

Article 9 (Conditional Use) Section 9.020(01-06);
Article 15 (EFU) Section 15.020(08);
Article 35, Home Based Occupation, Sections 35.020, and 35.025;
and other applicable zoning ordinances or goals of Wallowa County and or laws of the
State of Oregon.

SECTION 5.025, NOTICE OF PUBLIC HEARING:

01. Public Hearing Review requires notice of hearing be given to all owners of property lying within:
[.....]

C. Seven hundred fifty (750) feet of the exterior boundary of the subject property where the subject property is within a farm or forest zone.

The Director will provide notice to other parties should it be determined their interests may be affected by the proposal or they have other need for notice. The notice shall be mailed or otherwise delivered no later than ten days prior to the hearing date.

02. Notice of public hearing shall be placed in a newspaper of general circulation no later than 10 days prior to the hearing date nor greater than twenty 20 days prior to the hearing date.

03. Notice of public hearing shall be posted on the Wallowa County Courthouse Public Notice Board no later than 10 days nor greater than 20 days prior to the hearing date.

FINDING 6.1: The Planning Commission finds the public hearing was properly noticed to all property owners within 750 feet of the subject property, in a newspaper of general circulation, and was posted on the Wallowa County Courthouse Public Notice Board prior to the hearing.

SECTION 5.035, REVIEW PROCESS AND DECISION:

01. The Public Hearing Review authority may impose such conditions of approval upon a permit as are deemed necessary to insure the use or development complies with the applicable standards and criteria.

FINDING 6.2: The Planning Commission has determined that to provide for the uninterrupted continuation of existing commercial agricultural activities on adjoining properties, and to insure that retail sales be re-evaluated when the ownership of the property changes, the Commission has imposed conditions of approval.

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SECTION 15.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY: In the Exclusive Farm Use Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Article 9 (Public Hearing Review).

08. Home-based occupations as described in Article 35, Home-Based Occupation. Home-based occupations may not be authorized in structures accessory to resource use. A home-based occupation located on high-value farmland may employ only residents of the home.

FINDING 6.6: As the proposed use is for a bed and breakfast, this use qualifies as a Home Based Occupation and in the EFU zone is subject to the Conditional Use Permit process. The existing dwelling will be used for the bed and breakfast.

Additionally, the Commission has approved the addition of retail sales of bakery goods and farm related food items. Sales will be take out only. These uses will take place in an existing room adjoining the bakery.

SECTION 35.025, REVIEW CRITERIA: Applications for Home-Based Occupations shall be found to comply with the following criteria:

01. **AREA:** A Home-Based Occupation shall be restricted to no more than 25 percent of the gross square feet of the principal residence and 2,000 square feet of accessory buildings normally associated with uses permitted in the zone in which the property is located
EXCEPT:
 - A. Bed and Breakfasts are excluded from the square footage criteria.
 - B. Other uses that provide overnight accommodations in conjunction with a home-based occupation.
02. **PARTICIPATION/EMPLOYEES:** A Home-Based Occupation shall employ, on site, no more than three full-time or part-time persons.

FINDING 6.7: From the narrative supplied by the applicant the only employees will be family members. Bed and breakfasts are excluded from the square footage criteria. The retail sales operation does not exceed 25% of the gross square feet of the principal residence.

03. **COMPATIBILITY OF ACTIVITY:** The residence, accessory buildings, or any new structures or reconstruction approved for use by the Home-Based Occupation shall conform to the area and shall not be non-conforming in terms of color, materials, design, construction, lighting, landscaping or the lack of landscaping. Also, the proposed use shall not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.

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FINDING 6.8: The Commission finds that as the businesses will use part of the existing residence and bakery and that there will be no change in the conformance of these structures. Also, based on information supplied by the applicant, the Commission finds that the proposed uses, as conditioned, will not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.

04. **TRAFFIC GENERATION:** The permitted activity should not generate a greater volume of vehicular traffic than is usual and customary in the zone where the property is located.

