



UNION COUNTY

Planning Department

Inga Williams
Planning Director

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FILE No. 2025-0049

STAFF REPORT

TEMPORARY MEDICAL HARDSHIP DWELLING

Purpose of the Application	Establish a Temporary Medical Hardship Dwelling
Relevant Ordinance Criteria	UCZPSO Article 4.00 A-3 Agriculture-Forest Use Zone UCZPSO Article 2.00, Section 13 Temporary Hardship Dwelling UCZPSO 21.00 Conditional Uses Oregon Administrative Rules (OAR) 660-033-0130 (5)
Property Owners & Applicants	Bobby & Katharine Walker
Property Location	Twp 01N, Range 38E, Section 26, Tax Lot 01200 69687 Summerville Rd., Summerville
Zone Designation	A-3 Agriculture-Forest Use Zone
Comprehensive Plan Designation	Agricultural Land Plan Classification:
Parcel Size	8.17 acres

I. QUASI-JUDICIAL LAND USE DECISION

A motion to approve or deny includes findings that justify the approval or denial of the application as presented during the public hearing, which may include the application, exhibits, staff report, and testimony. Only findings which support the Planning Commission's motion should be read into the record.

Motion to Approve

"I move that the Planning Commission approve this Conditional Use application for a temporary medical hardship dwelling based on the analysis and findings in the staff report, information provided in the application, and verbal testimony at the public hearing. This motion includes the requirement for the applicant to complete all conditions of preliminary approval prior to occupancy of the temporary dwelling and compliance with all conditions of operating approval throughout the term of the hardship, as listed in Section II of the staff report."

Motion to Deny

"I move that the Planning Commission deny this Conditional Use application for a temporary medical hardship dwelling based on the following reasons..."

II. PROPOSED CONDITIONS OF APPROVAL

Preliminary Approval

1. Preliminary approval shall be valid for one year from the date of decision. One-year time extensions, for up to four extensions, may be granted by the Planning Director if the applicable regulations and circumstances of the application are unchanged and the request is submitted

prior to the expiration of the approval. If all conditions of preliminary approval are not completed within the specified time frame, this approval shall be null and void. Final approval, which allows occupancy of the temporary dwelling, shall be granted when all preliminary conditions are completed.

2. The property owners shall obtain all necessary building permits for the conversion of the agricultural exempted storage structure to residential use. The applicants shall provide the Planning Department with a Certificate of Occupancy to provide proof that all conversion upgrades were completed.
3. The property owners shall have the septic system evaluated by Harney County Environmental Health Division. The applicants shall complete any necessary upgrades to the system to accommodate the use. Proof of final approval shall be provided to the Planning Department.

Operating Approval

1. The temporary hardship dwelling shall only be occupied for the term of the hardship. The hardship is defined as care for John W. Wehr, father of Katharine Walker. Mr. Wehr will occupy the temporary hardship dwelling. A licensed care provider may be housed with Mr. Wehr.
2. The primary dwelling will be occupied by Bobby and Katharine Walker.
3. The deed restriction stating that the building will not be used for residential purposes will be acknowledged as suspended for the term of this temporary use.
4. The permit authorizing this temporary hardship dwelling shall be reviewed by the Planning Department every two (2) years. At each biannual review, the property owners shall submit a new Certificate by Primary Care Physician to the County Planning Department documenting the continuing need for the hardship dwelling.
5. The temporary hardship dwelling use may be transferred to another relative or include an additional relative upon satisfaction of all the requirements of the code and if the use has not ceased for more than three (3) months. This transfer can be approved by the Planning Director.
6. Within three (3) months of the end of the hardship, the temporary dwelling shall be converted back to its original permitted use to store a tractor, trailer, and hay equipment and to perform maintenance. This means removing any additions that were utilized for the residential use except for the bathroom. The applicants shall set a time and date for the Planning Director to perform an inspection of the building.
7. The property owners shall maintain the subject property and temporary dwelling as indicated in the application, exhibits, and site plan. Any revisions to the approved site plan shall be reviewed and must be approved by the Planning Director.
8. This temporary hardship dwelling is not eligible for replacement as a permanent dwelling under any provision of the Union County Zoning Ordinance.
9. Department of Environmental Quality (DEQ) review and removal requirements also apply.

