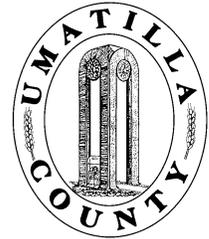


Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission Public Hearing

Thursday, August 26, 2021, 6:30 PM

VIRTUAL MEETING

IF YOU WISH TO PARTICIPATE IN THE HEARING PLEASE SUBMIT COMMENTS BY 4PM, AUGUST 26, 2021, TO planning@umatillacounty.net OR CONTACT THE PLANNING DEPARTMENT AT, 541-278-6252.

Planning Commission

Suni Danforth, Chair	Jon Salter
Don Wysocki, Vice-Chair	Lyle Smith
Tammie Williams	Cindy Timmons
Tami Green	Sam Tucker
Hoot Royer	

Planning Staff

Bob Waldher, Planning Director
Carol Johnson, Senior Planner
Megan Green, Planner II/ GIS
Gina Miller, Code Enforcement Coordinator
Tierney Cimmiyotti, Administrative Assistant

1. **Call to Order**
2. **New Hearing:**

CONDITIONAL USE PERMIT REQUEST #C-1342-21: KEVIN & HEATHER JAMES, APPLICANTS/ OWNERS.

The applicants request approval for the use of a Recreational Vehicle as a Temporary Hardship Dwelling on property located at 53613 Rosebud Lane, Milton Freewater, Oregon 97862, northeast of the City of Milton Freewater and on Assessor's Map 6N3525D, Tax Lot 103. The applicable Land Use standards for a Temporary Hardship Dwelling on EFU zoned land are found in Umatilla County Development Code (UCDC) Section 152.617(I)(V) and Sections 152.013, 152.060 & 152.615.

3. **Adjournment**

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
AUGUST 26, 2021
JAMES CONDITIONAL USE PERMIT, #C-1342-21
PACKET CONTENTS**

1. PC Memo, pages 1 - 3
2. Vicinity and Notice Map, page 4
3. Staff Report/Findings, pages 5 - 12
4. Property Owner Comments, Photos & Business Information – pages 13 - 21
5. Code Enforcement Comments, page 23

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT
WALDHER

August 16, 2021

LAND USE
PLANNING,
ZONING AND
PERMITTING

MEMO

CODE
ENFORCEMENT

To: Umatilla County Planning Commissioners

From: Carol Johnson, Senior Planner *CJ*

SOLID WASTE
COMMITTEE

Re: August 26, 2021, Planning Commission Hearing,
Kevin and Heather James, Applicants/Property Owners
James Conditional Use Permit, #C-1342-21
Map #6N 35 26D, Tax Lot #103, Account #134692

SMOKE
MANAGEMENT

CC: Robert Waldher, Planning Director

GIS AND
MAPPING

RURAL
ADDRESSING

Background and Request:

The subject property is located along the north side of Rosebud Lane, approximately 200-ft from the intersection of Rosebud Lane and East Side Road, northeast of the City of Milton-Freewater. Rosebud Lane is an easement listed in Deed Book 304, Page 545, as access to the applicant's property and to the property located to the south of the applicant's property, Tax Lot #101.

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

The applicants, Kevin and Heather James, are requesting a Conditional Use Permit for use of an RV as a Temporary Hardship Home for Kevin James' parents, Kenny and Lenora James. Kenny and Lenora James are currently residing in their RV on the subject property. The application for the Conditional Use Permit was submitted as a result of a Code Enforcement Warning Ticket for the occupancy of an unpermitted RV on the James property. Other code violations on the property include solid waste for several (old) vehicles located in a field on the property.

Administrative Notice:

On June 9, 2021, administrative notice of the applicant's request was mailed for comment to agencies and to owners of properties located within 750-ft of the perimeter of the subject property. As a result, Planning staff received two comments. One from a notified property owner, Melanie Hein, and one from County Code Enforcement. Due to these comments, the Planning Commission has been asked to review and decide the James Conditional Use Permit request.

EFU Zone Temporary Hardship Home Standards:

In part, the Exclusive Farm Use (EFU) rules for a temporary hardship home allow for residential use of a recreational vehicle for the term of a medical hardship, where a medical hardship is suffered by the existing resident or relative of the resident, pursuant to Umatilla County Development Code Section 152.617 (I)(V).

The hardship dwelling approval standards require the following:

- A legitimate medical hardship must exist for either the resident or a relative of the resident of the property and the stated hardship must be supported by medical documentation.
- Connection of the temporary hardship dwelling must be to the same subsurface sewage disposal system as used by the existing dwelling.
- The permit authorizing the hardship dwelling must be reviewed every two years. This review consists of information from the applicant about the continued need for the use of the temporary hardship dwelling; and
- once the hardship ends, the recreational vehicle used as the hardship dwelling must either be removed or disconnected from water and septic and properly stored on the property.

