

## STAFF REPORT

Planning Department File No. 2022-04-012

### CONDITIONAL USE APPLICATION FOR A HOME BUSINESS

Planning Commission Meeting Date: May 26, 2022

1. **APPLICANT:** Randy & Michelle Oldenkamp  
473 Jacobsen Gulch Rd  
Ontario, Oregon 97914
2. **OWNER OF RECORD:** Randy & Michelle Oldenkamp  
473 Jacobsen Gulch Rd  
Ontario, Oregon 97914
3. **PROPOSED ACTION:** Conditional Use approval for a home business for the purpose of operating a wedding venue.
4. **PROPERTY IDENTIFICATION:** Tax Lot 200, T17S, R47E, Sec. 17B; Assessors Map 17S47E17B; Malheur County Reference #6919.
5. **PROPERTY LOCATION AND DIRECTIONS:** from Ontario head north on Hwy 201 for 3.2 miles. Turn left onto Hyline Rd. Continue for ¼ mile and then slight left onto Jacobsen Gulch Rd. Continue for 0.9 miles. The property is SW of the intersection of Jacobsen Gulch Rd and Power Rd.
6. **ZONING:** Exclusive Farm Use (C-A1).
7. **PARCEL SIZE:** The parcel is 29.52 acres.
8. **PARCEL USE:** Parcel is currently being used as farmland and has a home site. There is a sloped area that is vacant and has not been farmed before.
9. **SURROUNDING USE:** The adjacent properties are employed in farm use and range use. The smaller properties to the southwest and northeast are only used as single-family dwelling sites.
10. **ACCESS:** Jacobsen Gulch Rd and Oak Rd. (Letter from Ontario Rural Road District included)
11. **SANITATION REQUIREMENTS:** An existing DEQ permitted system has been in use for the dwelling. An Authorization Notice will be required from Malheur County Environmental Health to evaluate the system's capacity.

- 12. FIRE PROTECTION:** The parcel is located within the Ontario Rural Fire Protection District (Letter from Ontario Rural Fire District included).
- 13. NATURAL HAZARDS:** No natural hazards have been identified.
- 14. WATER RIGHTS:** The property currently has 20 irrigated acres. The proposed parking area for the venue had 1 acre of water rights, which has been transferred elsewhere on the property.
- 15. SOIL TYPE:** The soils on the property are class III and VI. The majority of the soils of the proposed venue location are class III.
- 16. ZONING HISTORY:** The existing dwelling was built in 1973. In 2008 there was an addition constructed to the existing dwelling. There is no other known zoning history.

#### **GENERAL CONDITIONAL USE CRITERIA**

**MCC 6-6-7 - GENERAL CRITERIA TO EVALUATE SUITABILITY:** In considering the suitability of proposed conditional uses, the Planning Commission shall base its decision upon the following criteria:

- A. Comprehensive Plan goals and policies, as applicable.
- B. Specific plan recommendations

**Proposed Finding: MCC 6-6-7 regulates the general criteria to evaluate suitability and MCC 6-6-8-6 (A) regulates the conditional use process for a minor home occupation.**

- C. Existing development and viewpoints of property owners in the surrounding area.

**Proposed Finding: Letter notice was sent to adjoining landowners on May 6, 2022 and published in the Argus Observer on May 6, 2022. No comments were received.**

- D. Availability of services and utilities.

#### **Proposed Findings:**

**ROADS:** The plan is to direct traffic to this venue by way of Jacobsen Gulch Rd, through Hyline Rd to Hwy 201. It is expected that there will be a slight increase in traffic. The approach will have adequate visibility in both directions. The Ontario Rural Road Assessment District has requested that a 10" culvert for drainage on the Oak Rd access point be installed.

**FIRE & POLICE PROTECTION:** The venue will be located on the south side

**of the property in the Ontario Rural Fire Protection District. All driveways and facilities will comply with current fire and safety regulations.**

**SEWER & WATER: The proposal is for a wedding venue and portable restroom will be made available for the events. The property currently has a private well.**

**ELECTRICAL & TELEPHONE: No additional power will be required to support the operation of the venue. At this time, the facility proposes to use an internet-based telephone provided.**

**SOLID WASTE DISPOSAL: The property already has existing contracted service provided by Ontario Sanitary.**

- E. The effect of the proposed use on the stability of the community's social and economic characteristics.

**Proposed Finding: The proposal is to operate a registered business, which will act a regulated tax-paying entity. The operation will increase the County's tax revenue.**

- F. It does not interfere with traditional fish and wildlife use of habitats determined critical or sensitive in the Fish and Wildlife Habitat Protection Plan for Malheur County.

**Proposed Finding: The site of wedding venue is not located in an area that contains fish or wildlife deemed critical or sensitive, and will not interfere with traditional fish and wildlife.**

- G. General Criteria

- 1. Increasing setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances.

**Proposed Finding: The wedding venue site is proposed to be located on the south side of the property. The possibilities of overshadowing the adjoining property will be reduced by the natural tree barrier. There are no new structures being proposed. The noise or lighting nuisances will be limited within the bounds of the dedicated County Code regulation. No odors are expected.**

- 2. Landscaping improvements for the visual benefits of the subject site and for the improved appearance of the neighborhood and County.

**Proposed Finding: The proposal is for a home business within the boundaries of the pasture on the parent parcel. A portion of the pasture will be dedicated**

**for parking. There are no other landscaping improvements proposed at this time.**

3. Location and size of driveway access points and right-of-way widening and improvement for present and future traffic circulation and safety.