III. BACKGROUND AND PROPERTY INFORMATION

The subject property is 8.17 acres located at 69687 Summerville Rd. in Summerville, Oregon. The property is zoned A-3 Agriculture-Forest Use. Based on the soil composition (3.1 acres Crop, 1.8 acres Crop High Value, and 3.2 acres Range), this parcel is considered predominantly farmland. Therefore, per UCZPSO Article 4.00, Sections 4.02 and 4.04, predominantly farmland parcels in the

A-3 zone shall comply with the permitted and conditional uses of Article 2.00 (A-1 Exclusive Farm Use Zone).

The subject property contains an existing single-family dwelling, constructed in 1984, which is currently occupied by the property owners, Bobby and Katharine Walker. The property also contains a barn and a newly built storage building with bathroom, approximately 3,120 square feet, located approximately 50 feet from the main dwelling. This building was approved on December 12, 2024 as an agricultural exempt building to store a tractor, trailer and hay equipment, and to allow maintenance of agricultural items. As a condition of the agricultural building approval, a deed restriction was recorded on December 12, 2024 prohibiting residential use of the structure.

The applicants are requesting approval to temporarily convert a portion of the ag building into a residential dwelling to accommodate John W. Wehr, the father of Katharine Walker, who requires medical care and assistance. Medical documentation from an ARNP at the VA Clinic in La Grande has been received and is on file with the Planning Department.

The proposed temporary dwelling will utilize the same septic system as the existing dwelling. The septic system will need to be evaluated to accommodate the additional residential use. The property is served by a residential well for water supply.

All adjacent properties (north, south, east, and west) are zoned A-3 Agriculture-Forest Use and contain existing dwellings.

The property has adequate existing access from Summerville Road.

The property is not located within any overlay zones, including floodplain or critical big game winter habitat.

IV. WRITTEN TESTIMONY

As of December 1, 2025, no written comments have been received from the public or reviewing agencies.

V. FINDINGS APPLYING CODE CRITERIA

All applications are subject to the requirements of the Union County Zoning, Partition and Subdivision Ordinance (UCZPSO). Sections in boldface type below denote relevant Ordinance sections. Sections in regular type denote staff analysis of the application.

UCZPSO Article 4.00 A-3 Agriculture-Forest Use Zone

Section 4.02 Permitted Uses

In the A-3 Zone predominantly farmland lots and parcels shall comply with Section 2.02 Permitted Uses and predominantly forest land parcels shall authorize the following uses and activities and their accessory buildings and uses subject to the general provisions set forth by this ordinance.

Findings: The subject property contains predominantly farmland soils (crop and range). Therefore, the property is subject to the permitted and conditional uses outlined in Article 2.00 (A-1 Exclusive Farm Use Zone).

UCZPSO Article 2.00 A-1 Exclusive Farm Use Zone

(Applicable to predominantly farmland parcels in A-3 zone per Article 4.00)

Section 2.04 Conditional Uses with General Review Criteria

In the A-1 Zone, the following uses and their accessory buildings and uses are permitted subject to county review under Article 24.03 Quasi-Judicial land use decision and the specific standards

for the use set forth in Section 2.05, as well as the general standards for the zone and the applicable standards in Article 21.00 (Conditional Uses).

Findings: Temporary medical hardship dwellings are listed as a conditional use requiring Planning Commission review through a quasi-judicial public hearing process.

13: One manufactured dwelling 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

- a. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.**

Findings: The proposed temporary dwelling will use the same septic system as the existing dwelling. The septic system will need to be evaluated for the temporary residential use and most likely an additional temporary tank will be required. This will be satisfied by a condition of preliminary approval. (Note: The ordinance references "manufactured dwelling" but also allows for "temporary residential use of an existing building." The proposed use converts an existing accessory structure to temporary residential use, which is an allowed alternative under the temporary hardship dwelling provisions.)

- b. The permit authorizing such manufactured homes shall be reviewed every two years. When the hardship ends, the temporary dwelling shall be removed.**

Findings: The permit will be subject to review every two years. The property owners will be required to submit updated medical certification at each review to document the continuing need for the hardship dwelling. When the hardship ends, the structure must be converted back to its original permitted use, removed, or demolished within three months. This is included as a condition of operating approval.

