

# WALLOWA COUNTY PLANNING COMMISSION

WALLOWA COUNTY COURTHOUSE  
101 S. RIVER STREET, ROOM B-1  
ENTERPRISE, OR 97828

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IN THE MATTER OF THE REQUEST )  
FOR A CONDITIONAL USE PERMIT )  
TO ALLOW A HOME-BASED ) **FINDINGS OF FACT, CONCLUSIONS,**  
OCCUPATION IN THE FORM OF A ) **AND DECISION OF THE WALLOWA**  
BED AND BREAKFAST, INCLUDING ) **COUNTY PLANNING COMMISSION**  
HORSE BOARDING, IN THE EFU )  
ZONE )

**RE:** Carlson/Lockert, Bed & Breakfast, CUP# 14-02

The request was deemed complete on May 6<sup>th</sup>, 2014, was properly advertised, and was heard before the Wallowa County Planning Commission on May 27<sup>th</sup>, 2014 at Public Hearing, with a Decision on June 24<sup>th</sup>, 2014. The findings are for a conditional use permit to allow a home based occupation (bed and breakfast). The Planning Commission having reviewed the record, the materials introduced in the above-referenced hearing, and having heard and considered oral and written testimony in the above-referenced hearings, and being fully advised, makes the following findings of fact and decision.

01. **APPLICANT:** Eric Carlson and Carolyn Lockert
02. **OWNER:** Eric Carlson and Carolyn Lockert
03. **REQUEST:** To permit a Home-Based Occupation to operate a bed and breakfast and to board client's horses
04. **LOCATION:** The property description is Township 01S south Range 43 east tax lot 1100
05. **PARCEL CHARACTERISTICS:** The parcel contains about 101 assessed acres. The Zoning is Exclusive Farm Use (EFU). Access is via Warnock Road, a county road. The parcel is bordered by EFU on all sides. The Lostine River runs through the western portion of the property.
06. **REVIEW CRITERIA:** Article 5, Public Hearing Review, Sections 5.125 and 5.040(01); Article 15, Exclusive Farm Use, Section 15.020(08); Article 35, Home Based Occupation, Section 35.020 and 35.025; and other applicable zoning ordinances or goals of Wallowa County and or laws of the State of Oregon.

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**SECTION 5.025, NOTICE OF PUBLIC HEARING:**

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

- A. One hundred (100) feet of the exterior boundary of the subject property where the subject property is wholly or in part within an urban growth boundary;
- B. Two hundred and fifty (250) feet of the exterior boundary of the subject property where the subject property is outside an urban growth boundary and not within a farm or forest zone;
- 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 a typical bed and breakfast does not impose more of a burden on services than a typical family. Additionally, there are no neighbors nearby which may be impacted by the operation of this bed and breakfast. Therefore, the Planning Commission has determined that no Conditions of Approval are required.

**SECTION 15.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY:** In the Exclusive Farm Use Zone, the following uses and activities and their accessory

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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 recognizes that horse boarding in the EFU zone is an outright use.

**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. Therefore, the Commission finds that the above criteria are met.

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.

**FINDING 6.8:** The Commission finds that as the business will use part of the existing residence and that there will be no change in the conformance of that structure. Also, based on information supplied by the applicant, the Commission finds that the proposed use will not

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unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. There are no nearby neighbors which may be impacted by the business.

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.

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 to generate vibrations, glare, fumes, odors, electrical interference, or 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.
09. **SIGNS:** Signs shall conform to the provisions of Article 34, Signs.

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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.

The Conditional Use Permit # 14-02 to operate a Home-Based Occupation as a Bed and Breakfast will be valid until the permitted use is discontinued for one full year.

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**08. CONDITIONS OF APPROVAL:**

No conditions are required.

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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 \_\_\_\_\_ in favor and \_\_\_\_\_ opposed with \_\_\_\_\_ abstaining.

June 24<sup>th</sup>, 2014  
**DATE OF ACTION**

\_\_\_\_\_  
**KEN WICK, 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. July 7<sup>th</sup>, 2014. Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.