

CITY OF LA GRANDE
Planning Commission Regular Session

Tuesday, July 13, 2021

6:00 p.m.

Council Chambers
La Grande City Hall
1000 Adams Avenue

AGENDA

1. CALL TO ORDER/ROLL CALL

2. AGENDA APPROVAL

*Chairperson asks if there are any additions or changes to the Agenda
(NO MOTION NEEDED)*

3. CONSENT AGENDA

a. Consider: Approving Minutes of the January 14, 2020 meeting.

4. PUBLIC COMMENTS

Those individuals who wish to address the Commission in connection with any item which is printed on tonight's Agenda may do so during the time that item is under discussion by the Commission. Individuals wishing to speak to the Commission about non-Agenda items may do so during this portion (Public Comments) of the Agenda. When addressing the Commission, please step to the Podium, speak loudly and clearly into the Podium microphone and state your name. In the event the Chairman does not announce a time limit for comments, each speaker is asked to confine his or her comments to three minutes in length.

5. NEW BUSINESS

None

6. PUBLIC HEARING

a. Conditional Use Permit – allow for the operation of an Air BnB
File Number 08-CUP-21
The Applicant is Kimberly Rose

b. Conditional Use Permit – allow for the operation of an Air BnB
File Number 09-CUP-21
The Applicant is Alma Crow

c. Conditional Use Permit – allow for the operation of an Air BnB
File Number 10-CUP-21
The Applicant is David Oliver

7. UNFINISHED BUSINESS

None

8. CITY PLANNER COMMENTS

9. COMMISSION COMMENTS

10. ADJOURN

Kendra VanCleave
Planning Secretary

All meetings of the La Grande Planning Commission are accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities should be made five days before the scheduled meeting by calling (541) 962-1307.

CITY OF LA GRANDE
COMMISSION ACTION FORM

Commission Meeting Date: July 13, 2021

COMMISSION ACTION: CONSIDER CONSENT AGENDA

MOTION: I move that we accept the Consent Agenda as presented.

OR

MOTION: I move that we accept the Consent Agenda as amended.

EXPLANATION:

A Consent Agenda includes routine items of business with limited public interest, which may be approved by one Motion of the Commission. Any Commissioner may, by request, remove any item of business from the Consent Agenda.

a. Consider: Minutes of the June 8, 2021, Regular Session

COMMISSION ACTION (Office Use Only)

- Motion Passed
- Motion Failed

Recessed: _____
Work Session: _____
Other: _____

Action Tabled: _____
Vote: _____

CITY OF LA GRANDE

Planning Commission Meeting

Regular Session

June 8, 2021

6:00 p.m.

Council Chambers

La Grande City Hall
1000 Adams Avenue

MINUTES

COMMISSIONERS PRESENT:

James Hickey
Bill Riley
Liberty Avila
Dave Felley

COMMISSIONERS ABSENT:

Bruce Weimer

DISCUSSION/DISPOSITION

STAFF PRESENT:

Michael Boquist, City Planner
Kendra VanCleave, Planning Secretary

CITIZENS PRESENT:

Lance Hafer

CALL TO ORDER/ROLL CALL

HICKEY, Chair, called this Regular Session of the Commission to order at 6:00 p.m. and conducted a Roll Call; a quorum was determined to be present.

The Agenda was approved as presented

AGENDA APPROVAL

VANCLEAVE commented that page 4 needs amended to include the condition of approval for the Linda Carlsen conditional use permit application.

RILEY introduced the following Motion, with AVILA providing the Second.

MOTION: That the Consent Agenda be approved as amended for the May 18, 2021 meeting.

CONSENT AGENDA

MSC: Unanimous
NONE

PUBLIC COMMENTS

NONE

NEW BUSINESS

(PUBLIC HEARING OPENED 6:02 PM)

HICKEY asked for the Rules of Order to be Read. There were no declarations or challenges.

PUBLIC HEARING

HICKEY asked for the staff report.

- a. Conditional Use Permit
File Number: 07-CUP-21
Lance Hafer

BOQUIST opened with the application to allow the use of 1424 Madison Avenue as a tow-away or impoundment yard. The subject property was historically used for outdoor material storage and zoned Light Industrial (I-1). Land Development Code Section

2.2.011 (C) (8) allows for " Private Parking Tow-Away or Impoundment Yards" as a conditional use.

BOQUIST continued with the review criteria.

A. That the use is conditionally permitted in the zone in which it is proposed to be located.

Finding: The property is zoned Light Industrial (I-1). Land Development Code Section 2.2.011(C)(8) allows for "Private Parking Tow-Away or Impoundment Yards" as a conditional use. This standard is met.

B. That the proposed development is timely, considering the availability and adequacy of the transportation system, and public facilities and services.

Finding: This criterion generally applies to areas where City standard improvements are missing (e.g. no streets, sidewalks, water, sewer, etc.) and where large projects require the extension or widening of streets and/or constructing other infrastructure improvements. For this request, the subject property is located along Madison Avenue, which is developed with a paved street and gravel shoulders. The use of the existing dwelling as a B&B will not require any new public infrastructure or services. This criterion is satisfied.

C. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the use or development of abutting properties or surrounding neighborhood with uses permitted in the underlying zone.

Finding: When determining conformance with this criterion, attention should be focused on the "location, size, design and operating characteristics" of the proposed use. In this case, the proposed use is for the parking of tow-away vehicles or impound yard. To facilitate this use, the applicant proposes to clean up the property and install visual screening slats within the existing chain link to provide visual screening of stored vehicles from the street. There is a large existing carport/storage building on the property that will also provide covered storage. A portion of the site is improved with a paved/concrete surface where vehicle storage is intended, with short-term overflow potentially occurring on some gravel areas, as needed. The site is expected to generate only intermittent traffic, with visits to the site approximately 10 times per week.

The historic use of the subject property included outdoor material storage associated with Miller's Lumber Center, which was a permitted use outright and

not subject to a conditional use permit. The historic use of the site included heavy truck traffic with delivery service vehicles regularly maneuvering through the site each day, as well as parking, loading and unloading within the adjacent Madison Avenue right-of-way. The outdoor storage has not been previously screened from public view and has historically generate a high visual impact on the surrounding area.

The applicant's narrative explains the above in their narrative. The proposed use of the property as an impound yard, which is visually screened from the public streets is believed to be a lesser impact than the historic use on the site and more complimentary to the surrounding area.

HICKEY asked for application testimony. No additional comment.

HICKEY asked for testimony in favor, opposition or neutral. BOQUIST read into the record a letter in favor.

HICKEY asked about storing accident vehicles (leaks of coolant, battery acid etc.)
HAFER responded currently they are using absorbent pads underneath if a vehicle is leaking. For the new yard they will put anything leaking inside on the cement floor with absorbent pads underneath.

HICKEY invited commission discussion. There was consensus that it will be nice to see cleaned up.

(PUBLIC HEARING CLOSED 6:12 P.M.)

AVILA introduced the following Motion with RILEY providing the Second.

MOTION: I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be adopted and that the Conditional Use Permit be approved.

USC: Unanimous

NONE

UNFINISHED BUSINESS:

None

CITY PLANNER COMMENTS:

BOQUIST commented that we have one application to review so far for the July Planning Commission. He is meeting with Jacksons about their project purchasing the Shell station and clean it up.

BOQUIST continued that some code amendments will be coming up. The final housing production strategy will be going before Council for adoption.

HICKEY asked if the Cove Avenue apartments are still moving forward. BOQUIST responded they are moving forward, but having to reconsider some parts of the project due to the increase in building costs.

There being no further business to come before this Regular Session of the Commission, HICKEY adjourned the meeting at 6:20 p.m. The Commission is scheduled to meet again in Regular Session, Tuesday, July 13, 2021 at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

ATTEST:

APPROVED:

**Kendra VanCleave
CEDD Secretary
Date Approved:**

Chairperson

CITY of LA GRANDE

PLANNING COMMISSION ACTION FORM

Commission Meeting Date: July 13, 2021

PRESENTER:

Michael Boquist, Community Development Director

COUNCIL ACTION:

**PUBLIC HEARING FOR CONDITIONAL USE PERMIT
FILE NUMBER 08-CUP-21 (Bed & Breakfast)**

1. CHAIR: Open the Public Hearing and ask that the Rules of Order for this and the following Public Hearings be read in their entirety. Request declarations and challenges.
2. CHAIR: Request Staff Report
3. CHAIR: Request that Public Testimony be read into the Record
4. CHAIR: Invite Commission Discussion
5. CHAIR: Close the Public Hearing and Entertain Motion

Suggested Motion: I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be (adopted / amended) and that the Proposed Conditional Use Permit be (approved / denied).

6. CHAIR: Invite Additional Commission Discussion
7. CHAIR: Ask for the Vote

EXPLANATION: The applicant has filed this Conditional Use Permit Application for the Planning Commission's consideration, to allow the use of their home as an Air B&B.

See Attached Staff Report and Applicant's submittal and justification.

The Planning Commission's decision on this application is a final decision, unless appealed to the City Council.

COMMISSION ACTION (Office Use Only)

Motion Passed Motion Failed
 Action Tabled: _____

Vote: _____
Recessed: _____

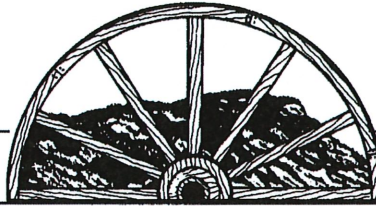
RULES OF ORDER FOR A PUBLIC HEARING

The following is a step-by-step description of the order of events necessary to hold a Public Hearing.