- c. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirmed person or persons.**

Findings: The hardship in this case is for the care of John W. Wehr, father of Katharine Walker, who requires medical care and assistance due to medical conditions verified by a licensed medical practitioner (ARNP) at the VA Clinic in La Grande. This constitutes a qualifying medical hardship under the ordinance definition.

- d. Each application for a temporary hardship dwelling shall include a Letter to Primary Care Provider and Certificate by Primary Care Physician. Biannual review requires the applicant to complete and submit a new Certificate by Primary Care Physician to the County Planning Department.**

Findings: The application includes medical documentation signed by an ARNP at the VA Clinic in La Grande, which satisfies the medical certification requirement. The applicants will be required to submit updated certification every two years at the biannual review. This is included as a condition of operating approval.

Section 2.06 Conditional Use Review Criteria

- 1. An applicant for a use permitted in Section 2.04 must demonstrate compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03.**

Findings: Article 21 outlines the Conditional Use processes, procedures, and standards for specific uses, which are being followed by this review. Subsection 21.06.1 states, "A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as

specifically modified by the Planning Commission in granting the conditional use." This returns the requirements back to the #2 and #3 of this section. Section 24.03 of Article 24 is the application review procedures, which are also being followed.

2. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
3. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

OAR 660-033-0130 (5), revised and effective January 1, 2025

- (c) For purposes of subsection 2 and 3, a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:
- (A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation:
 - (B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices. This assessment applies practice by practice and farm by farm; and
 - (C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.
 - (D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.
 - (E) For purposes of subsection 2 and 3, potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsection 2 and 3.
 - (F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection 2 and 3.

Findings: The following uses surround this property:

- North and west is an 18-acre parcel containing a single-family residence located near Summerville Road and with the back portion being farmed. The owners of the 18 acres also own an adjacent 122 acres to the west.
- South are two ~4-acre parcels with single-family residences on them. One has a forestry classification and one has a farm classification. Further south is a 9-acre parcel with a single-family residence and farming.
- Southwest is a larger 80-acre parcel used for farming and containing a single-family residence

- East and southeast, across Summerville Road, is a 76-acre parcel and 70-acre parcel containing a single-family residence each with farming.

This area along Summerville Road contains many single-family residences amongst farming or forestry operations. The proposed temporary hardship dwelling will not even be a residence but will be located inside an existing agricultural structure. There will be no additional vehicular trips created by this use. There should be no impacts to adjacent farming or forestry operations.

UCZPSO Article 21.00 Conditional Uses

Section 21.06 General Standards Governing Conditional Uses

The following standards and criteria shall govern conditional uses:

1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use.

Findings: This use is being reviewed in accordance with the specific standards of the A-3 zone (which references the A-1 zone for predominantly farmland parcels) and Article 2.00, Section 13. The use complies with all applicable standards.

VI. PLANNING COMMISSION AUTHORITY AND ACTION

UCZPSO 21.01 Authorization to Grant or Deny Conditional Uses

Uses designated in this Ordinance as permitted conditional uses shall be permitted or enlarged or altered upon approval by the Planning Commission in accordance with the standards and procedures specified in this article. Changes in use, expansion or contraction of site, or alterations of structures or uses classified as conditional existing prior to the effective date of this Ordinance, shall conform to all regulations pertaining to conditional uses.

UCZPSO 21.03 Commission Action

In addition to the general requirements of this Ordinance, in granting a conditional use the Commission may attach conditions which it finds are necessary to carry out the purposes of this Ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, increase the street width, limit the number of signs, limit coverage of height of buildings because of obstruction of view and reduction of light and air to adjacent property, and require sight obscuring fencing and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.

UCZPSO 24.12 Decision on Quasi-Judicial Land Use Application

The decision of the hearings body shall be based upon and accompanied by a brief statement that explains:

- A. The criteria and standards considered relevant to the decision;
- B. Statement of basic facts relied upon in rendering the decision; and
- C. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards and basic facts set forth.