Received Comments:

One phone comment was received from notified property owner, Melanie Hein. Ms. Hein followed up with written comments and provided several property photos. Both, the written comments and photos are included in the Commissioners packets. One agency comment was received from County Code Enforcement. Code Enforcement currently has an active enforcement case on the James property which consists of a violation for unpermitted use of the RV as a dwelling unit and solid waste for several old vehicles on the property.

Summary of the Hein comments include:

- status of the easement named Rosebud Lane,
- use of the James property as a business,
- storing, and location of certain materials on the James property, and
- whether Kenny and Lenora James have the type of hardship required for approval of the James Hardship Dwelling Conditional Use Permit request.

Code Enforcement:

The comments from County Code Enforcement provide history and current status of the Code violation on the James property. Code Enforcement also included information previously provided by the applicant, Kevin James, to Code Enforcement regarding his parents, Kenny and Lenora James.

Staff has researched and gained information on some of the comments. The easement, Rosebud Lane, believed by Melanie Hein to only serve her property (Tax Lot #101) also serves and provides lawful access to the James property, Tax Lot #103. The Hein photos showing garbage cans along Rosebud Lane appear to be outside of the improvement driveway path. The cans appear to be a temporary placement of cans ready for pickup, as is likely the case elsewhere in the greater Milton-Freewater area on garbage pickup day. If this is not the case and the cans are permanently placed in the easement, then staff recommends neighborly consideration by the parties and would add that the Planning Department would not be directly involved in civil matters.

The business operating from the James property is of interest and may be a code violation on the James property. Staff has confirmed information for Bulz-I Plumbing, Inc., at 53613 Rosebud Lane, Milton-Freewater, OR 97862, listed as a Principal Office Mailing Address by the Washington Corporation Filing System.

Comments regarding the level of medical need for a Temporary Hardship Dwelling can be subjective. Persons with a medical issue and yet able to live on their own with supervision from a nearby relative are the persons most often who qualify for approval of a temporary hardship dwelling. These qualifying persons may not drive and need transport to appointments, need help with daily medications and/or help with regular meal preparations.

Some qualifying persons may be able to do some of the things listed above for themselves and yet need other assistance. The form or type of assistance can and does vary for each hardship need. However, consistently the hardship warranting the need for the temporary hardship dwelling is for year-around assistance and not for certain months or times of the year, or when the qualifying person or persons are not traveling.

Conditions and Decision:

Approvals for Conditional Use Permits include a set of Precedent and Subsequent Conditions of approval. The current James Preliminary Findings consist of a set of these conditions. This set of conditions may be added to or changed by the Planning Commission, based on the standards of approval for a Temporary Hardship Dwelling.

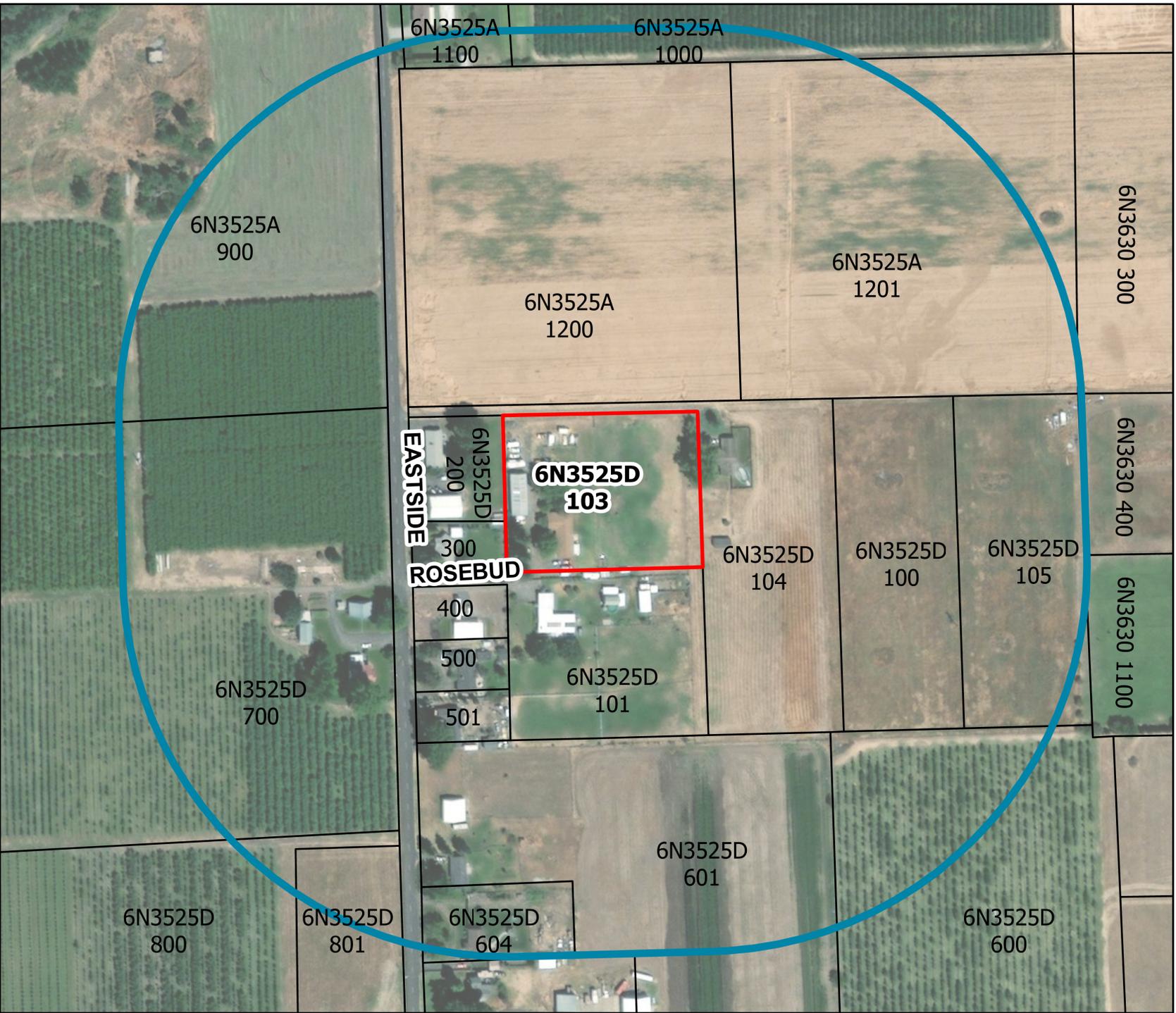
Lastly, the Planning Commission may approve or deny the applicants' request, based on the facts in the record. The Planning Commission's decision will become final unless the decision is timely appealed to the County Board of Commissioners.