PLANNING SECRETARY READS TO THE PUBLIC:

- A. The Planning Commission will conduct Three (3) Public Hearings tonight to consider a Conditional Use Permit; File Number: 08-CUP-21, Applicant: Kimberly Rose, a Conditional Use Permit; File Number 09-CUP-21, Applicant: Alma Crow, and a Conditional Use Permit; File Number 10-CUP-21, Applicant: David Oliver.
- B. The Hearing will proceed as follows:
1. The Chairperson will request the Staff Report, which includes applicable criteria and standards for the issue under consideration in the application. As part of the Staff Report, the Applicant may have the opportunity to address the Commission prior to public testimony.
 2. The Chairperson will then accept public testimony relating to the application. The Chairperson may state a time limit for testimony; if no time limit is announced, testimony will be limited to three minutes. All testimony must be directed toward the applicable criteria. Oregon Land Use Law requires that all issues raised by a participant during the Hearing must be sufficiently clear and specific to allow the Hearing body and other parties an opportunity to respond to those issues. Failure to raise the issues during the Hearing may invalidate a future appeal.
 3. The proceedings are being electronically recorded, to be converted to written Minutes. When testifying, please step to the podium and **clearly print** your name and address on the speaker sign-in sheet. **State** only your name before addressing the Commission; it is not necessary to state your address.
 4. Proponents will be asked to speak first, then opponents, and then any parties neutral to the application. An opportunity will be provided to parties to clarify any issues raised or to rebut testimony, proponents first, followed by opponents, then those neutral.
 5. If additional documents or new evidence is introduced during the Hearing, any participant may request a continuation of the Hearing. Any participant may request that the Hearing Records be kept open for seven (7) days to submit additional written evidence or testimony for the purpose of responding to new evidence. Unless waived, the applicant has seven (7) days to submit a written response.
 6. Members of the Planning Commission may ask questions of the Staff or Hearing participants at any time. The Chairperson will then close the Hearing or continue the Hearing at a specified time and place.
 7. All decisions must be based on findings of fact from the Staff Report or evidence and testimony received which relate to the criteria of the land use decision.
- C. A Commissioner must declare any ex parte or pre-hearing contact, including the person's name and the nature of the discussion, as well as any site visitations to the area in question. Commissioners should declare any personal or financial interests in this matter and may disqualify themselves from participation in the Hearing. **Does any Commissioner wish to make a declaration?**
- D. Does anyone in the audience wish to challenge the right of any Commissioner to hear this matter? **Let the Record show that (there are no challenges) OR _____.**

CITY OF



LA GRANDE

THE HUB OF NORTHEASTERN OREGON

COMMUNITY DEVELOPMENT DEPARTMENT / PLANNING DIVISION ▪ P.O. Box 670 ▪ 1000 Adams Avenue ▪ La Grande, OR 97850
Phone: (541) 962-1307 ▪ Fax: (541) 963-3333 ▪ Web: www.planning.cityoflagrande.org

DRAFT - ORDER OF APPROVAL

File Number: 08-CUP-21

July 13, 2021

HEARING BODY(IES): Planning Commission (Final Decision)
HEARING DATE(S): Tuesday, July 13, 2021
HEARING TIME(S): 6:00 p.m.
HEARING LOCATION: Due to Governor Brown's Executive Order 20-16 limiting public gatherings, found at: https://www.oregon.gov/gov/Documents/executive_orders/eo_20-16.pdf, all public hearings will be held by electronic communications via zoom meetings. The meetings will be available for viewing on Facebook Live at the following link: <https://www.facebook.com/LaGrandeCityManager>. Community members may submit comments or questions in writing in advance of the meetings. Written comments need to be received by 5:00 p.m. on date of the scheduled meeting(s), which will be read during the public comment section of the Public Hearing. Issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the Planning Commission or City Council to respond to the issues. Written Comments will be subject to a three-minute limit per community member. To submit written public comment, please email mboquist@cityoflagrande.org.

I. Application Information

Proposal: The applicant has filed this Conditional Use Permit Application for the Planning Commission's consideration, to allow the use of their home as an Air B&B.

Applicant: Kimberly Rose

Address/Location: 1502 Y Ave, T3S, R38E, Section 05BD, Tax Lot 5800, Union County Ref #687

Decision Order Prepared By: Michael J. Boquist, Community Development Director

II. Schedule of Procedural and Public Hearing Requirements

In accordance with Land Development Code Ordinance 3252, Series 2021, Articles 9.3 and 9.4, Land Development Code Amendments are subject to the City Council's review and decision authority, upon receiving a recommendation from the Planning Commission. In accordance with Article 9.5, public hearings for the consideration of the proposal were scheduled as follows:

- June 04, 2021.....Conditional Use Permit Application received.
- June 15, 2021.....Application deemed complete and public notice mailed to surrounding property owners within 100'.
- July 13, 2021.....Public Hearing before the Planning Commission
- July 26, 2021.....Expiration of Appeal period.

(Note: The actual Expiration of Appeal Period is 12 days from the date the Planning Commission decision is mailed to the applicant.)

III. Public Notice Information

Public notice was issued in accordance with City and State laws. Notice was provided in accordance with Land Development Code Ordinance 3252, Series 2021, Article 9.6, Section 9.6.001(B). Notice of the public hearing was published in the local newspaper of general circulation, with mailed notice provided to the applicant and to the owners of record of property located within one hundred feet (100') of the subject property. Additionally, all public hearing materials, including the Draft Decision Order was published on the City of La Grande – Planning Division's webpage.

IV. Review Process and Appeals

A Conditional Use Permit is a quasi-judicial land use action that is subject to the Planning Commission's review and approval. The Planning Commission's review includes a public hearing where testimony is accepted from interested persons and which results in a decision being issued in accordance with Chapter 9 of Land Development Code Ordinance 3252, Series 2021.

A decision of the Planning Commission is final unless appealed to the City Council within twelve (12) days from the date the Planning Commission decision is mailed to the applicant. If the subject property is located within the Urban Growth Boundary, the decision of the City Council may be appealed to the Union County Board of Commissioners in accordance with the Joint Management Agreement and Union County Ordinance.

V. Staff Recommended Conclusions and Order

Based on the analysis and Findings of Fact in this Decision Order, the proposed Conditional Use Permit meets the requirements established in Land Development Code Ordinance 3252, Series 2021, Article 8.5.

The Planning Commission has three options with respect to the Conditional Use Permit:

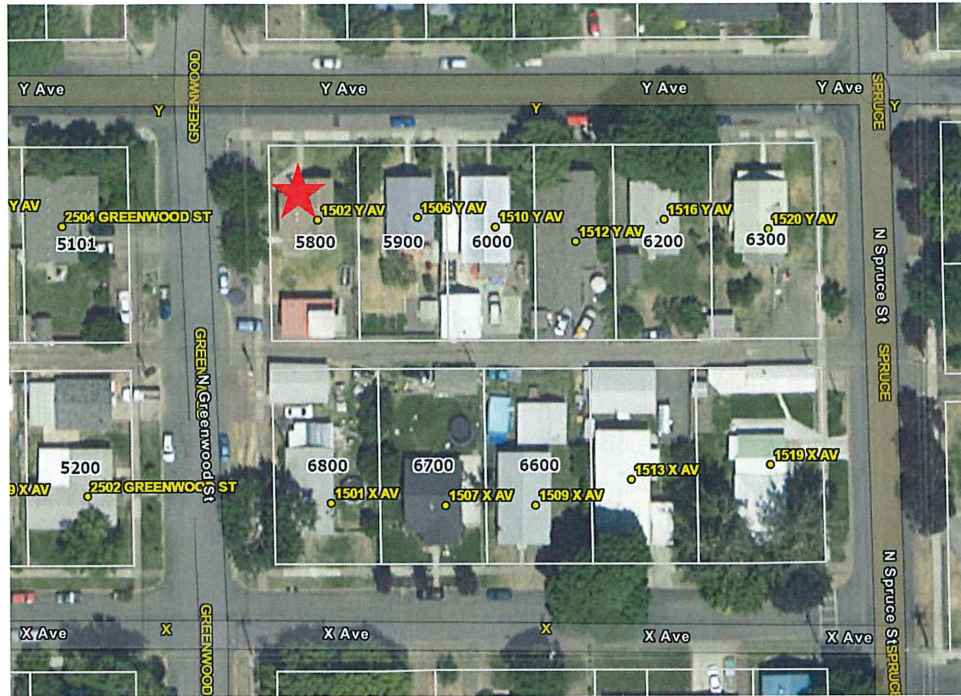
Option 1 (Approve): Approve the Conditional Use Permit as presented; or,

Option 2 (Conditionally Approve): Approve the Conditional Use Permit as amended, with Conditions;

Option 3 (Disapproval): Deny the Conditional Use Permit.