VII. NOTIFICATION

The applicants submitted a Conditional Use Permit application to the Union County Planning Department requesting approval to establish a Temporary Medical Hardship Dwelling on November 25, 2025. The Planning Director deemed the application complete on November 25,

2025. Conditional Use applications are reviewed by the Planning Commission through a public hearing review process subject to UCZPSO 24.03, 24.09, 24.10, 24.11, and 24.12 as a Quasi-Judicial Land Use Decision. Notice of this Public Hearing was mailed to property owners within 500 feet of the subject property on December 29, 2025 and published in the Gazette Times on January 14, 2026.

Within five working days of the Planning Commission's decision, a Notice of Decision will be mailed to the applicant and all participating parties, and will include appeal procedures permitted within 30 calendar days from the date of the decision.



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Phall@Union-County.org

NOTICE OF PLANNING COMMISSION MEETING UNION COUNTY PLANNING DEPARTMENT

NOTICE IS HEREBY GIVEN, the Union County Planning Commission will meet in regular session, Monday, January 26, 2026, 7:00 p.m., in the Daniel Chaplin Building Conference Room, 1001 4th Street, La Grande. The meeting will be conducted in accordance with the Union County Zoning, Partition and Subdivision Ordinance Article 23, subsection 06. The Planning Commission will consider the following applications:

Application No. 2025-0049. Request for approval of a temporary medical hardship dwelling for a relative of property owner. The applicant and property owner are Bobby and Katharine Walker. The property on which the primary dwelling is located and on which the temporary hardship dwelling will be located is described as Twp. 01N, Range 38E, Section 26, Tax Lot 1200, with situs address 69687 Summerville Rd., Summerville, OR 97826. The zoning is UC A-3 Agriculture-Forest Use. The applicable land use regulations are UCZPSO Article 4.00 A-3 Agriculture-Forest Use Zone, UCZPSO Article 2.00, and UCZPSO 21.00 Conditional Uses.

Adoption of an Amendment to the Union County Zoning, Partition, and Subdivision Ordinance
The County is proposing to amend Article 12 I-1 Light Industrial Use Zone, Article 13 I-2 Heavy Industrial Use Zone, and Article 21 Conditional Uses. The purpose is to add a use to Article 12 and Article 13 as a Conditional Use. The use that is proposed is Temporary Workforce Housing. The Board of County Commissioners hearing dates for this amendment are proposed to be February 18, 2026 and March 4, 2026. To verify the correct day and time, you are encouraged to check the county commissioners' meeting agendas available at this website <https://unioncountyor.gov/commissioners/agendaminutes/> or contact the Planning Department.

If you have questions on these applications or you wish to obtain a copy, you can contact Inga Williams or Pam Hall at the Union County Planning Department, 1001 4th Street, La Grande. Office phone number is 541-963-1014. A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost. All documents and an agenda will be placed on this website at least six days prior to the hearing - <https://unioncountyor.gov/planning-commission-meetings/>

You are entitled to submit written comments on these applications prior to the public hearing and submit oral comments for or against the application at the public hearing. If submitting written comments, you must include your name and address with the testimony; please also cite the number of the application you are commenting on. Failure to raise an issue in a hearing or by written communication, and failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Public hearings can be attended remotely via Zoom and the link for this remote access is found on the same web page as the agenda. If you require accommodation for a disability, please contact Pam Hall at the office number at least 5 days prior to the hearing so that we can accommodate your request.



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NOTICE OF PLANNING COMMISSION HEARING

You are receiving this notice because you are an adjacent property owner within 500 feet of the parcel that is the subject of the application explained below. The Planning Commission will act on this application in a public hearing on January 26, 2026. The Planning Commission meeting begins at 7 PM. You can attend in person or by remote web access. A remote access link is available on the website listed further down this page.

Any interested person may submit written testimony to the Planning Department prior to the public hearing and attend the public hearing to provide verbal comments for or against the application. **You must include your name and address with the written testimony**, please also cite the application # below.