APPLICANT & OWNERS: KEVIN & HEATHER JAMES
MAP: 6N 35 25D TAX LOT: 103

#C-1342-21



Notified Property Owners with 750 feet of Subject Parcel



MAP	TAX LOT	OWNER
6N3525A	900	LARSON SCOTT
6N3525A	1000	COPELAND STEVEN R & CHERYL D
6N3525A	1100	COPELAND THOMAS R & TWILA J
6N3525A	1200	GRABER GARY & DEBBIE
6N3525A	1201	GRABER GARY & DEBBIE
6N3525D	100H	VELAZQUEZ OCHOA ENRIQUE
6N3525D	101	HEIN MELANIE S
6N3525D	103	JAMES KEVIN J & HEATHER LYNN
6N3525D	104	MASON BLANCHE I
6N3525D	105H	VELAZQUEZ OCHOA ENRIQUE
6N3525D	200	KRENZLER MICHAEL RAY
6N3525D	300	ROBERTS DAVID L & SALLY M
6N3525D	400	KING CODY T & LINDAY D
6N3525D	500	SHINNER EDWARD W JR
6N3525D	501R	ANDERSON KARRY & PAMELA
6N3525D	600	ROLOFF FARMS INC
6N3525D	601	BURMEISTER RICHARD A
6N3525D	604	AGUAYO SARA & FLORES
6N3525D	700	LARSON JAMES
6N3525D	800	LARSON TRACY L
6N3525D	801	RAKESTRAW MIKAYLA LYNN & KYLE C
6N3630	300	AMALGAM LLC
6N3630	400H	VELAZQUEZ OCHOA ENRIQUE
6N3630	1100	KIMBALL JODI R & STEVEN L

- Legend**
-  Property Boundary
 -  Subject Parcel
 -  750 ft Notice Boundary

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data.
 Parcel data should be used for reference purposes only.
 Created by M. Green, Umatilla County Planning Department
 Date: 5/27/2021

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
TEMPORARY HARDSHIP DWELLING
JAMES CONDITIONAL USE PERMIT REQUEST, #C-1342-21
Map #6N 35 25D, Tax Lot #103, Account #134692**

1. APPLICANT: Kevin and Heather James, 53613 Rosebud Lane, Pendleton, Oregon 97862
2. OWNERS: Same as above.
3. LOCATION: The subject property is located along the north side of Rosebud Lane, approximately 200-ft from the intersection of Rosebud Lane and East Side Road, to the northeast of the City of Milton-Freewater.
4. REQUEST: The applicants, Kevin and Heather James, are requesting a temporary hardship dwelling. The temporary hardship dwelling would be for a hardship suffered by Kevin's parents, Kenny and Lenora James. Kenny and Lenora James would temporarily reside in a 5th-wheel RV located on Kevin and Heather's property.
5. SITUS: There are currently two addresses on the property, one address for the existing frame built home, 53613 Rosebud Lane, and a second address for a manufactured dwelling, 53621 Rosebud Lane. The applicants are not requesting an address to be issued for the RV site to be used as Kenny and Lenora's temporary hardship dwelling.
6. ACREAGE: Tax Lot #103 is 2.56 acres.
7. COMP PLAN: Orchard District
8. ZONING: Exclusive Farm Use, EFU-10
9. ACCESS/
ROAD TYPE: Access to the property is via Rosebud Lane, a private access road.
10. EASEMENTS: No easements were listed on the property.
11. LAND USE: The property is developed with a pasture area and as a residence.
12. ADJACENT USE: The surrounding properties are zoned EFU. The larger EFU parcels are farmed and the smaller EFU parcels are mainly used as home sites.
13. LAND FORM: Walla Walla Valley
14. BUILDINGS: The property is developed with an on-site constructed dwelling, several out buildings and a 1974 "Kit" manufactured dwelling. This manufactured dwelling was previously approved by the Planning Commission as a Hardship Dwelling and later reapproved by the Planning Commission to stay on the property as a permanent second dwelling.

