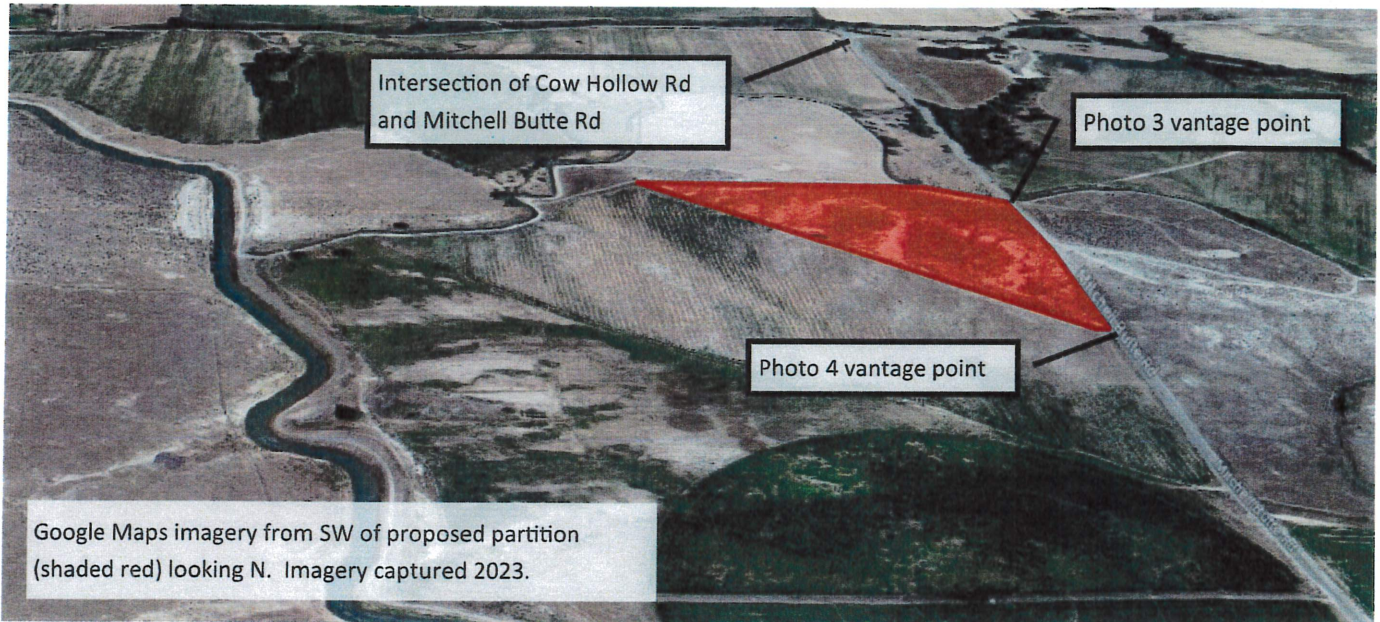


Google Maps satellite imagery of proposed partition (shaded red). Imagery captured 2023.



**F. PHOTOGRAPHS OF PROPOSED PARTITION**

**PHOTO 2**



**PHOTO 3**



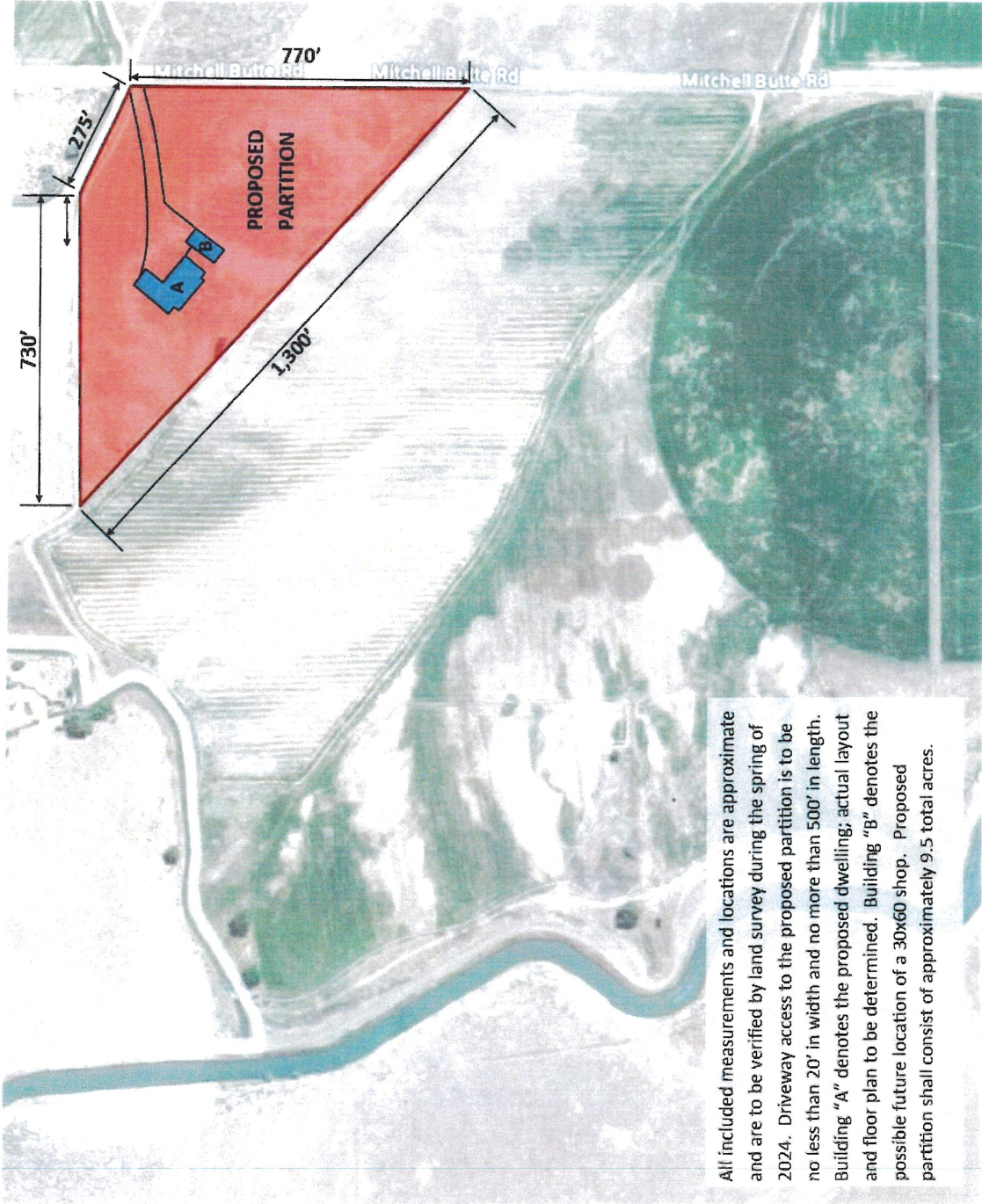
**F. PHOTOGRAPHS OF PROPOSED PARTITION**

**PHOTO 4**



SE corner of proposed partition, as seen from Mitchell Butte Road, looking NW. Photo captured October 2023.

**C. PLOT PLAN**



All included measurements and locations are approximate and are to be verified by land survey during the spring of 2024. Driveway access to the proposed partition is to be no less than 20' in width and no more than 500' in length. Building "A" denotes the proposed dwelling; actual layout and floor plan to be determined. Building "B" denotes the possible future location of a 30x60 shop. Proposed partition shall consist of approximately 9.5 total acres.