

WALLOWA COUNTY PLANNING COMMISSION

WALLOWA COUNTY COURTHOUSE

101 S. RIVER STREET, ROOM B-1

ENTERPRISE, OR 97828

**IN THE MATTER OF THE REQUEST
FOR A CONDITIONAL USE PERMIT
TO ESTABLISH A “FARM STAY”
FACILITY IN THE EXCLUSIVE
FARM USE ZONE**

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**FINDINGS OF FACT, CONCLUSIONS,
AND DECISION OF THE WALLOWA
COUNTY PLANNING COMMISSION**

RE: Hermens CUP# 13 - 03, “Farm Stay” Facility

The application was deemed complete on October 17th, 2013 and was properly advertised in the Wallowa County Chieftain on October 14th. Adjacent property owners and interested parties were notified on October 17th, 2013. The request came before the Wallowa County Planning Commission for Public Hearing on October 29th, with Decision on November 19th, 2013. The Findings are “Farm Stay” Facility in the Exclusive Farm Use zone. 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:** Carrie Hermens
80682 Hwy 82
Wallowa, OR 97885
02. **OWNER:** Forever Green Forest, LLC - James Smejkal, agent
03. **REPRESENTATIVE:** Carrie Hermens
04. **REQUEST:** Conditional Use permit to establish a Farm Stay Facility in the Exclusive Farm Use (EFU) zone
05. **LOCATION:** 01N 42 tax lot 2204, 75106 Lower Diamond Rd.
06. **PARCEL CHARACTERISTICS:** Property is 695 acres, zoned EFU. It contains a dwelling and farm outbuildings. Access is via Lower Diamond Road, a county road.
07. **REVIEW CRITERIA:** Article 5, Public Hearing Review, Sections 5.025(01-03) and 5.040(01); Article 9 Conditional Use Permit, Sections 9.015 and 9.020; Article 15 Exclusive Farm Use, Section 15.020(07 & 21); Article 36, Salmon Habitat Restoration, Section 36.020;

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and any other applicable zoning ordinances or goals of the Wallowa County Land Development Ordinance 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:
 - 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 7.1: The Planning Commission finds the public hearing was properly noticed to all property owners within 750 feet of the subject property, in the Wallowa County Chieftain, and was posted on the Wallowa County Courthouse Public Notice Board prior to the hearings within the required time frames as indicated above.

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 7.2: The Planning Commission has found it not necessary to impose Conditions of Approval.

SECTION 9.020, REVIEW CRITERIA: After taking into account location, size, design, and the general nature of the proposed use; the hearing body must determine that the development will comply with all of the following criteria to approve a Conditional Use Permit.

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01. The proposed use will be consistent with the purpose of [and is allowed conditionally in] the zone in which the use proposed.

FINDING 7.3: The Planning Commission finds that the proposed use is allowed conditionally in the EFU zone (15.020(25), the Commission further finds that the proposed use is consistent with the purpose of the zone in that the current use will not change.

02. The use will not create excessive traffic congestion, noise, dust, glare from lights, or other conditions that may be hazardous.
03. The proposed use will not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school.

FINDING 7.4: The Commission finds that given the dearth of neighbors in the area and the continuation of the current use, the proposed facility will not create excessive traffic congestion, noise, dust, glare from lights, or other conditions that may be hazardous.

The Commission also finds that the proposed facility would use an existing residence and as such would not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school.

04. The site is suitable to accommodate the proposed use, such as: topography, soils, and parcel size.
05. The proposed use will not interfere with uses permitted on adjacent parcels.
06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

FINDING 7.5: The Planning Commission finds that as the current use will not change, the site is suitable for the use, and that the proposed use would not interfere with agriculture uses on adjacent parcels.

The Commission further finds that the use does not require review by the Wallowa County Salmon Habitat Technical Advisory Committee. See Finding 7.7.

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).

[.....]

07. Commercial activities that are in conjunction with farm use.

[.....]

21. Room and board arrangements for a maximum of five unrelated persons in existing residences.

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[.....]

FINDING 7.6: The Planning Commission finds that the proposed Farm Stay Facility is a conditional use in the EFU zone and has been correctly reviewed at a public hearing.

Additionally the Commission finds that the proposed facility will create additional revenue to support the existing farm/ranch and that the facility will work towards educating those with an urban background about the realities of farm/ranch life.

SECTION 36.020, DEVELOPMENT PLANS: Development plans shall be required as provided for in this ordinance [.....]:

FINDING 7.7 : The Commission finds that the Technical Advisory Committee does not need to review this application as there is no use change and no fish bearing waters are impacted.

07. CONCLUSION:

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

The Conditional Use Permit # 13-03 to permit a Farm Stay Facility, will be valid unless the approved use is discontinued for one year.

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08. CONDITIONS OF APPROVAL:

The Planning Commission finds that no Conditions of Approval are necessary.

09. DECISION:

Based upon the information submitted the comments of interested parties and the findings, the review authority finds this application, CUP#13-03, does satisfy all review criteria and is hereby approved as presented. The vote on the motion is _____ in favor and _____ opposed with _____ abstaining.

November 19th, 2013
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. December 2nd, 2013. Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.

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