15. UTILITIES: The property is served by Milton-Freewater Power.
16. WATER/SEWER: The property is developed with a well and septic system and has some irrigation water rights.
17. FIRE SERVICE: The applicants subscribe to the Milton-Freewater Rural Fire Department.
18. IRRIGATION: The property is located in either Hudson Bay or the Walla Walla Irrigation District.
19. FLOODPLAIN: The property is not located within a FEMA determined flood hazard area.
20. NOTICES SENT: August 6, 2021
21. HEARING DATE: August 26, 2021
22. AGENCIES: State Building Codes Agency, State Water Resources, Umatilla County Assessor, Umatilla County Environmental Health, County Code Enforcement, Umatilla County Public Works, Hudson Bay, Walla Walla Irrigation District, City of Milton-Freewater Power and Century Link
23. COMMENTS: None to date.

24. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR CONDITIONAL USE PERMITS to establish a TEMPORARY HARDSHIP DWELLING on lands zoned EFU, a use in Section 152.060 (J) and the applicable conditional use restrictions in Sections 152.013, 152.060 and 152.615. Also, a County Zoning Permit must be obtained following the approval of the hardship home conditional use permit pursuant to §§ 152.612 (D) and 152.025. The following standards are underlined (below) and responses are provided in standard text.

§ 152.617 (I)(V) TEMPORARY HARDSHIP DWELLINGS.

(1) The purpose of this section is to establish temporary hardship dwellings in the EFU Zone. A hardship dwelling is one manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. UNDUE HARDSHIP shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel. The aged or disabled person must require direct personal care in order to qualify for a temporary hardship dwelling. If the hardship is suffered by the existing resident, then a non-relative caregiver may live in the temporary hardship dwelling. Nothing in this section shall be construed to require the granting of such temporary hardship dwelling.

(2) Conditions. The following conditions shall be applied in evaluating an application for a Temporary Hardship Dwelling:

(a) The temporary manufactured dwelling or park model home shall be connected to the same subsurface sewage disposal system used by the existing dwelling. If the temporary hardship dwelling will use a public sanitary sewer system, such condition will not be required; A public sewer system is not available. Therefore, the applicants are required to serve the RV with sanitation by connecting the RV to Kevin and Heather's existing septic system connected to their home.

Umatilla County Planning finds as a condition of approval the applicant must obtain authorization from Umatilla County Environmental Health to connect the RV to Kevin and Heather James existing septic system.

(b) Approval shall be for a period of two years, which may be renewed; additional doctor's certification may be required to confirm the continued existence of a medical hardship. The manufactured dwelling or park model home shall be removed within 90 days after the original need has ceased; Approval of the RV for the term of a hardship suffered by Kenny and Lenora James is for a period of two years (and could potentially cease sooner if the hardship no longer exists for Kenny and Lenora James). At the close of the two-year period the approval may be renewed for another two-year period. At the two-year renewal time period, the applicants must confirm the on-going need for the RV based on a continuing hardship suffered by Kenny and Lenora James.

The condition of approval requiring a two-year review of the hardship home approval to confirm the continued need for a hardship suffered by Kenny and Lenora James is imposed.

Disconnection of the RV used as the temporary hardship home from the septic and ceasing the use of the RV as a temporary dwelling, within three months (90-days) after the hardship no longer exists for Kenny and Lenora James, is a requirement of the James Conditional Use Permit approval for a temporary hardship home.

The condition of approval to disconnect the RV from services within 90-days of the end of the hardship suffered by Kenny and Lenora James is imposed. And the condition of approval to sign and record a covenant declaring the RV *will be* disconnected from septic and no longer used as a temporary hardship home (dwelling unit), once the hardship no longer exists for Kenny and Lenora James, is a condition of approval.

(c) The Planning Director or designated authority may require doctor's certification for applications based upon family member dependency due to medical reasons;

The applicants' information includes a declaration letter provided by Kenny James' physician affirming Kenny and Lenora have multiple chronic medical problems related to age and their overall physical conditions, and that by the couple living on their son's property would allow them needed assistance. The criterion is satisfied.

(d) The location of a temporary hardship manufactured dwelling or park model home on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply;

The applicants plan to use the existing access onto the property. The location of the RV will be temporary and must consist of room for one parking space. The parking space is required to be placed on the applicant's site plan used to approve the Zoning Permit. The Zoning Permit is issued pursuant to UCDC Section 152.025.