05. **NOISE:** The permitted activity shall not generate any noise that is in excess of that which is usual and customary in the zone where this property is located.

FINDING 6.11: The Commission finds that the proposed uses will generate more traffic; however, compared to a typical family occupying this residence, the bed and breakfast will not generate a greater volume of vehicular traffic than is usual and customary in the zone where the property is located. And, that the retail sales business will generate only minimal additional traffic.

Also, any noise generated will most likely not be in excess of that which is typical for the area.

06. **EQUIPMENT/RESTRICTIONS:** Any equipment used in the activity and processes shall not create vibrations, glare, fumes, odors, or electrical interference that is detectable to normal sensory perception at the property lines.

07. **HAZARDS:** Within a residence; no equipment, process, or materials shall be used which will change the fire-rating or structure separation, fire wall, or ventilation requirements of the building shall be permitted. Attached garages shall not be considered part of the residence for the purpose of this ordinance. Accessory buildings, attached garages, or new structures permitted with the use shall meet all structural and life safety requirements for the use and activity. No hazardous materials shall be stored or used on the premise in quantities greater than customary for residential use unless specified and approved at the time of application. No Home-Based Occupation shall be permitted which presents a potential health or safety hazard to the area from discharges into the air, water, or ground; from surface run-off; or from increased need for vector control.

FINDING 6.12: The Commission finds that it is not in the nature of a bed and breakfast, or the proposed retail sales, to generate vibrations, glare, fumes, odors, electrical interference, or to use or store hazardous materials.

08. **STORAGE AND USE OF YARD:** All storage of materials and equipment associated with the Home-Based Occupation shall be enclosed unless specified and approved at the time of the application.

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09. **SIGNS:** Signs shall conform to the provisions of Article 34, Signs.
10. **PARKING:** Parking shall be off-street and conform to the provisions of Article 33, Parking, Section 33.015(03).

NOTE: The existence of home-based occupations shall not be used as justification for a zone change [ORS 215.448(4)].

FINDING 6.13: The Commission finds that based on information supplied by the applicant in the home based occupation questionnaire, the above criteria are met.

07. CONCLUSION:

All applicable criteria have been met, and the Planning Commission approves this application as conditioned.

The Conditional Use Permit #16-02 to operate a Home-Based Occupation as a Bed and Breakfast and allow retail bakery and farm related food item sales will be valid until the permitted use is discontinued for one full year or upon sale of the subject property to any individual, group or organization other than the applicant.

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08. CONDITIONS OF APPROVAL:

The Board of Commissioners finds that all of the following conditions are able to be met as imposed since the applicant is willing and the Board finds reasonable evidence to support the conclusion that each is feasible.

1. The applicant agrees the approved use on the property is subordinated to; and conflict will be resolved in favor of farm, forest and mining practices which are consistent with the Oregon Forest Practices Act and other applicable regulations. The owners acknowledge these practices may involve the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, traffic, and other impacts. The owners recognize the approved use of the property may be impacted by such activities. In the event of conflict, the owners agree to give preference to farm, forest, and mining practices.
2. This Conditional Use Permit will become invalid upon sale of the subject property, bakery, or permitted business to any individual, group or organization other than the applicant.

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09. DECISION:

Based upon the information submitted the comments of interested parties and the findings, the review authority finds this application satisfies all review criteria and is hereby approved as presented. The vote on the motion is 4 in favor and 0 opposed with 0 abstaining.

February 23, 2016
DATE OF ACTION


RAMONA PHILLIPS, CHAIRMAN
WALLOWA COUNTY PLANNING COMMISSION

The decision on the Conditional Use Permit may be appealed to the Wallowa County Board of Commissioners pursuant to Article 7, Appeal. The provisions of Notice of Intent to Appeal accompanied by the appeal fee must be received by the Wallowa County Planning Department by 5:00 p.m. March 7th, 2016. Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.

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