VI. General Facts and Overview

1. The subject property is located at 1502 Y Avenue.



2. The property is zoned Medium Density Residential (R-2). Bed and Breakfast Inns are permitted by Conditional use Permit only, under Land Development Code Ordinance 3252, Series 2021, Section 2.2.005(C)(9).
3. Under LDC Article 1.3, the City of La Grande defines all residential home or room rentals of less than 30 days as a lodging use. The City does not have a specific definition or category for Air BnBs, VRBOs, and other short term rentals. Under Section 2.1.003 these uses are classified under a "closest fit" evaluation, which for all short-term lodging (30 days or less), they are considered bed and breakfast inns.
4. A Bed and Breakfast Inn is defined under LDC Article 1.3, as follows:

*"Bed and Breakfast Inn – A structure designed and occupied as a residence in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility. The Bed and Breakfast establishment **has no more than five guest sleeping rooms** provided on a daily or weekly basis for the use of no more than a total of ten (10) travelers or transients at any one time."*

(Note: Bold added for emphasis. This request is proposed to include five guest rooms.)
5. The subject property is developed with an existing one (1) bedroom single family dwelling. The applicant intends to make the home available as a part-time vacation rental during times the family is not present at the property.
6. The subject property includes parking in the rear yard off of Greenwood St., in front of the garage structure, which is sufficient for two (2) private of street parking spaces. With the property being a one (1) bedroom dwelling, this is more than sufficient to meet city ordinance. The standard has been met.

VII. Agency Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, notice of the land use application was mailed to the following agencies: City of La Grande Building Department, City of La Grande Fire Department, City of La Grande Planning Department, City of La Grande Police Department, City of La Grande Public Works Department, Avista Utilities, Charter Communications, City Garbage Service, Frontier Communications, Oregon Department of Transportation, and Oregon Trail Electric Cooperative.

1. No written comments or concerns were received from notified affected agencies.

VIII. Public Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, public notice was mailed to the owners of properties located within one hundred feet (100') of the subject property.

1. No written comments or concerns were received from the public regarding this request.

IX. Analysis of Applicable Standards

Conditional Use Permits are required to satisfy the review criteria contained in the City of La Grande Land Development Code Ordinance 3252, Series 2021 (LDC), Article 8.5, Section 8.5.003, as well as other applicable criteria and standards of the Land Development Code, other City Ordinances and State law.

X. LDC Section 8.5.003 – Review Criteria

A Conditional Use Permit shall be granted only if the review authority shall find that it satisfies the following criteria, as well as all other criteria and standards of this Code and other applicable codes and Ordinances.

- A. *That the use is conditionally permitted in the zone in which it is proposed to be located.*

Finding: The subject property is located within a Medium Density Residential (R-2) zone. Bed and Breakfast Inns are permitted by Conditional use Permit only, under Land Development Code Ordinance 3252, Series 2021, Section 2.2.005(C)(9).

As defined under LDC Article 1.3, a Bed and Breakfast Inn is limited to five (5) sleeping guest rooms (aka bedrooms). This request includes a one (1) bedroom dwelling. This standard is met.

- B. *That the proposed development is timely, considering the availability and adequacy of the transportation system, and public facilities and services.*

Finding: This criterion generally applies to areas where City standard improvements are missing (e.g. no streets, sidewalks, water, sewer, etc.) and where large projects require the extension or widening of streets and/or constructing other infrastructure improvements. For this request, the subject property is located along Y Avenue, which is a fully developed street meeting all City standards. The use of the existing dwelling as a B&B will not require any new public infrastructure or services. This criterion is satisfied.

- C. *That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the use or development of abutting properties or surrounding neighborhood with uses permitted in the underlying zone.*

Finding: When determining conformance with this criterion, attention should be focused on the “location, size, design and operating characteristics” of the proposed use. In this case, the proposed B&B includes the use of the entire single-family dwelling. The use of a dwelling unit as a bed and breakfast has previously been considered by City staff and the Planning Commission as having similar occupancy impacts as a single-family dwelling, but potentially to a lesser extent as BnBs typically have a lower or intermittent occupancy rates. The surrounding neighborhood predominantly includes single-family homes.

The applicant's narrative explains their operational intentions, as well as meeting the off-street parking requirements. This standard is met.

XI. Conclusions and Order

Based on the Findings of Fact above, the Planning Commission concludes that the Conditional Use Permit application meets the requirements established in LDC Article 8.5, and hereby approves the Conditional Use Permit.

XII. Standard Conditions of Approval for Land Use Applications

1. **Revisions to a Valid Conditional Use Permit:** Any variations, alterations, or changes in a valid Conditional Use Permit requested by the deed holder shall be considered in accordance with the procedures of the Land Development Code as though a new Conditional Use Permit were being applied for.

XIII. Other Permits and Restrictions

The applicant and property owner is herein advised that the use of the property involved in this application may require additional permits from the City of La Grande or other local, State or Federal Agencies. The City of La Grande land use review, approval process and any decision issued does not take the place of, or relieve the applicant of responsibility for acquiring such other permits, or satisfying any restrictions or conditions thereon. The land use decision herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

The land use approvals granted by this decision shall be effective only when the rights granted herein have been exercised and commenced within one (1) year of the effective date of the decision. In case such right has not been exercised and commenced or an extension obtained, the approvals granted by this decision shall become null and void. A written request for an extension of time shall be filed with the Planning Department at least thirty (30) days prior to the expiration date of the approval.

Kimberly Rose
1513 Z Avenue
La Grande, OR 97850
541-963-2306

City of La Grande
1000 Adams Avenue
La Grande, OR 97850
541962-1307

5-21-2021

To Whom it May Concern:

I am submitting an application for a Conditional Use Permit for my home located at 1502 Y Avenue, La Grande OR, 97850 for the purposes of using it as a part-time vacation rental when my family and I are not residing in it. My commitment to maintaining a quiet and friendly neighborhood is of the utmost importance, and as such I will maintain a positive rapport with said neighbors by renting to respectful and quiet individuals who have a proven track record with high ratings and a good rental history and will observe quiet hours. It is my commitment to making sure this rental will not have significant adverse effects on the surrounding neighborhood or abutting properties.

This home is located on the corner of Greenwood and Y Avenue and the development is more than adequate and provides for ample public parking, and renters will have access to two private parking spaces. Presently neighbors do not feel the need to use said public parking adjacent to this home, yet they will continue to have access as they always have as this is a smaller home which is only suitable for a few guests at a time. There is another rental property in operation on Z Avenue two blocks away that will not have any adverse effects of the parking for this proposed rental.

The safety of our community is of the highest importance to me, and I am committed to maintaining a quiet, safe, and healthy neighborhood. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Rose". The signature is written in black ink and is positioned above the printed name.

Kimberly Rose

N Greenwood St



Image capture: Apr 2012 © 2021 Google

La Grande, Oregon



Street View



CITY of LA GRANDE

PLANNING COMMISSION ACTION FORM

Commission Meeting Date: July 13, 2021

PRESENTER:

Michael Boquist, Community Development Director

COUNCIL ACTION:

**PUBLIC HEARING FOR CONDITIONAL USE PERMIT
FILE NUMBER 09-CUP-21 (Bed & Breakfast)**

1. CHAIR: Open the Public Hearing and announce that the Rules of Order for this Public Hearing were read in their entirety prior to the first public hearing. Request declarations and challenges.
2. CHAIR: Request Staff Report
3. CHAIR: Request that Public Testimony be read into the Record
4. CHAIR: Invite Commission Discussion
5. CHAIR: Close the Public Hearing and Entertain Motion

Suggested Motion: I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be (adopted / amended) and that the Proposed Conditional Use Permit be (approved / denied).

6. CHAIR: Invite Additional Commission Discussion
7. CHAIR: Ask for the Vote

EXPLANATION: The applicant has filed this Conditional Use Permit Application for the Planning Commission's consideration, to allow the use of their home as an Air B&B.

See Attached Staff Report and Applicant's submittal and justification.

The Planning Commission's decision on this application is a final decision, unless appealed to the City Council.

COMMISSION ACTION (Office Use Only)

Motion Passed Motion Failed
 Action Tabled: _____

Vote: _____
Recessed: _____

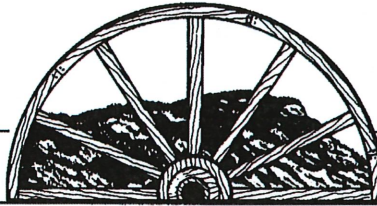
RULES OF ORDER FOR A PUBLIC HEARING

The following is a step-by-step description of the order of events necessary to hold a Public Hearing.

PLANNING SECRETARY READS TO THE PUBLIC:

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- B. The Hearing will proceed as follows:
1. The Chairperson will request the Staff Report, which includes applicable criteria and standards for the issue under consideration in the application. As part of the Staff Report, the Applicant may have the opportunity to address the Commission prior to public testimony.
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 6. Members of the Planning Commission may ask questions of the Staff or Hearing participants at any time. The Chairperson will then close the Hearing or continue the Hearing at a specified time and place.
 7. All decisions must be based on findings of fact from the Staff Report or evidence and testimony received which relate to the criteria of the land use decision.
- C. A Commissioner must declare any ex parte or pre-hearing contact, including the person's name and the nature of the discussion, as well as any site visitations to the area in question. Commissioners should declare any personal or financial interests in this matter and may disqualify themselves from participation in the Hearing. ***Does any Commissioner wish to make a declaration?***
- D. Does anyone in the audience wish to challenge the right of any Commissioner to hear this matter? ***Let the Record show that (there are no challenges) OR _____.***

CITY OF



LA GRANDE

THE HUB OF NORTHEASTERN OREGON

COMMUNITY DEVELOPMENT DEPARTMENT / PLANNING DIVISION • P.O. Box 670 • 1000 Adams Avenue • La Grande, OR 97850

Phone: (541) 962-1307 • Fax: (541) 963-3333 • Web: www.planning.cityoflagrande.org

DRAFT - ORDER OF APPROVAL

File Number: 09-CUP-21

July 13, 2021

HEARING BODY(IES): Planning Commission (Final Decision)

HEARING DATE(S): Tuesday, July 13, 2021

HEARING TIME(S): 6:00 p.m.