(e) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. Removal or proper storage of the RV used as the temporary hardship dwelling within three months (90-days) after the hardship for Kenny and Lenora James no longer exists, and/or when Kenny and Lenora James no longer reside on the property in the RV, is a requirement of the James conditional use permit approval for a Temporary Hardship Dwelling.

The condition of approval to remove or disconnect and properly store the RV used as hardship dwelling within 90-days of the end of the hardship suffered by Kenny and Lenora James is imposed.

The condition of approval to sign and record a covenant declaring the approved temporary hardship use of the RV either must be removed or disconnected and properly stored on the property once the hardship no long exists for Kenny and Lenora James is a condition of approval.

(f) A temporary hardship dwelling approved under this sub-section is not eligible for replacement. The temporary hardship RV is not eligible to qualify for replacement as a permanent dwelling on the James zoned land. The condition of approval restricting the temporary hardship home from becoming a permanent dwelling on the property is imposed.

§ 152.061 STANDARDS FOR ALL CONDITIONAL USES ON EFU ZONED LAND.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. All of the surrounding lands are zoned for farm use with most of the parcels too small to be devoted to farm uses and commercial levels of farming. The lands surrounding the subject property include two smaller farm zoned parcels adjacent to the west and located north of Rosebud Lane. One of these parcels is just under ½ acre in size and one is just under 1-acre in size, both parcels are developed with home sites and have yard areas. South of Rosebud Lane and immediately south of the two previously described parcels are three more small farm zoned parcels, all three of these parcels are under ½ acre in size and all are developed with homes and yards. Immediately south of the subject parcel is a similar sized property of 2 ½ acres, this parcel is likewise developed with a home and has pasture ground.

Land to the east is just over 4-acres in size and also is developed with a home and has a small

acreage of pasture and/or hay ground. The access driveway to this 4-acre parcel is adjacent to the north of the subject parcel. North of this adjacent access driveway is a farm parcel of between 9 and 10-acres in size. This parcel has been farmed in various crops over the years and is devoted to farm uses.

Some typical farm use practices include planting, spraying, irrigation and harvesting a crop. These farm practices include the use of tractors, sprayers and various trucks and harvesting equipment. Farm practices occur at specific times and have continued to be practiced in this area within the current development pattern of small parcels developed with homes, yards and pasture. This pattern has been present in this area since prior to the current applied farm zoning. The applicants' request is for the use of an RV as a Temporary Hardship Dwelling. Since the property, devoted to farm use, has continued in farm use operating these many years in an area just north of an existing pattern of developed home sites on smaller farm zoned parcels, the use of the RV as a temporary dwelling on one of these smaller parcels should not cause a significantly change or significant increase in the costs of farm practices on the land devoted to farm use.

Unless something is brought forward to show otherwise, approval of the temporary use of the RV as a hardship home will not result in significant impacts to accepted farm practices or increase the costs associated with such practices to raise a crop.

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

- (A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such an environmental effect as noise, vibration, air pollution, glare or odor; The conditional use permit is for the approval of a temporary hardship dwelling and is not a request for a business where the above restrictions likely could apply.
- (B) Establishing special yard, other open space or lot area or dimension; The RV and two dwellings will share the existing development site area on the property.
- (C) Limiting the height, size or location of a building or other structure; The proposal is a request to approve a temporary hardship dwelling, no other buildings or structures are proposed where size limitations may be imposed.
- (D) Designating the size, number, location and nature of vehicle access points; The existing access point will be used for the RV temporary hardship dwelling and both existing dwellings on property. Additional access points are not necessary.
- (E) Increasing the required street dedication, roadway width or improvements within the street right of way; The approval request is for a temporary hardship dwelling and does not result in a requirement to upgrade a public road or add additional right of way width.
- (F) Designating the size, location, screening, drainage, surfacing or other improvement of a

parking or loading area. Parking area near the RV, used as a temporary hardship dwelling, will require one parking space for one vehicle. Designating one parking space will be required to be shown on an updated site plan prior to issuance of the Zoning Permit.

- (G) Limiting or otherwise designating the number, size, location, height and lighting of signs; No signage is proposed. The conditional use request is for the approval of an RV for the term of a temporary hardship and not for a business use. No signage is proposed or necessary.
- (H) Limiting the location and intensity of outdoor lighting and requiring its shielding; The conditional use permit is for an approval of an RV on the property for a the term of the hardship, no outdoor lighting is proposed or necessary.
- (I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance; No diking or screening between the subject property and neighboring properties is required. The RV approved for the term of the hardship will share a developed area on the property along with the existing home sites currently on the property.
- (J) Designating the size, height, location and materials for a fence; No additional fencing is planned or required.
- (K) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources; The area selected for the RV is located where there are no trees, or other significant natural resources.
- (L) Parking area requirements as listed in Sections 152.560 through 152.562 of this chapter. Parking requirements for a residence requires one parking space or area. The aerial site map of the property shows adequate area on the property to add one parking space area near the RV site. As a condition of the approval the applicant's site plan, accompanying the Zoning Permit, must be updated to show the one parking space near the RV site.