A decision by the Planning Commission may be appealed to the Board of County Commissioners within 30 days of the Planning Commission's decision. Failure to raise an issue by letter or in the public hearing, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

APPLICATION #	20250049
NATURE OF APPLICATION:	Establish a temporary hardship dwelling
APPLICABLE CRITERIA:	UCZPSO Article 4.00 A-3 Agriculture-Forest Use Zone; UCZPSO Article 2.00; UCZPSO 21.00 Conditional Uses
PROPERTY LOCATION:	A property located at T01N R38E Section 26 Tax Lot 1200. The situs address for of the subject property is 69687 Summerville Rd., Summerville, OR 97826.
PROPERTY OWNER & APPLICANT:	Bobby & Katharine Walker
ZONE DESIGNATION:	Agriculture Forest Use, A-3
STAFF CONTACT:	Inga Williams, Planning Director

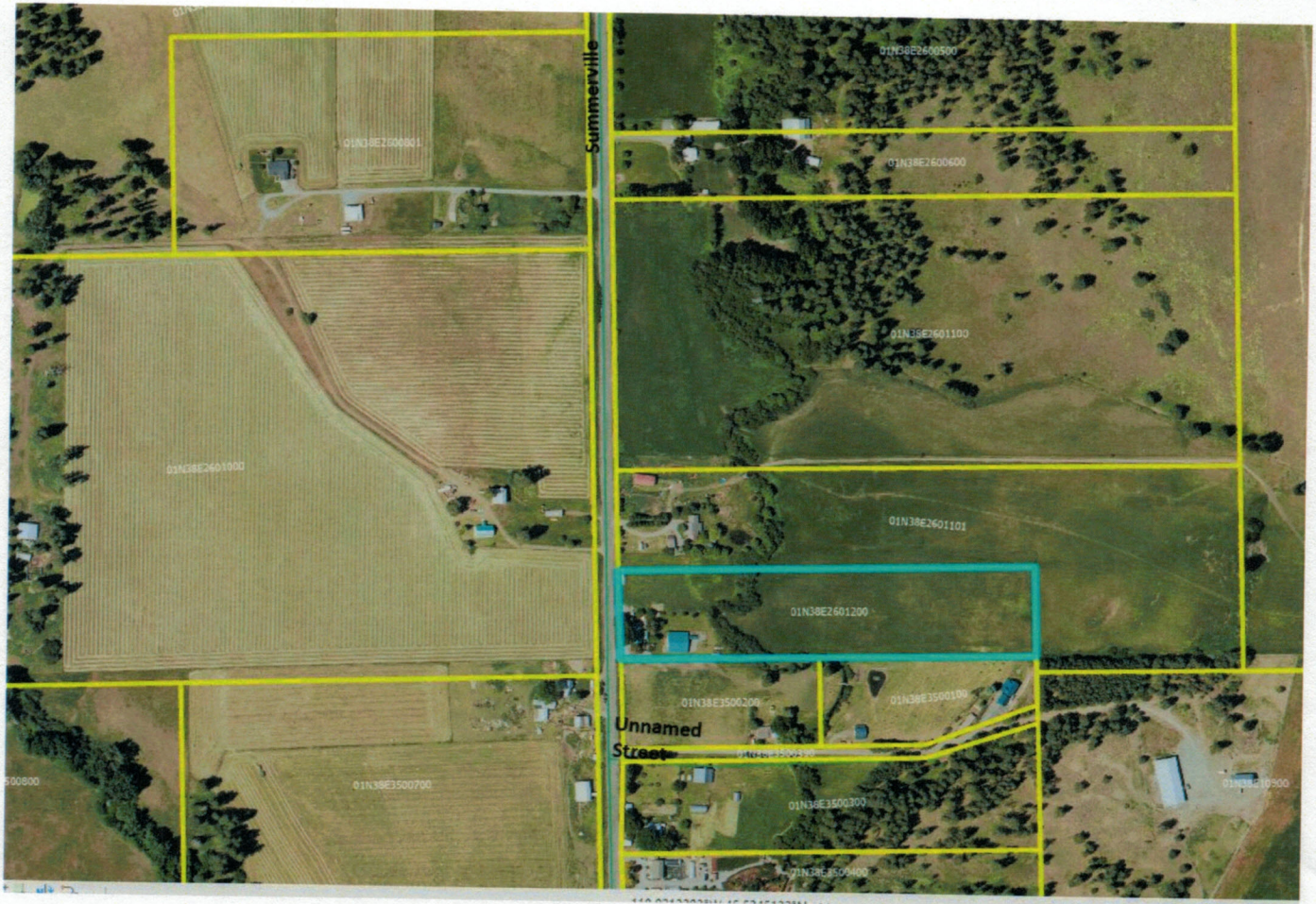
A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection during office hours at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. The agenda and any information being given to the Planning Commission will be placed at the following website at least 6 days prior to the meeting.