HEARING LOCATION: Due to Governor Brown's Executive Order 20-16 limiting public gatherings, found at: https://www.oregon.gov/gov/Documents/executive_orders/eo_20-16.pdf, all public hearings will be held by electronic communications via zoom meetings. The meetings will be available for viewing on Facebook Live at the following link: <https://www.facebook.com/LaGrandeCityManager>. Community members may submit comments or questions in writing in advance of the meetings. Written comments need to be received by 5:00 p.m. on date of the scheduled meeting(s), which will be read during the public comment section of the Public Hearing. Issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the Planning Commission or City Council to respond to the issues. Written Comments will be subject to a three-minute limit per community member. To submit written public comment, please email mboquist@cityoflagrande.org.

I. Application Information

Proposal: The applicant has filed this Conditional Use Permit Application for the Planning Commission's consideration, to allow half of their duplex (one dwelling) to be used as an Air B&B.

Applicant: Alma Crow

Address/Location: 104 20th Street, T3S, R38E, Section 8DD, Tax Lot 1806, Union County Ref. #18034

Decision Order Prepared By: Michael J. Boquist, Community Development Director

II. Schedule of Procedural and Public Hearing Requirements

In accordance with Land Development Code Ordinance 3252, Series 2021, Articles 9.3 and 9.4, Land Development Code Amendments are subject to the City Council's review and decision authority, upon receiving a recommendation from the Planning Commission. In accordance with Article 9.5, public hearings for the consideration of the proposal were scheduled as follows:

- June 14, 2021.....Conditional Use Permit Application received.
- June 18, 2021.....Application deemed complete and public notice mailed to surrounding property owners within 100'.
- July 13, 2021.....Public Hearing before the Planning Commission
- July 26, 2021.....Expiration of Appeal period.

(Note: The actual Expiration of Appeal Period is 12 days from the date the Planning Commission decision is mailed to the applicant.)

III. Public Notice Information

Public notice was issued in accordance with City and State laws. Notice was provided in accordance with Land Development Code Ordinance 3252, Series 2021, Article 9.6, Section 9.6.001(B). Notice of the public hearing was published in the local newspaper of general circulation, with mailed notice provided to the applicant and to the owners of record of property located within one hundred feet (100') of the subject property. Additionally, all public hearing materials, including the Draft Decision Order was published on the City of La Grande – Planning Division's webpage.

IV. Review Process and Appeals

A Conditional Use Permit is a quasi-judicial land use action that is subject to the Planning Commission's review and approval. The Planning Commission's review includes a public hearing where testimony is accepted from interested persons and which results in a decision being issued in accordance with Chapter 9 of Land Development Code Ordinance 3252, Series 2021.

A decision of the Planning Commission is final unless appealed to the City Council within twelve (12) days from the date the Planning Commission decision is mailed to the applicant. If the subject property is located within the Urban Growth Boundary, the decision of the City Council may be appealed to the Union County Board of Commissioners in accordance with the Joint Management Agreement and Union County Ordinance.

V. Staff Recommended Conclusions and Order

Based on the analysis and Findings of Fact in this Decision Order, the proposed Conditional Use Permit meets the requirements established in Land Development Code Ordinance 3252, Series 2021, Article 8.5.

The Planning Commission has three options with respect to the Conditional Use Permit:

Option 1 (Approve): Approve the Conditional Use Permit as presented; or,

Option 2 (Conditionally Approve): Approve the Conditional Use Permit as amended, with Conditions;

Option 3 (Disapproval): Deny the Conditional Use Permit.

VI. General Facts and Overview

1. The subject property is developed with a duplex dwelling (104 & 106 20th Street). Only the 104 20th Street unit is proposed to be used for the bed and breakfast (Air BnB), which is a 3 bedroom unit. The property includes 2 fully accessible parking spaces in front of the garage, with another fully accessible parking space being available in front of the adjacent duplex if needed to meet the City standards for 3 parking spaces. Stacked parking could also occur to increase the parking accommodations, even though these spaces would not qualify towards meeting the standard.



2. The property is zoned Medium Density Residential (R-2). Bed and Breakfast Inns are permitted by Conditional use Permit only, under Land Development Code Ordinance 3252, Series 2021, Section 2.2.005(C)(9).
3. Under LDC Article 1.3, the City of La Grande defines all residential home or room rentals of less than 30 days as a lodging use. The City does not have a specific definition or category for Air BnBs, VRBOs, and other short term rentals. Under Section 2.1.003 these uses are classified under a “closest fit” evaluation, which for all short-term lodging (30 days or less), they are considered bed and breakfast inns.
4. A Bed and Breakfast Inn is defined under LDC Article 1.3, as follows:

*“Bed and Breakfast Inn – A structure designed and occupied as a residence in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility. The Bed and Breakfast establishment **has no more than five guest sleeping rooms** provided on a daily or weekly basis for the use of no more than a total of ten (10) travelers or transients at any one time.”*

(Note: Bold added for emphasis. This request is proposed to include five guest rooms.)

VII. Agency Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, notice of the land use application was mailed to the following agencies: City of La Grande Building Department, City of La Grande Fire Department, City of La Grande Planning Department, City of La Grande Police Department, City of La Grande Public Works Department, Avista Utilities, Charter Communications, City Garbage Service, Frontier Communications, Oregon Department of Transportation, and Oregon Trail Electric Cooperative.

1. No written comments or concerns were received from notified affected agencies.

VIII. Public Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, public notice was mailed to the owners of properties located within one hundred feet (100') of the subject property.

1. No written comments or concerns were received from the public regarding this request.

IX. Analysis of Applicable Standards

Conditional Use Permits are required to satisfy the review criteria contained in the City of La Grande Land Development Code Ordinance 3252, Series 2021 (LDC), Article 8.5, Section 8.5.003, as well as other applicable criteria and standards of the Land Development Code, other City Ordinances and State law.

X. LDC Section 8.5.003 – Review Criteria

A Conditional Use Permit shall be granted only if the review authority shall find that it satisfies the following criteria, as well as all other criteria and standards of this Code and other applicable codes and Ordinances.

- A. *That the use is conditionally permitted in the zone in which it is proposed to be located.*

Finding: The subject property is located within a Medium Density Residential (R-2) zone. Bed and Breakfast Inns are permitted by Conditional use Permit only, under Land Development Code Ordinance 3252, Series 2021, Section 2.2.005(C)(9).

As defined under LDC Article 1.3, a Bed and Breakfast Inn is limited to five (5) sleeping guest rooms (aka bedrooms). This request includes a three (3) bedroom dwelling. This standard is met.

- B. *That the proposed development is timely, considering the availability and adequacy of the transportation system, and public facilities and services.*

Finding: This criterion generally applies to areas where City standard improvements are missing (e.g. no streets, sidewalks, water, sewer, etc.) and where large projects require the extension or widening of streets and/or constructing other infrastructure improvements. For this request, the subject property is located along 20th Street, which is a fully developed street meeting all City standards. The use of the existing dwelling as a B&B will not require any new public infrastructure or services. This criterion is satisfied.

- C. *That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the use or development of abutting properties or surrounding neighborhood with uses permitted in the underlying zone.*

Finding: When determining conformance with this criterion, attention should be focused on the "location, size, design and operating characteristics" of the proposed use. In this case, the proposed B&B includes the use of the entire single-family dwelling. The use of a dwelling unit as a bed and breakfast has previously been considered by City staff and the Planning Commission has having similar occupancy impacts as a single-family dwelling, but potentially to a lesser extent as BnBs typically have a lower or intermittent occupancy rates. The surrounding neighborhood predominantly includes single-family homes, with some multi-family (apartments) and commercial uses (Drive-in Theater and ODFW office) in the vicinity.

The applicant's narrative explains their operational intentions, as well as meeting the off-street parking requirements. This standard is met.

XI. Conclusions and Order

Based on the Findings of Fact above, the Planning Commission concludes that the Conditional Use Permit application meets the requirements established in LDC Article 8.5, and hereby approves the Conditional Use Permit.

XII. Standard Conditions of Approval for Land Use Applications

1. **Revisions to a Valid Conditional Use Permit:** Any variations, alterations, or changes in a valid Conditional Use Permit requested by the deed holder shall be considered in accordance with the procedures of the Land Development Code as though a new Conditional Use Permit were being applied for.

XIII. Other Permits and Restrictions

The applicant and property owner is herein advised that the use of the property involved in this application may require additional permits from the City of La Grande or other local, State or Federal Agencies. The City of La Grande land use review, approval process and any decision issued does not take the place of, or relieve the applicant of responsibility for acquiring such other permits, or satisfying any restrictions or conditions thereon. The land use decision herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

The land use approvals granted by this decision shall be effective only when the rights granted herein have been exercised and commenced within one (1) year of the effective date of the decision. In case such right has not been exercised and commenced or an extension obtained, the approvals granted by this decision shall become null and void. A written request for an extension of time shall be filed with the Planning Department at least thirty (30) days prior to the expiration date of the approval.