§ 152.013 MOBILE HOMES.

(A) Siting. Mobile homes may be maintained for residential purposes in the unincorporated portions of the county only as provided herein:

(3) Temporary mobile home placement in conformance with § 152.576 or § 152.617 (I) (V) of this chapter. See standards under §152.576

(B) Application. An application for a zoning permit for a mobile home shall be made to the Planning Department. Except as provided herein, the Planning Department shall issue zoning permits for mobile homes and accessories thereto as authorized by other sections of this chapter upon compliance with the following requirements:

(1) The site and location of a mobile home shall meet area, frontage, access, setback and other requirements of this chapter; Since the application is for a temporary hardship dwelling the

requirements for lot area and frontage do not specifically apply, see UCDC Section 152.576.

(2) The mobile home shall be served by an approved water supply; The water supply for the existing home is a domestic well, an approved water supply. The RV will be connected to this water source.

(3) The mobile home shall be served by a sewage disposal system approved by the [County Environmental Health] Department of Environmental Quality; Sewage disposal for Kevin and Heather's existing home is via an existing on-site septic system. The applicants are required to obtain authorization from County Environmental Health to connect the RV to this existing septic system. A condition of approval is imposed to require the connection of the RV to the existing septic system and obtain authorization for this connection from County Environmental Health. Satisfaction with the criterion is pending.

(4) All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce; Permits for plumbing, electric and/or gas connections are issued through State Building Codes Agency. As a condition of approval, the applicants are required to comply with State requirements if any, prior to occupying the RV as a temporary hardship home. Satisfaction of the criterion is pending.

(5) The mobile home unit shall be manufactured after January 1, 1972, and bear the Oregon Department of Commerce "Insignia of Compliance." The temporary hardship home approval is for an RV; therefore, this criterion does not apply.

(6) The mobile home shall be skirted on its lower perimeter by a fire resistant material. The applicant is required to comply with State Building Codes requirements, if any, prior to occupying the RV at the approved location on the James property.

DECISION: BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UMATILLA COUNTY PLANNING COMMISSION APPROVES THE JAMES LAND USE REQUEST, UPON COMPLETION OF THE CONDITIONS LISTED BELOW.

Precedent Conditions: The following precedent conditions must be satisfied prior to issuance of the County Zoning Permit.

1. Sign and Record a Covenant Statement for either the removal or disconnection and proper storage of the approved RV once the hardship for Kenny and Lenora James ceases or they no longer reside on the property. (Covenant provided by the Planning Department.)
2. Obtain and submit authorization from County Environmental Health to connect the RV to the existing septic system

Subsequent Conditions: The following subsequent conditions will continue to apply to the approval of the temporary hardship dwelling until such time the hardship ends and the temporary hardship

dwelling (RV) is removed or properly stored as required in Condition 5 below.

3. Obtain a County Zoning Permit for the establishment of the RV approved by the conditional use permit for the term of a hardship suffered by Kenny and Lenora James. The updated site plan must accompany the Zoning Permit and show parking for one vehicle near the location of the RV, used as the temporary hardship dwelling. Obtain any required State permits for connections or setup of the RV as a temporary hardship dwelling prior to occupancy.
4. Approval of the James Conditional Use Permit request is for a two-year period and may be renewed. Renewal is subject to county review and the applicable renewal fee. To renew, the applicants/property owners must confirm to the County Planning Department that the hardship still exists for Kenny and/or Lenora James and the presence of the RV used as the temporary hardship home is necessary for an ongoing hardship due to medical conditions.
5. Once the hardship ceases for Kenny and Lenora James, the applicant/property owners have 90-days in which to remove, or disconnect and properly store, the RV used as the temporary hardship dwelling. Notice must be provided to the Planning Department the hardship for Kenny and Lenora has ended and that the RV has been disconnected and is no longer being used as a temporary hardship dwelling.
6. The RV approved as the temporary hardship dwelling is not be eligible for replacement as a permanent dwelling on the James property.

UMATILLA COUNTY PLANNING COMMISSION

Dated _____ day of _____, 20_____

Suni Danforth, *Planning Commission Chair*

JUN 24 2021

UMATILLA COUNTY
PLANNING DEPARTMENT

To whom it may concern,

I am writing in response to a public notice dated June 9th, 2021, regarding the request for a conditional use request at Kevin and Heather James residence. I have several concerns regarding this notification, including driveway access, use of a residence as a business, current disclosure of structures/trailers existing on the property, and the true state of health for Kenny and Lenora James.

