

# WALLOWA COUNTY PLANNING COMMISSION

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

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<b>IN THE MATTER OF THE REQUEST</b>	)	
<b>TO SITE AN ADDITIONAL</b>	)	
<b>DWELLING AS A USE IN THE</b>	)	<b>FINDINGS OF FACT, CONCLUSIONS,</b>
<b>TIMBER GRAZING ZONE AS A</b>	)	<b>AND DECISION OF THE WALLOWA</b>
<b>HARDSHIP DWELLING FOR A</b>	)	<b>COUNTY PLANNING COMMISSION</b>
<b>RELATIVE</b>	)	

**RE:** Limbaugh, Hardship dwelling, CUP#12-03

The request was deemed to be complete on June 7<sup>th</sup>, 2012. It was properly advertised in the Wallowa County Chieftain on June 13<sup>th</sup>, and was noticed to property owners and others on June 14<sup>th</sup>, 2012. The request came before the Wallowa County Planning Commission on June 26<sup>th</sup>, for Public Hearing with Decision on July 31<sup>st</sup>, 2012. The findings are for a conditional use permit for the placement of a hardship dwelling 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:** Verna Limbaugh
- 02. OWNER:** Verna Limbaugh
- 03. REQUEST:** To establish a hardship dwelling, occupied by a relative, in the Timber Grazing zone.
- 04. LOCATION:** The property description is Township 02 South, Range 44 East, Section 21 Tax Lot 1100.
- 05. PARCEL CHARACTERISTICS:** The parcel contains a total of 80 acres. Access is via Spring Creek Road, a county road. The zoning of the parcel is Timber/Grazing (T/G). There is a 40 year old manufactured home located in the north west corner of the property.
- 06. REVIEW CRITERIA:** Article 5, Public Hearing Review, Sections 5.025 (01-03) and

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## FINDINGS

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5.035(01); Article 9, Conditional Use, Sections 9.015 and 9.020(01-06); Article 16, Timber/Grazing Section 16.020 (19); Article 36, Salomon 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 5.035, 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.

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**FINDINGS**

**FINDING 6.02:** The Planning Commission finds that, with regard to this request, no conditions of approval are necessary to limit the potential impact of the proposed hardship dwelling.

**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, the use will not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school. Additionally, the applicant has testified that the hardship dwelling is located on a site suitable to accommodate the proposed use and will not interfere with uses permitted on adjacent parcels. Also, as the proposed use is not close to Spring Creek or other live water, the criteria of the Salmon Plan does not apply.

**SECTION 16.020, BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY IN THE TIMBER GRAZING ZONE:** The following uses and activities and accessory buildings and uses are permitted subject to the provisions of Article 9, Conditional Use Permit.

[.....]

19. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for

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the term of a hardship suffered by the existing resident or a relative of the resident, If personal hardship relating to the aged, infirmity, or other persons incapable of maintaining a separate residence necessitates someone living on the same premises, the following conditions shall apply:

- A. The applicant must have a signed physician's statement indicating the need for care; and
- B. The permit shall be issued for a specific person and for a period of one year requiring annual review and renewal. No change in occupancy shall take place without review of the Planning Commission. The temporary dwelling shall be removed after the original need has ceased; and
- C. The placement of the temporary dwelling shall be located in such a way to utilize existing water, sewer, electrical, access and the Department of Environmental Quality shall approve the sewer provisions; and
- D. Granting of the permit shall not constitute as approval to divide land. The location of a temporary dwelling unit on a parcel shall not be considered the creation of a separate dwelling site.

**FINDING 6.04:** The Planning Commission finds the following:

Whereas the applicant did not supply a physician's statement, other evidence placed in the record documents that Mrs. Limbaugh's mother is elderly and frail and cannot take care of herself. Additionally, Mrs. Limbaugh's son, a paraplegic, will also occupy the new dwelling.

Whereas the new manufactured home will not share existing water septic electrical or access, evidence placed in the record shows that limited space and parcel topography would make it very difficult to do so. Additionally, a new septic system already exists in the location of the hardship dwelling. Also, the existing home has narrow hallways and small bedrooms making it unusable as a hardship dwelling.

The applicant has agreed to decommission the existing 40 year old manufactured home after the original need no longer exists.

The applicant agrees that granting of this permit shall not constitute an approval to divide land. The location of a temporary dwelling unit on a parcel shall not be considered the creation of a separate dwelling site.

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**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 a management plan is not necessary. See Finding 6.03.

**07. CONCLUSION:**

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

The Conditional Use Permit #12-03 to establish a hardship dwelling, occupied by a relative in the T/G zone is approved.

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**08. CONDITIONS OF APPROVAL:**

The Planning 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 satisfies all review criteria and is hereby approved as presented. The vote on the motion is \_\_\_\_\_ in favor and \_\_\_\_\_ opposed with \_\_\_\_\_ abstaining.

July 31<sup>st</sup>, 2012

**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 13<sup>th</sup>, 2012. Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.

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