

WALLOWA COUNTY PLANNING COMMISSION

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

IN THE MATTER OF THE REQUEST)
TO SITE AN ADDITIONAL)
DWELLING AS A USE IN THE) FINDINGS OF FACT, CONCLUSIONS,
EXCLUSIVE FARM USE ZONE AS A) AND DECISION OF THE WALLOWA
ACCESSORY FARM DWELLING) COUNTY PLANNING COMMISSION
OCCUPIED BY A RELATIVE)

RE: Jackman Accessory Farm (Relative) CUP#14-03

The request was deemed to be complete on June 13th, 2014. It was properly advertised in the Observer on June 12th, and was noticed to property owners and others on June 12th, 2014. The request came before the Wallowa County Planning Commission on June 24th, for Public Hearing and Decision on July 29th, 2014. The findings are for a conditional use permit for the placement of a second Accessory Farm Dwelling to be occupied by a relative. The Planning Commission, having reviewed the record, the materials introduced in the above-referenced hearing, and having heard and considered oral testimony in the above-referenced hearings, and being fully advised makes the following findings of fact and decision.

01. **APPLICANT:** David and Christine Jackman
83523 Eggleston Ln
Enterprise, OR 97828
02. **OWNER:** Same
03. **REQUEST:** Conditional Use permit to allow a second Accessory Farm Dwelling, occupied by a relative, in the EFU (Exclusive Farm Use) zone
04. **LOCATION:** The property description is Township 02 south , Range 45 east, Section 7 Tax Lot 2300
05. **PARCEL CHARACTERISTICS:** The parcel contains a total of 76.59 acres. Access is via Eggleston Lane, a county road. The zoning of the parcel is Exclusive Farm use (EFU) and it is surrounded by EFU.

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06. **REVIEW CRITERIA:** Article 5, Public Hearing Review, Sections 5.025 (01-03) and 5.040(01) Article 9, Conditional Use, Sections 9.015 and 9.020(01-06); Article 15, Exclusive Farm Use, Section 15.020(02); Article 36, Salmon Habitat Recovery, Sections 36.015 and 36.020 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:

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 6.01: 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 as stated above.

SECTION 5.040, 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

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applicable standards and criteria.

FINDING 6.02: The Planning Commission finds that, with regard to this request, no conditions of approval are necessary.

SECTION 9.015, REVIEW PROCEDURE: Application for a Conditional Use Permit shall be subject to the public hearing review process.

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.

01. The proposed use will be consistent with the purpose of [and is allowed conditionally in] the zone in which the use proposed.
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.
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 6.03: The Commission finds that the proposed use is subject to the Public Hearing process and that, via testimony and other evidence provided, as the purpose of the proposed use to enable the current owners to live on and use the property as they have in the past and will not result in a change of use, the proposed use meets the above criteria.

The Commission further finds that the use does not require review by the Wallowa County Salmon Habitat Technical Advisory Committee. See Finding 6.05.

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).

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02. A dwelling located on the same lot or parcel as the dwelling of the farm operator and which will be occupied by a relative - which means grandparent, grandchild, parent, child, brother, sister or spouse of the farm operator - whose assistance in management for the farm use is or will be required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing. The application shall satisfy the pertinent criteria of Article 36, Salmon Habitat Restoration.

FINDING 6.04: The Planning Commission finds that via evidence provided by the applicants failed to show the need for a second Accessory Farm Dwelling on the subject property. The Commission had approved an initial Accessory Farm Dwelling for a relative in 2011 and found that the scale of the operation, while requiring more help on occasion, did not on an annual basis justify additional assistance and an additional Accessory Farm Dwelling. The Commission was also concerned about the precedent approval would create in opening up farmland to additional dwellings.

SECTION 36.015, MANAGEMENT PLANS: Management plans shall be required prior to approval of watershed, streambank, and in-stream project applications. Plans shall conform to the requirements as provided by the Planning Department for this purpose.

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

FINDING 6.05: The Commission finds that the Technical Advisory Committee does not need to review this application as no fish bearing waters are impacted.

07. CONCLUSION:

All applicable criteria have not been met, and the Planning Commission denies Conditional Use Permit # 14-02 to establish an accessory farm dwelling, occupied by a relative, in the EFU zone.

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08. CONDITIONS OF APPROVAL:

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

The Commission finds that no conditions of approval are necessary.

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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 does not satisfy the review criteria and is hereby denied as presented. The vote on the motion is _____ in favor and _____ opposed with _____ abstaining.

July 29th, 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. August 11th, 2014. Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.

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