First, in this notification, there are notations that the conditional use dwelling will “use the existing access point as the residence” and that “additional access points are not necessary.” My sister and I have lived in our residence for 11 years. The residence in question was purchased by Mr. and Mrs. James approx. 5 years ago. The single lane driveway to my residence exists on an easement and it is our understanding disclosed from the selling owner, that during the sale of the residence the easement was not extended to Mr. and Mrs. James. It was instead expressed that they would need to establish their own driveway, which they have not done. Mr. and Mrs. James already have an abundant amount of traffic to/from their location as they frequently have guests (including Kenny and Lenora James) staying in their existing camp trailers and secondary dwelling. The increased traffic is a burden to my sister and I, given this impairs our ability to utilize the existing driveway (only one way traffic allowed at a time). This also increases the wear and tear on the roadway, in which Mr. James has made abundantly clear, we are responsible for the upkeep of. Retaining the dwelling in its proposed manner is likely to increase and prolong this undue burden on us without an adequate driveway provided, which Mr. and Mrs. James were already expected to establish. Furthermore, Mr. James leaves multiple garbage cans (one large industrial size left on a trailer attached to his four-wheeler, as well as up to two others on the ground near it) parked along the driveway. This further impedes the ability to navigate the driveway. (Pictures enclosed)

To further complicate the traffic issue, I also have a strong suspicion that Mr. James is also running his business, “Bulz-I Plumbing,” out of his home as well. As noted on the attached Business license provided by Washington state, the office street address is that of Postal Annex, which serves to provide individuals with a physical address when they do not otherwise have one to supply. This is not a physical building that is operating as a location or point of contact for his business. Furthermore, we have observed multiple vans frequently parked at his residence. On a regular basis in the mornings, individuals arrive in their personal vehicles and immediately depart in vans. They come and go throughout the day, and then leave the vans at the residence in the evenings. We have also observed large trucks coming going with plumbing supplies (see pictures provided). This also increases the hardship given the current situation with the driveway.

In addition to the trailer mentioned in the disclosed letter that is expected to reside beside the shop, Mr. and Mrs. James have another camp trailer that is placed inches from our property line (located on the southern border of the James property). There is no acknowledgement of property offsets, and it has been located there for several years. (It location is observed in the google map images and pictures provided.) Furthermore, they also have the camp trailer that belongs to Kenny and Lenora James, which is actively utilized. Lastly, there are already a significant number of utility trailers, vans, and disabled vehicles throughout the property. (Pictures enclosed)

On the topic of the health and well being of Kenny and Lenora James, it is my understanding that they must be infirm and unable to care for themselves in order to qualify for the conditional use dwelling. This would imply also that they are not able to freely come and go from the location under their own power. Contrary to this definition, Kenny and Lenora travel to and from, including hauling their camping trailer as recent as the last couple months. (Pictures enclosed) It is not uncommon for them stay at Mr. and Mrs. James' residence in their camp trailer for long durations and then depart for equally long durations with their trailer.

For these reasons, I respectfully request that you reconsider the approval noted in these sections and require a new access point to the property as initially stated during the sale of the house.

Thank you,

Melanie Hein

A handwritten signature in cursive script that reads "Melanie Hein".

Garbage
examples



Kenny and Lenora arriving with their personal camp trailer (August 2020)

older trailer brought in



Large shipment vehicle (August 2020)

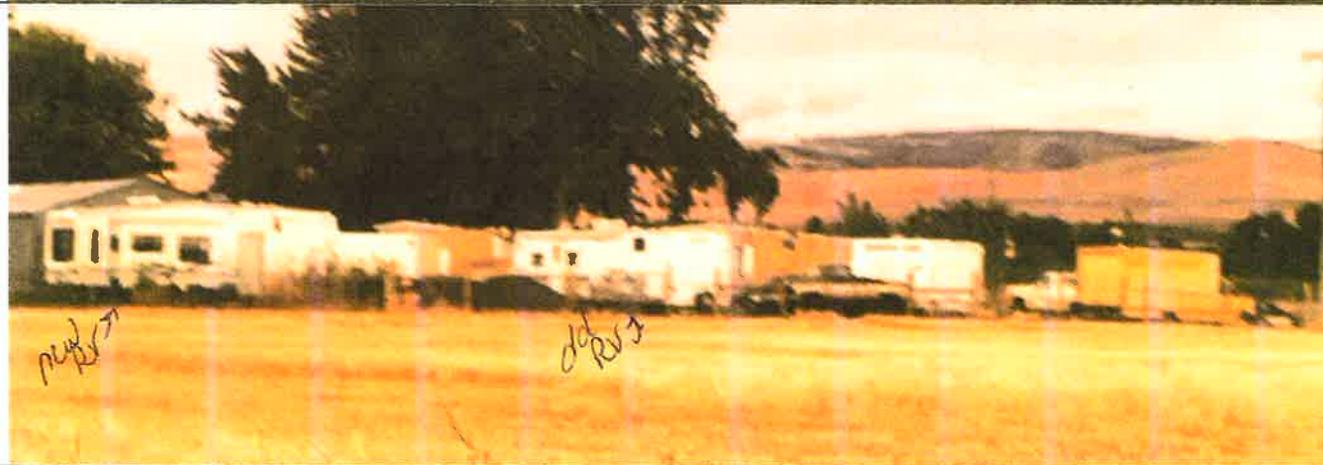


Utility Vans, utility trailers, disabled vehicles, and one camp trailer north of Shop