Alma & Sean Crow
2009 Gekeler LN
La Grande OR 97850
Cell: 541-786-9663
Email: almacrow3@gmail.com

To the LaGrande Planning Commission,

We are writing this proposal in order to get our Conditional Use Permit for an Air B&B in our duplex. Our plan is to live on one side and have the Air B&B on the other. In this way we will be able to manage the property and if our guests require any assistance, we will be able to help them as needed.

According to zone regulations our property is in prime condition to be used in this manner as it is on a corner lot with a privacy fence and allows for up to three vehicle parking for that side of the duplex that in no way intrudes on the neighboring properties. Any guests staying here will be within walking distance of public transportation. There is nearby access to Eastern Oregon University, several grocery stores, and our beautiful downtown community and all the small businesses there.

The duplex is located at 104 20th St., on the corner of Gekeler and 20th. The side of the duplex being used is 1,400 square feet, 3 bedroom, 2 full bath, open concept with a full kitchen and two car garage, all of which will accommodate up to six people. As we will be living in the other half of the duplex, we can ensure that no one else in the neighborhood is affected by potential unruly guests. We will have a lockbox and Ring doorbell system installed that will notify us when guests have checked in and out as well as monitor who is going in and out of the property. One of our top priorities will be to help maintain a quiet and positive neighborhood environment. In our welcome brochures we will explain the neighborhood guidelines and standards while tenants are staying on the property. As we have a family of our own, we will make our standards clear so that there are no misunderstandings.

Our home has been rented out since it was built back in 2008 and the surrounding neighborhood is accustomed to having renters on the property. There are several other nearby Airbnb's on this side of town. The Bungalow on 1809 Washington St. and the home on 1108 D Ave. are also Airbnb's which have been in business for several years.

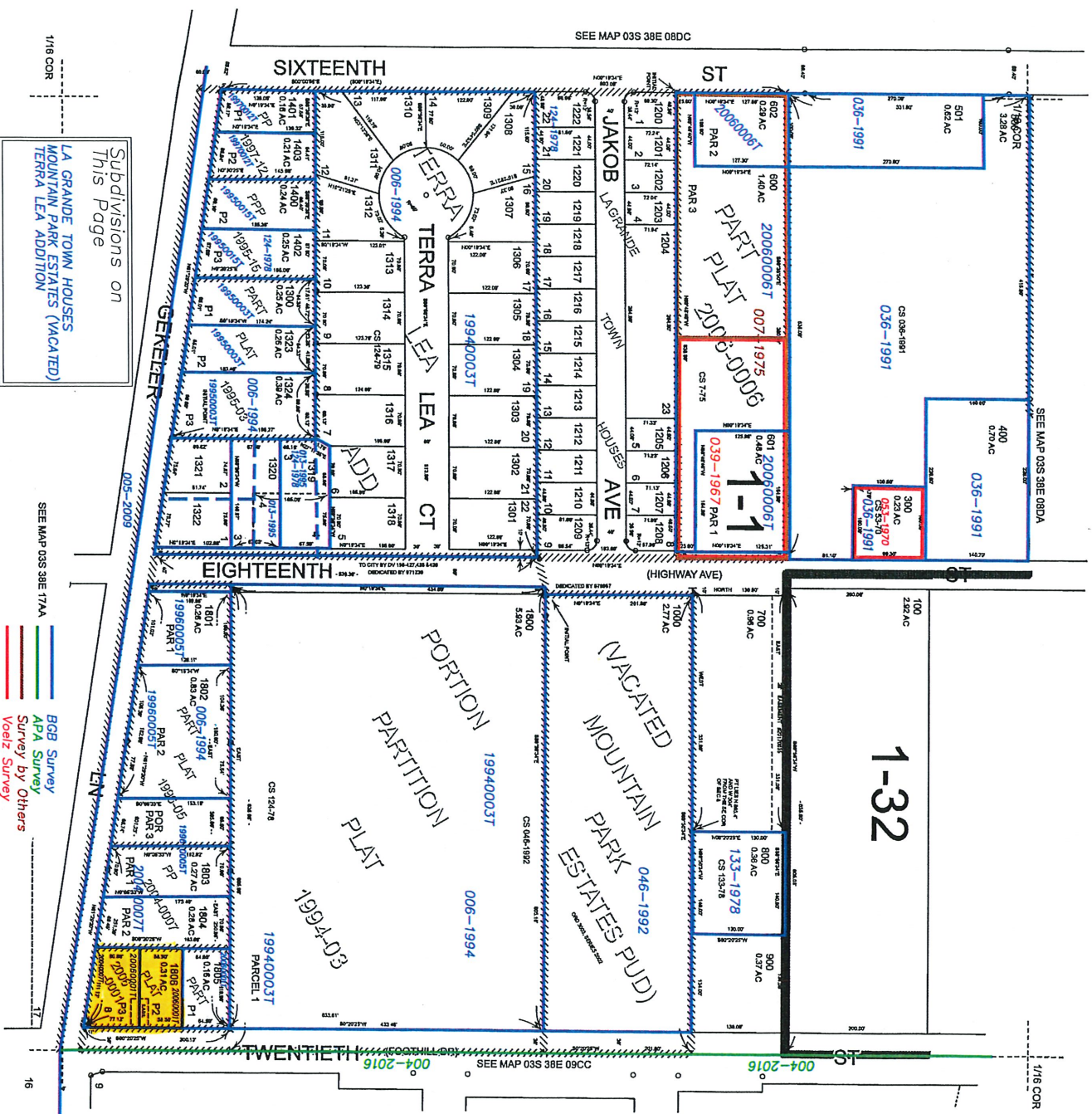
We appreciate your time and consideration during this process.

Respectfully,



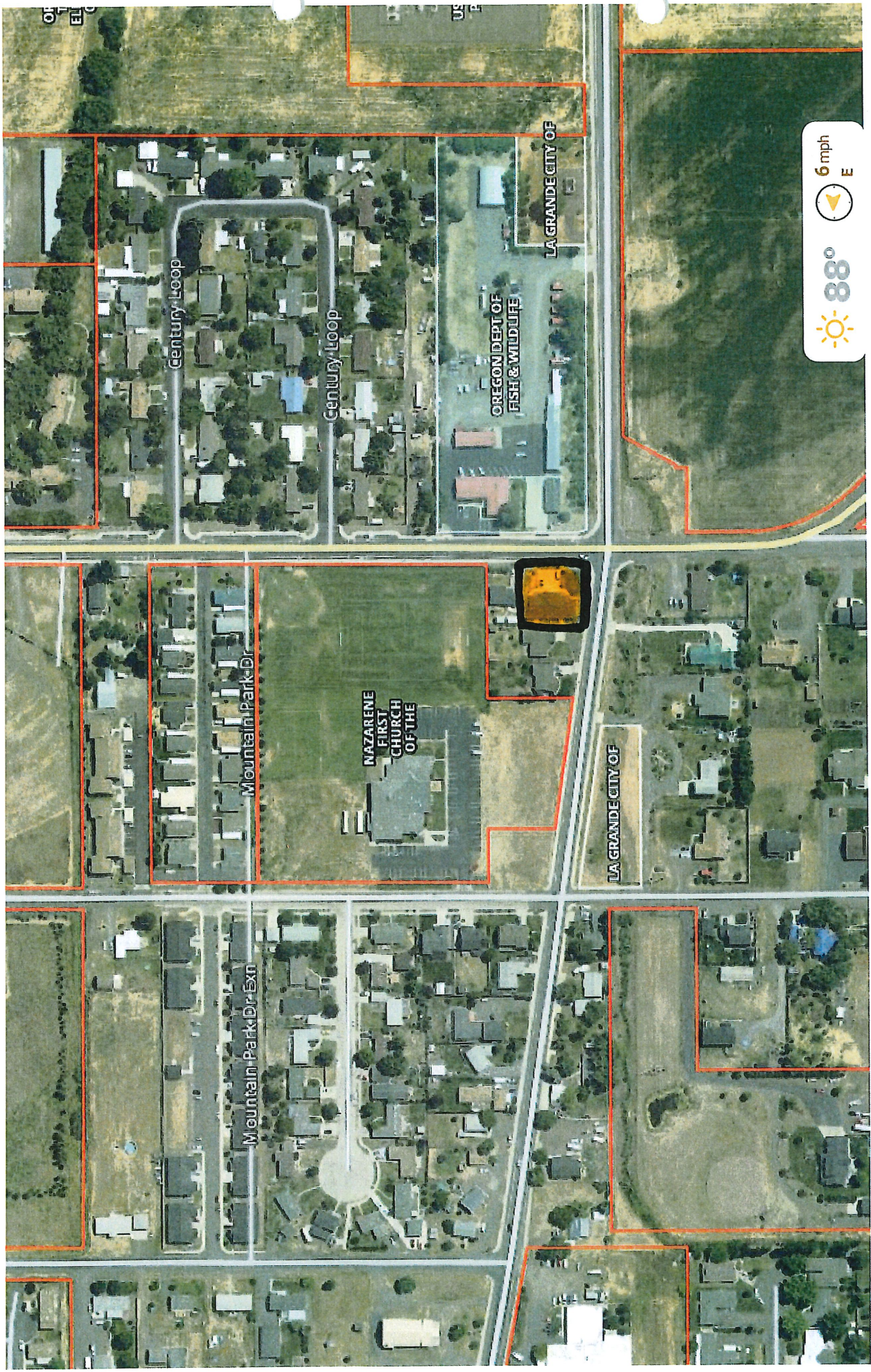
Sean and Alma Crow

- Cancelled
- 1804
- 200
- 1001 THRU
- 1013
- 1100
- 1800
- 1700
- 1807



Subdivisions on
This Page
LA GRANDE TOWN HOUSES
MOUNTAIN PARK ESTATES (VACATED)
TERRA LEA ADDITION