**Proposed Finding: The access points are existing. No new access points are being proposed for this development. A potential access point off of Oak Rd is not yet developed.**

4. Visual screening of outdoor waste and storage areas.

**Proposed Finding: There will be no outdoor waste areas. The existing 30' x 50' shop will be used for additional storage.**

5. Control and focusing of outdoor lighting to avoid glare being directed beyond property limits.

**Proposed Finding: All lighting will be limited to the proposed area only. During non-operating hours, outdoor lighting will be minimal and for security purposes only.**

6. Special criteria listed below, as applicable:

H. Allowance of Certain Uses: A use allowed under Section 6-3A-3 of this Title shall be approved only where it is found that the use will not:

1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
2. Significantly increase cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. (Ord. 86, 12-7-1993)

**Proposed Finding: All of the farm ground that is located on the parent parcel will continue to be farmed and will not be impacted by the operating of this facility.**

**6-6-8-6: HOME BUSINESS:** A home business shall comply with the following standards:

1. Location: Any zone, not excluded below, in which a home business is a conditional use.

**Proposed Finding: The subject property in zoned C-A1 (Exclusive Farm Use) and a home business is subject to the conditional use MCC 6-3A-3 (L). This criterion is met.**

2. Scale: A home business must fit within the dwelling and must be incidental to the use of the dwelling as a residence. If there is no existing accessory building, one may be built,

provided the side walls are no higher than ten feet (10') from the elevation of the floor and the building covers no more than two thousand five hundred (2,500) square feet in area.

**Proposed Finding: There are no proposed new structures. The venue will be exclusively outdoors. This criterion is met.**

3. Participants: Family members living on the property and a combination of no more than ten (10) full time employees are the only persons that may be employed in a home business.

**Proposed Finding: The sole operators will be Randy and Michelle Oldenkamp – the owners of record. This criterion is met.**

4. Character: The property upon which a home business exists shall be and kept in a clean, neat, orderly fashion.

**Proposed Finding: The home business will have no effect on the character or visual appearance of the property. Clean up will be conducted after each event. This criterion is met.**

5. Storage: All materials associated with home business shall be screened from view or contained within the allowed dwelling or accessory structures of the home business.

**Proposed Finding: All materials associated with the home business will be contained within the existing 30' x 50'. This criterion is met.**

6. Display: There shall be no display of products visible from outside the allowed dwelling or accessory structures of the home business.

**Proposed Finding: The proposal is for an outdoor venue. No structure will be used at this time. This criterion is met.**

7. Signs: Notwithstanding Chapter 7 of this title, there shall be no signs advertising or identifying the minor home occupation.

**Proposed Finding: A 12 sq. ft. sign will be placed on the property to welcome guests. The sign would be a permanent fixture and nonlighted. This criterion is met.**

8. Traffic: Customer, client and/or business traffic shall not exceed fifteen (15) trips per day. Business delivery vehicles shall not exceed gross vehicle weight of eleven thousand (11,000) pounds. U.S. postal service deliveries are exempt from this requirement.

**Proposed Finding: The proposal is for a venue able to host up to 250 guests, per scheduled event. At this time, there is no anticipation on hosting events every single day of the week. This criterion is met.**

9. Parking: Vehicles owned, leased or operated by the participants of a home business shall not be parked or stored on the street or in the public right of way.

**Proposed Finding: There will be dedicated parking space allotted on the property. There will be no offsite parking beyond the boundaries of the subject property. This criterion is met.**

10. Noise And Other Nuisance Factors:

- a. Noise: Noise shall be kept to a minimum at all times, especially between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. Equipment that creates a shrill or penetrating sound shall, at all times, be operated only within an enclosure that effectively prevents noise measured at the nearest dwelling exceeding the otherwise ambient noise level of the neighborhood. Where a question arises regarding noise levels, the planning director's determination shall be final.

**Proposed Finding: The proposal is for a wedding venue. There will be music playing during some events. No other equipment will be used. The proposed operation hours are from 08:00 a.m. to 10:00 p.m., Sunday-Saturday. This criterion is met.**

- b. Odors: Odors shall not be detectable from any boundary of a home business property at any time.

**Proposed Finding: No odors will be generated by the business. This criterion is met.**

- c. Electrical Interference: A home business shall not create visual or audible electrical interference in any radio, television, or other electrical device off the subject property or cause fluctuations in line voltage off the subject property.

**Proposed Finding: The proposal is for a wedding venue. There is no anticipated visual or audible electrical interference. This criterion is met.**

## **OTHER PROPOSED FINDINGS OF FACT**

The applicant has submitted additional proposed findings of fact in the conditional use application.

## **PROPOSED CONDITIONS OF APPROVAL**

### **1. PREREQUISITE:**

- a. All aspects of the proposed home business (wedding venue) must stay confined within the boundaries of the subject property.

## **2. PERFORMANCE STANDARDS:**

- a. Adequate fire standards shall be maintained. (Exhibit 3).
- b. All assemblies shall be limited to a maximum of 250 guests.
- c. If additional access will be added of Oak Rd, a 10” culvert for drainage shall be installed. (Exhibit 2).
- d. Any deviation from this proposal, including but not limited to additions of new structures, shall void this permit and a new permit must be obtained.

## **EXHIBITS**

1. Application
2. Letter from Ontario Rural Road Assessment District
3. Email from Ontario Rural Fire Department
4. Letter from Owyhee Irrigation District
5. Letter of support from Gus Bazates
6. Letter of support from Sharon Patrick
7. Letter of support from Dan Tillery
8. Letter of support from Beth Skinner