Two camp trailers, utility vans, utility trailers and disabled vehicles north side of shop

(Flip this image)



Camp trailer on south side of property
against fence line





Business Lookup

License Information:

Entity name: BULZ-I PLUMBING, INC

Business name: BULZ-I PLUMBING, INC

Entity type:

UBI #: 603-193-948

Business ID: 001

Location ID: 0001

Location: Active

Location address: 53613 ROSEBUD LN
OFC
MILTON FREEWATER OR 97862-7087

Mailing address: 1644 PLAZA WAY # 125
WALLA WALLA WA 99362-4325

← (Postal Annex)

Excise tax and reseller permit status:

Secretary of State status:

Endorsements

Endorsements held at this location	License #	Count	Details	Status	Expiration date	First issuance date
					Apr-30-2022	Mar-12-2019

Secretary of State status:

Endorsements

Endorsements held at this location	License #	Count	Details	Status	Expiration date	First issuance date
					Apr-30-2022	Mar-12-2019

Governing People May include governing people not registered with Secretary of State

Governing people	Title
JAMES KEVIN	

Registered Trade Names

Registered trade names	Status	First issued
BULZ-I PLUMBING, INC	Active	Mar-07-2019

The Business Lookup information is updated nightly. Search date and time: 6/17/2021 7:17:53 PM

BUSINESS INFORMATION

Business Name:

BULZ-I PLUMBING, INC

UBI Number:

603 193 948

Business Type:

WA PROFIT CORPORATION

Business Status:

ACTIVE

Principal Office Street Address:

1644 PLAZA WAY # 125, WALLA WALLA, WA, 99362-4325, UNITED STATES

Principal Office Mailing Address:

53613 ROSEBUD LN, MILTON FRWTR, OR, 97862-7087, UNITED STATES

Expiration Date:

04/30/2022

Jurisdiction:

UNITED STATES, WASHINGTON

Formation/ Registration Date:

04/01/2012

Period of Duration:

PERPETUAL

Inactive Date:

Nature of Business:

CONSTRUCTION, OTHER SERVICES

REGISTERED AGENT INFORMATION

Registered Agent Name:

HEATHER JAMES

Street Address:

1644 PLAZA WAY # 125, WALLA WALLA, WA, 99362-4325, UNITED STATES

Mailing Address:

1644 PLAZA WAY # 125, WALLA WALLA, WA, 99362-4325, UNITED STATES

GOVERNORS

Title	Governors Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		KEVIN	JAMES

Umatilla County

Department of Land Use Planning

RECEIVED

JUN 25 2021

UMATILLA COUNTY



DIRECTOR
Robert Waldher

June 25, 2021

LAND USE
PLANNING,
ZONING AND
PERMITTING

To: Planning Department
Carol Johnson, Senior Planner

CODE
ENFORCEMENT

From: Gina Miller, Code Enforcement Officer

SOLID WASTE
COMMITTEE

Re: #C-1342-21 Temporary Hardship home request
Kevin and Heather James

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

In the spring of 2020, Code Enforcement received an anonymous complaint regarding an accumulation of solid waste and occupation of a recreational vehicle (RV). Following a site visit by the Code Enforcement Officer, it was confirmed that an RV was present with custom built steps and appeared to be connecting utility hoses and cords. There were also several vehicles and trucks on the north side of the property that were either out of current license tag or inoperable.

Code Enforcement mailed a Warning Notice of the violation to the property owner on 09/25/2020, providing the property owner 30 days to bring the property into compliance. The property owner, Kevin James, contacted Code Enforcement on 10/12/2020 to discuss the Warning Notice. The officer explained the substance of the violation and advised the property owner to cease full time occupation of the RV. Mr. James explained that the RV belonged to his parents, who occupied the RV when visiting. He further explained his parents used another RV when traveling south for the winter. There was discussion of the status of the inoperable/unlicensed vehicles in the north side pasture. Mr. James was advised Code Enforcement could provide him with "Junk Slips" so the vehicles could be disposed. Later in 2020, Code Enforcement was limited in performing active fieldwork due to the County's COVID-19 response. At this time, the property remains in violation.

Code Enforcement has concerns about Mr. and Mrs. James' application for a conditional use permit for a temporary hardship home, and the actual need for the home. Mr. James has expressed to Code Enforcement that the RV was only used part of the year by his parents when they are not traveling. Code Enforcement has years of experience in processing annual reviews of temporary hardship home permits and never has had a permit review where the hardship home was approved to be occupied only part time, or part of a year. Code Enforcement questions the actual need for a temporary hardship home based on the information shared to Code Enforcement by property owner, Kevin James.

Gina Miller 
Code Enforcement Coordinator