- BGB Survey
- APA Survey
- Survey by Others
- Voelz Survey
- Old Book Survey



88°
6 mph
E

104 20th St



Image capture: Oct 2018 © 2021 Google

La Grande, Oregon



Street View



Kendra VanCleave

From: Michael Boquist
Sent: Thursday, June 17, 2021 1:48 PM
To: Kendra VanCleave
Subject: FW: Air BnB Application
Attachments: 202106142043.pdf

Michael J. Boquist
Community Development Director
City of La Grande – Planning Department
P.O. Box 670 / 1000 Adams Avenue
La Grande, OR 97850
Phone: 541-962-1307
Fax: 541-963-3333
Planning Department Web Page: <http://planning.cityoflagrande.org>

CONFIDENTIALITY NOTICE: This transmission is intended only for the use of the individual(s) named as recipients. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents, or take any action in reliance on the information it contains. **PUBLIC RECORDS LAW DISCLOSURE:** This email is a public record of the City of La Grande and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

From: Alma Crow <almacrow3@gmail.com>
Sent: Monday, June 14, 2021 8:43 PM
To: Michael Boquist <MBoquist@cityoflagrande.org>
Subject: Re: Air BnB Application

Good evening Michael,
I have attached a map where I have circled the spaces that will be used for each of the three parking locations. Two of the cars have the option of being in the garage or driveway. There is enough space to have four vehicles across in the driveway so the third parking spot will be on our side of the duplex as we only have one family vehicle. I hope this clarifies things a bit better. Thank you for your time and don't hesitate to call or email if you have any questions.

Respectfully,
Alma

On Mon, Jun 14, 2021 at 4:20 PM Michael Boquist <MBoquist@cityoflagrande.org> wrote:

Ms. Crow,

I am in receipt of your application to operate an Air BnB in half of your duplex unit. City Code requires one dedicated parking space per bedroom in the BnB. Each parking space must be fully accessible and not blocked (not stacked) in by another space. I am unable to determine from your plan which spaces will be dedicated to the Air BnB. Before I can proceed with processing your application, I'll need clarification on parking. Please provide a site plan of your property that illustrates where vehicles park and which 3 spaces will be fully accessible to BnB guest.

CITY of LA GRANDE

PLANNING COMMISSION ACTION FORM

Commission Meeting Date: July 13, 2021

PRESENTER:

Michael Boquist, Community Development Director

COUNCIL ACTION:

**PUBLIC HEARING FOR CONDITIONAL USE PERMIT
FILE NUMBER 10-CUP-21 (Bed & Breakfast)**

1. CHAIR: Open the Public Hearing and announce that the Rules of Order for this Public Hearing were read in their entirety prior to the first public hearing. Request declarations and challenges.
2. CHAIR: Request Staff Report
3. CHAIR: Request that Public Testimony be read into the Record
4. CHAIR: Invite Commission Discussion
5. CHAIR: Close the Public Hearing and Entertain Motion

Suggested Motion: I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be (adopted / amended) and that the Proposed Conditional Use Permit be (approved / denied).

6. CHAIR: Invite Additional Commission Discussion
7. CHAIR: Ask for the Vote

EXPLANATION: The applicant has filed this Conditional Use Permit Application for the Planning Commission's consideration, to allow the use of their home as an Air B&B.

See Attached Staff Report and Applicant's submittal and justification.

The Planning Commission's decision on this application is a final decision, unless appealed to the City Council.

COMMISSION ACTION (Office Use Only)

Motion Passed Motion Failed
 Action Tabled: _____

Vote: _____
Recessed: _____

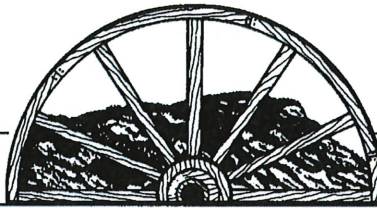
RULES OF ORDER FOR A PUBLIC HEARING

The following is a step-by-step description of the order of events necessary to hold a Public Hearing.

PLANNING SECRETARY READS TO THE PUBLIC:

- A. The Planning Commission will conduct Three (3) Public Hearings tonight to consider a Conditional Use Permit; File Number: 08-CUP-21, Applicant: Kimberly Rose, a Conditional Use Permit; File Number 09-CUP-21, Applicant: Alma Crow, and a Conditional Use Permit; File Number 10-CUP-21, Applicant: David Oliver.
- B. The Hearing will proceed as follows:
1. The Chairperson will request the Staff Report, which includes applicable criteria and standards for the issue under consideration in the application. As part of the Staff Report, the Applicant may have the opportunity to address the Commission prior to public testimony.
 2. The Chairperson will then accept public testimony relating to the application. The Chairperson may state a time limit for testimony; if no time limit is announced, testimony will be limited to three minutes. All testimony must be directed toward the applicable criteria. Oregon Land Use Law requires that all issues raised by a participant during the Hearing must be sufficiently clear and specific to allow the Hearing body and other parties an opportunity to respond to those issues. Failure to raise the issues during the Hearing may invalidate a future appeal.
 3. The proceedings are being electronically recorded, to be converted to written Minutes. When testifying, please step to the podium and **clearly print** your name and address on the speaker sign-in sheet. **State** only your name before addressing the Commission; it is not necessary to state your address.
 4. Proponents will be asked to speak first, then opponents, and then any parties neutral to the application. An opportunity will be provided to parties to clarify any issues raised or to rebut testimony, proponents first, followed by opponents, then those neutral.
 5. If additional documents or new evidence is introduced during the Hearing, any participant may request a continuation of the Hearing. Any participant may request that the Hearing Records be kept open for seven (7) days to submit additional written evidence or testimony for the purpose of responding to new evidence. Unless waived, the applicant has seven (7) days to submit a written response.
 6. Members of the Planning Commission may ask questions of the Staff or Hearing participants at any time. The Chairperson will then close the Hearing or continue the Hearing at a specified time and place.
 7. All decisions must be based on findings of fact from the Staff Report or evidence and testimony received which relate to the criteria of the land use decision.
- C. A Commissioner must declare any ex parte or pre-hearing contact, including the person's name and the nature of the discussion, as well as any site visitations to the area in question. Commissioners should declare any personal or financial interests in this matter and may disqualify themselves from participation in the Hearing. **Does any Commissioner wish to make a declaration?**
- D. Does anyone in the audience wish to challenge the right of any Commissioner to hear this matter? **Let the Record show that (there are no challenges) OR _____.**

CITY OF



LA GRANDE

THE HUB OF NORTHEASTERN OREGON

COMMUNITY DEVELOPMENT DEPARTMENT / PLANNING DIVISION • P.O. Box 670 • 1000 Adams Avenue • La Grande, OR 97850

Phone: (541) 962-1307 • Fax: (541) 963-3333 • Web: www.planning.cityoflagrande.org

DRAFT - ORDER OF APPROVAL

File Number: 10-CUP-21

July 13, 2021

HEARING BODY(IES): Planning Commission (Final Decision)
HEARING DATE(S): Tuesday, July 13, 2021
HEARING TIME(S): 6:00 p.m.
HEARING LOCATION: City of La Grande, City Hall Council Chambers, 1000 Adams Avenue, La Grande, Oregon. Community members may submit comments or questions in writing in advance of the meetings or during the meeting at the appropriate time during the Public Hearing. Written comments need to be received by 5:00 p.m. on date of the scheduled meeting(s), which will be read during the public comment section of the Public Hearing. Issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the Planning Commission or City Council to respond to the issues. Written and oral comments will be subject to a three-minute limit per community member.

I. Application Information

Proposal: The applicant has filed this Conditional Use Permit Application for the Planning Commission's consideration, to allow their dwelling to be used as an Air B&B.

Applicant: David Oliver (Owner/Co-Applicant: Kristina L. Derry)

Address/Location: 804 Washington Avenue, T3S, R38E, Section 6DD, Tax Lot 5400, Union County Ref. #2171

Decision Order Prepared By: Michael J. Boquist, Community Development Director

II. Schedule of Procedural and Public Hearing Requirements

In accordance with Land Development Code Ordinance 3252, Series 2021, Articles 9.3 and 9.4, Land Development Code Amendments are subject to the City Council’s review and decision authority, upon receiving a recommendation from the Planning Commission. In accordance with Article 9.5, public hearings for the consideration of the proposal were scheduled as follows:

- June 21, 2021.....Conditional Use Permit Application received.
- June 22, 2021.....Application deemed complete and public notice mailed to surrounding property owners within 100’.
- July 13, 2021.....Public Hearing before the Planning Commission
- July 26, 2021.....Expiration of Appeal period.

(Note: The actual Expiration of Appeal Period is 12 days from the date the Planning Commission decision is mailed to the applicant.)

III. Public Notice Information

Public notice was issued in accordance with City and State laws. Notice was provided in accordance with Land Development Code Ordinance 3252, Series 2021, Article 9.6, Section 9.6.001(B). Notice of the public hearing was published in the local newspaper of general circulation, with mailed notice provided to the applicant and to the owners of record of property located within one hundred feet (100’) of the subject property. Additionally, all public hearing materials, including the Draft Decision Order was published on the City of La Grande – Planning Division’s webpage.

IV. Review Process and Appeals

A Conditional Use Permit is a quasi-judicial land use action that is subject to the Planning Commission’s review and approval. The Planning Commission’s review includes a public hearing where testimony is accepted from interested persons and which results in a decision being issued in accordance with Chapter 9 of Land Development Code Ordinance 3252, Series 2021.

A decision of the Planning Commission is final unless appealed to the City Council within twelve (12) days from the date the Planning Commission decision is mailed to the applicant. If the subject property is located within the Urban Growth Boundary, the decision of the City Council may be appealed to the Union County Board of Commissioners in accordance with the Joint Management Agreement and Union County Ordinance.

V. Staff Recommended Conclusions and Order

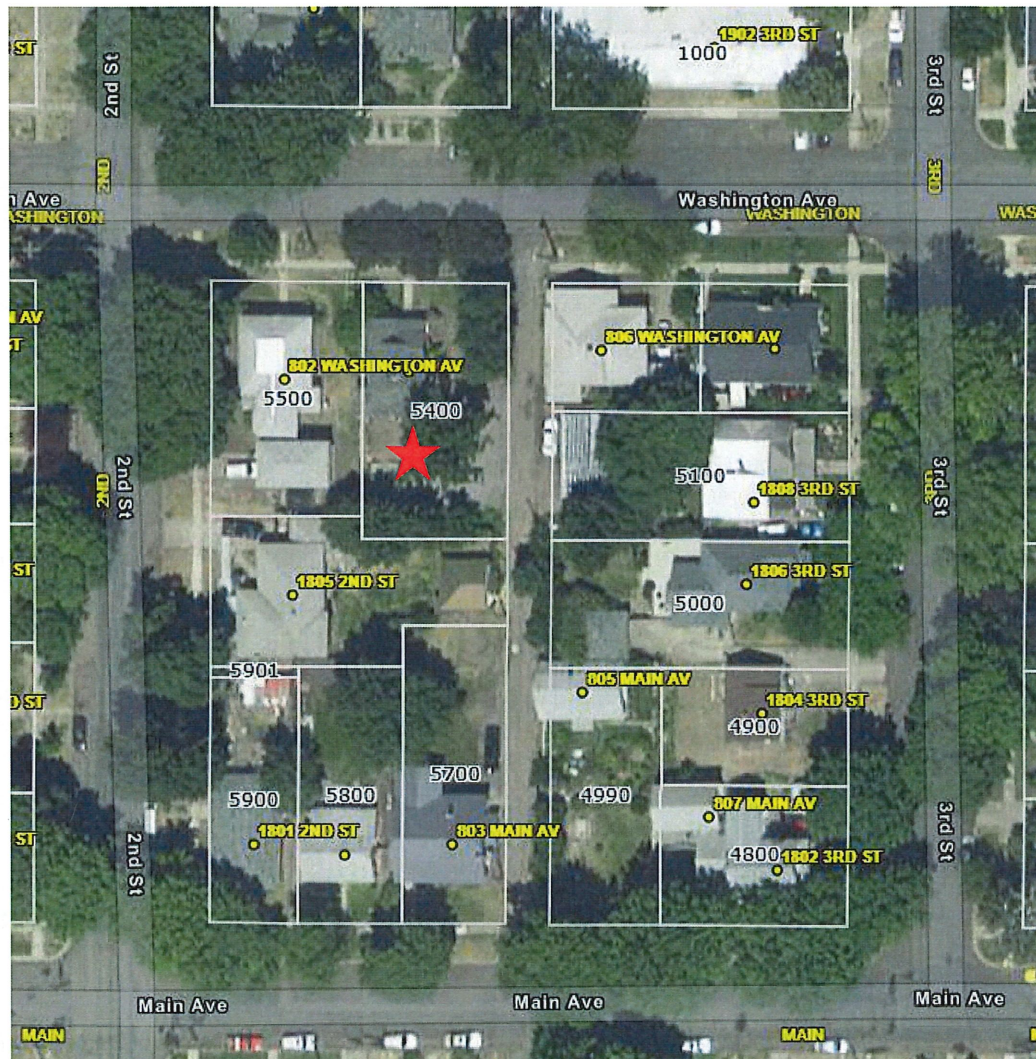
Based on the analysis and Findings of Fact in this Decision Order, the proposed Conditional Use Permit meets the requirements established in Land Development Code Ordinance 3252, Series 2021, Article 8.5.

The Planning Commission has three options with respect to the Conditional Use Permit:

- Option 1 (Approve): Approve the Conditional Use Permit as presented; or,
- Option 2 (Conditionally Approve): Approve the Conditional Use Permit as amended, with Conditions;
- Option 3 (Disapproval): Deny the Conditional Use Permit.

VI. General Facts and Overview

1. The subject property is developed with a single-family dwelling, which includes 2 bedrooms and 985 square feet of living space. The property is located adjacent to an alley, which provides access to 3 off-street parking space. Additional parking is available along Washington Avenue if needed.



2. The property is zoned High Density Residential (R-3). Bed and Breakfast Inns are permitted by Conditional use Permit only, under Land Development Code Ordinance 3252, Series 2021, Section 2.2.006(C)(9).
3. Under LDC Article 1.3, the City of La Grande defines all residential home or room rentals of less than 30 days as a lodging use. The City does not have a specific definition or category for Air BnBs, VRBOs, and other short term rentals. Under Section 2.1.003 these uses are classified under a "closest fit" evaluation, which for all short-term lodging (30 days or less), they are considered bed and breakfast inns.
4. A Bed and Breakfast Inn is defined under LDC Article 1.3, as follows:

"Bed and Breakfast Inn – A structure designed and occupied as a residence in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility. The Bed and

*Breakfast establishment **has no more than five guest sleeping rooms** provided on a daily or weekly basis for the use of no more than a total of ten (10) travelers or transients at any one time.”*

(Note: Bold added for emphasis. This request is proposed to include five guest rooms.)

VII. Agency Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, notice of the land use application was mailed to the following agencies: City of La Grande Building Department, City of La Grande Fire Department, City of La Grande Planning Department, City of La Grande Police Department, City of La Grande Public Works Department, Avista Utilities, Charter Communications, City Garbage Service, Frontier Communications, Oregon Department of Transportation, and Oregon Trail Electric Cooperative.

1. No written comments or concerns were received from notified affected agencies.

VIII. Public Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, public notice was mailed to the owners of properties located within one hundred feet (100') of the subject property.

1. No written comments or concerns were received from the public regarding this request.

IX. Analysis of Applicable Standards

Conditional Use Permits are required to satisfy the review criteria contained in the City of La Grande Land Development Code Ordinance 3252, Series 2021 (LDC), Article 8.5, Section 8.5.003, as well as other applicable criteria and standards of the Land Development Code, other City Ordinances and State law.

X. LDC Section 8.5.003 – Review Criteria

A Conditional Use Permit shall be granted only if the review authority shall find that it satisfies the following criteria, as well as all other criteria and standards of this Code and other applicable codes and Ordinances.

- A. *That the use is conditionally permitted in the zone in which it is proposed to be located.*

Finding: The subject property is located within a High Density Residential (R-3) zone. Bed and Breakfast Inns are permitted by Conditional use Permit only, under Land Development Code Ordinance 3252, Series 2021, Section 2.2.006(C)(9).

As defined under LDC Article 1.3, a Bed and Breakfast Inn is limited to five (5) sleeping guest rooms (aka bedrooms). This request includes a three (3) bedroom dwelling. This standard is met.

- B. *That the proposed development is timely, considering the availability and adequacy of the transportation system, and public facilities and services.*

Finding: This criterion generally applies to areas where City standard improvements are missing (e.g. no streets, sidewalks, water, sewer, etc.) and where large projects require the extension or widening of streets and/or constructing other infrastructure improvements. For this request, the subject property is located along Washington Avenue, which is a fully

developed street meeting all City standards. The use of the existing dwelling as a B&B will not require any new public infrastructure or services. This criterion is satisfied.

- C. *That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the use or development of abutting properties or surrounding neighborhood with uses permitted in the underlying zone.*

Finding: When determining conformance with this criterion, attention should be focused on the "location, size, design and operating characteristics" of the proposed use. In this case, the proposed B&B includes the use of the entire single-family dwelling. The use of a dwelling unit as a bed and breakfast has previously been considered by City staff and the Planning Commission has having similar occupancy impacts as a single-family dwelling, but potentially to a lesser extent as BnBs typically have a lower or intermittent occupancy rates. The surrounding neighborhood predominantly includes single-family homes, with some multi-family (apartments) and commercial uses in the vicinity.

The applicant's narrative explains their operational intentions, as well as meeting the off-street parking requirements. This standard is met.

XI. Conclusions and Order

Based on the Findings of Fact above, the Planning Commission concludes that the Conditional Use Permit application meets the requirements established in LDC Article 8.5, and hereby approves the Conditional Use Permit.

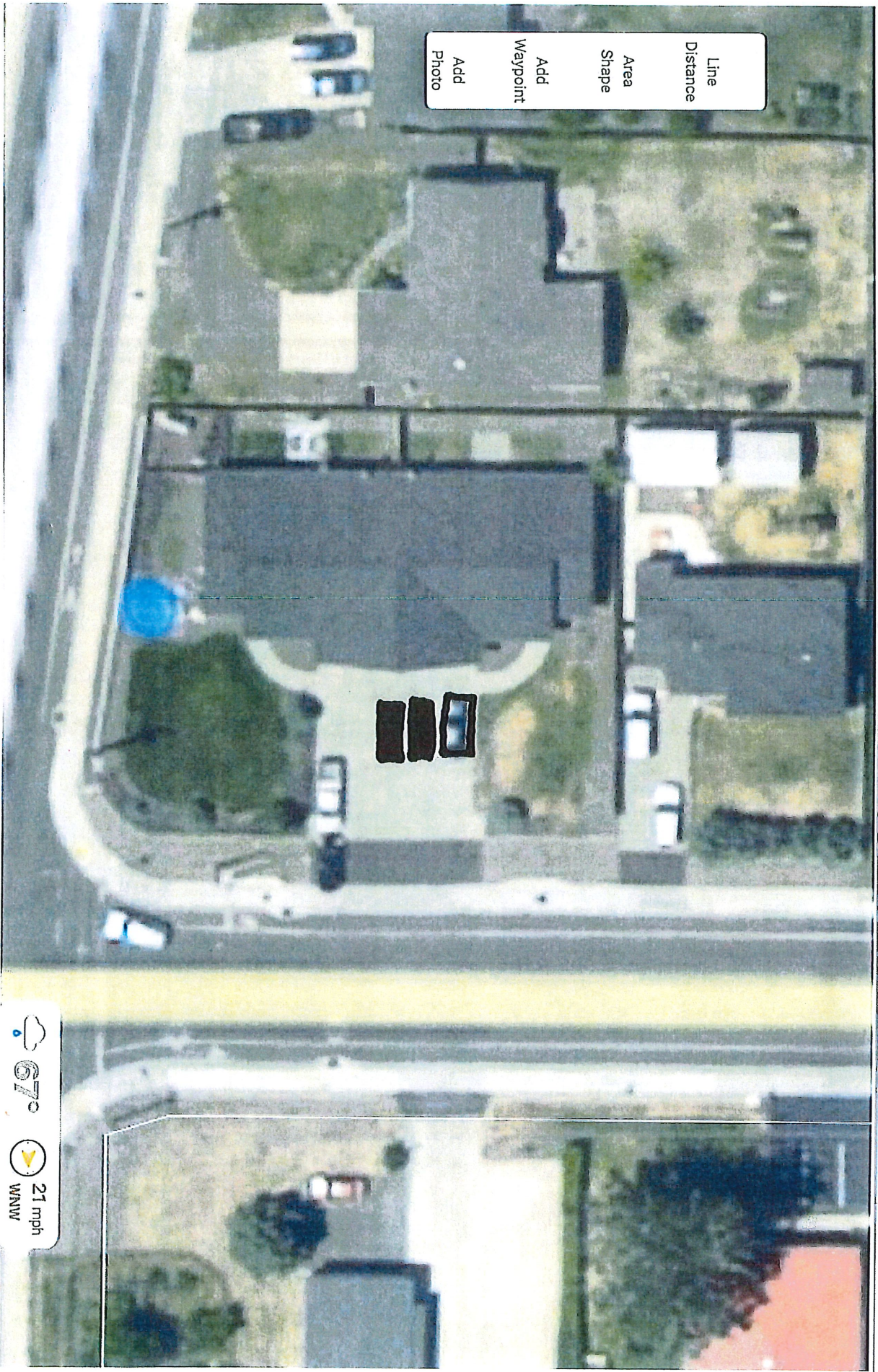
XII. Standard Conditions of Approval for Land Use Applications

1. **Revisions to a Valid Conditional Use Permit:** Any variations, alterations, or changes in a valid Conditional Use Permit requested by the deed holder shall be considered in accordance with the procedures of the Land Development Code as though a new Conditional Use Permit were being applied for.

XIII. Other Permits and Restrictions

The applicant and/or property owner is herein advised that the use of the property involved in this application may require additional permits from the City of La Grande or other local, State or Federal Agencies. The City of La Grande land use review, approval process and any decision issued does not take the place of, or relieve the applicant of responsibility for acquiring such other permits, or satisfying any restrictions or conditions thereon. The land use decision herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

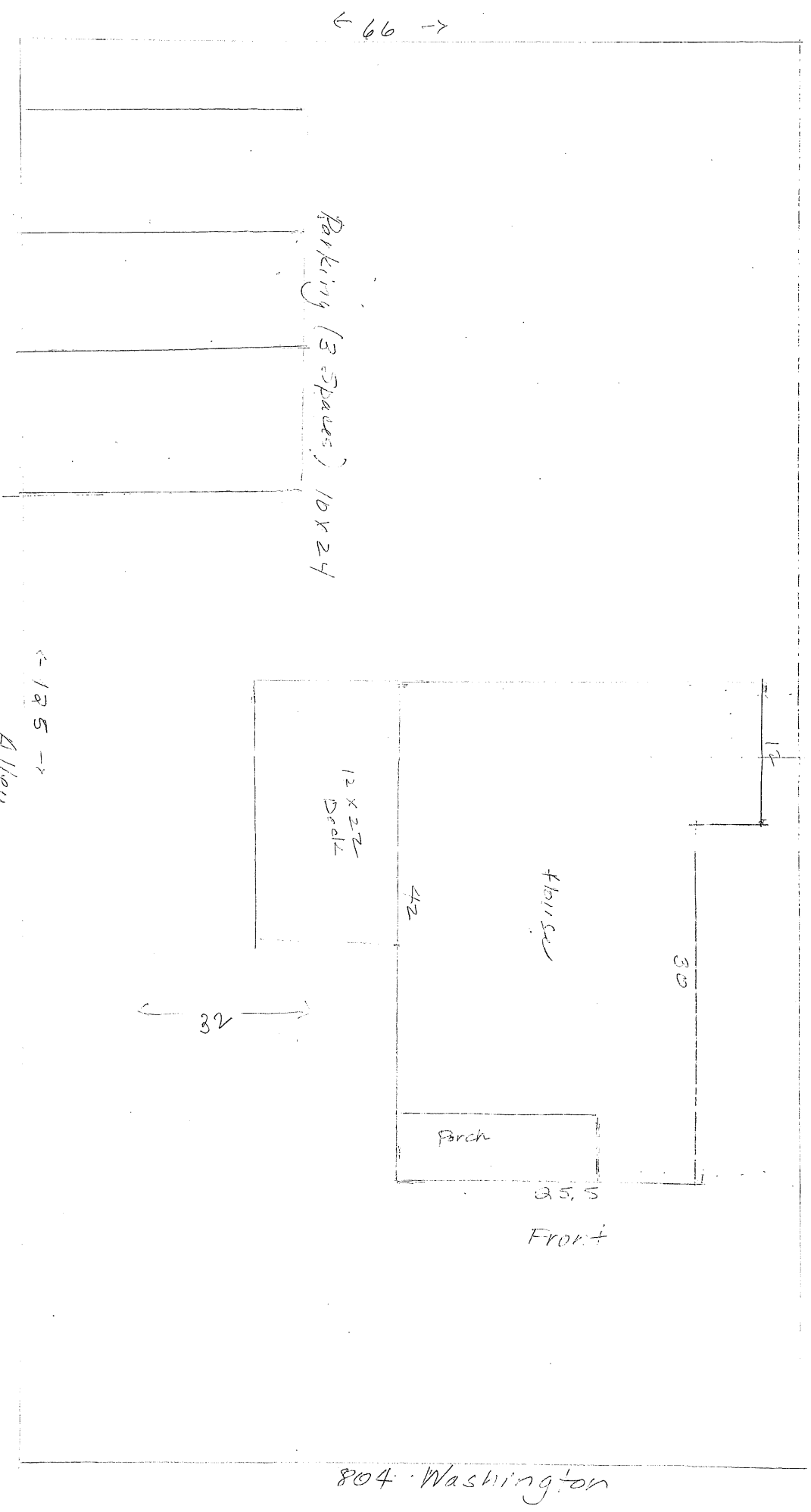
The land use approvals granted by this decision shall be effective only when the rights granted herein have been exercised and commenced within one (1) year of the effective date of the decision. In case such right has not been exercised and commenced or an extension obtained, the approvals granted by this decision shall become null and void. A written request for an extension of time shall be filed with the Planning Department at least thirty (30) days prior to the expiration date of the approval.



- Line
- Distance
- Area
- Shape
- Add
- Waypoint
- Add
- Add
- Photo

☁ 67°
21 mph
WNW

Bandwidth / Use Permit
Application



66 →

Parking (3 spaces) 10 x 24

12.5 Alley

32

House

30

12 x 22 Deck

42

Porch

25.5

Front

804 Washington

Scale: 1/4" = 8'-0"