<https://unioncountyor.gov/planning-commission-meetings/>

If you wish your testimony to be included in the packet that goes to the Planning Commission, please make sure that you submit it by 5 PM on January 12. Written testimony can still be submitted after that date and will be given to the Planning Commission prior to the public hearing but be aware that they may not have time to review it before the hearing.

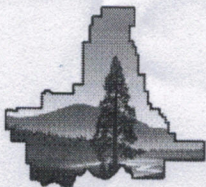
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

Subject property outlined in blue.



Walker Temporary Hardship

1105 WICK, JONATHAN C & TRACIE C	68983 OUTBACK LN	SUMMERVILLE	OR	97876
1105 SCOTT, JAMES L & SHIRLEY A	69718 SUMMERVILLE RD	SUMMERVILLE	OR	97876-8154
1105 NETHERTON, ALLAN & DAWN	69867 SUMMERVILLE RD	SUMMERVILLE	OR	97876-8154
1105 TARVIN, ANDREW & JULIE	69725 SUMMERVILLE RD	SUMMERVILLE	OR	97876-8154
1105 WALKER, BOBBY J & KATHARINE E	69687 SUMMERVILLE RD	SUMMERVILLE	OR	97876-8154
1105 STEPHEN & HEATHER STANHOPE REV	68923 OUTBACK LN LIV TRUST	SUMMERVILLE	OR	97876
1105 TIPTON, LESLIE E ETAL	69631 SUMMERVILLE RD	SUMMERVILLE	OR	97876-8154
1105 THOMPSON, ROBERT D	69666 SUMMERVILLE RD	SUMMERVILLE	OR	97876-8154
	CLARK, RETA MARIE (MH)			



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TEMPORARY MEDICAL HARDSHIP (TMH) DWELLING – LAND USE APPLICATION

Please complete & return this form with ATTACHMENTS

Property Owner Name(s)	BOBBY & KATHARINE WALKER
Map & Tax Lot & Account ID	01N38E2601200 10662
Property Address	69687 Summerville Rd Summerville OR 97826
Phone Number	541-286-1164
Email Address	bwalker@barrethomefs.com
Mailing Address or N/A	

MEDICAL HARDSHIP INFORMATION

Name of the person needing care	John W. Wehr
Who else will be residing with the person needing care	N/A
Name of caregiver	Katharine Walker
Relationship of the caregiver to the person needing the care.	Daughter

Caregiver will:

- ☐ reside in the temporary dwelling
☒ reside in the permanent dwelling

How many other people will reside with the Caregiver 1

TEMPORARY DWELLING INFORMATION. The temporary dwelling will be a:

☐ Manufactured Home. (Initial acknowledgements below)

_____ I acknowledge that the home will be ☐ Removed or ☐ Demolished when the TMH ends

_____ I acknowledge the home must utilize same sewage disposal system as permanent residence

☒ An existing accessory structure made into a residential use. After TMH ends, this structure will be:

☐ Removed ☐ Demolished ☒ Returned to nonresidential use

☐ Recreational Vehicle (Initial acknowledgement below)

_____ I acknowledge that the RV will be ☐ Removed or ☐ Demolished when the TMH ends

I hereby certify that I am the legal owner of the subject property; and, that the information and justification submitted are in all respects true and accurate to the best of my knowledge and belief.

Landowner

BOBBY & KATHARINE WALKER

Name

Signature Date 11/10/2025

Landowner

KATHARINE WALKER

Name

Signature Date 11/10/2025

I hereby certify that I am the caregiver and that the information and justification submitted are in all respects true and accurate to the best of my knowledge and belief.

Caregiver

Kathy Walker

Name

Signature Date 11/10/2025

ATTACH

- 1) Vicinity map marked Exhibit A
- 2) Detailed site plan marked Exhibit B, see Site Plan Example available on Planning Department webpage
- 3) Any statements of explanatory information to support your request
- 4) Primary Care Provider Certification

For Planning Department Purposes Only

Date of Submittal _____

Date Considered Complete _____

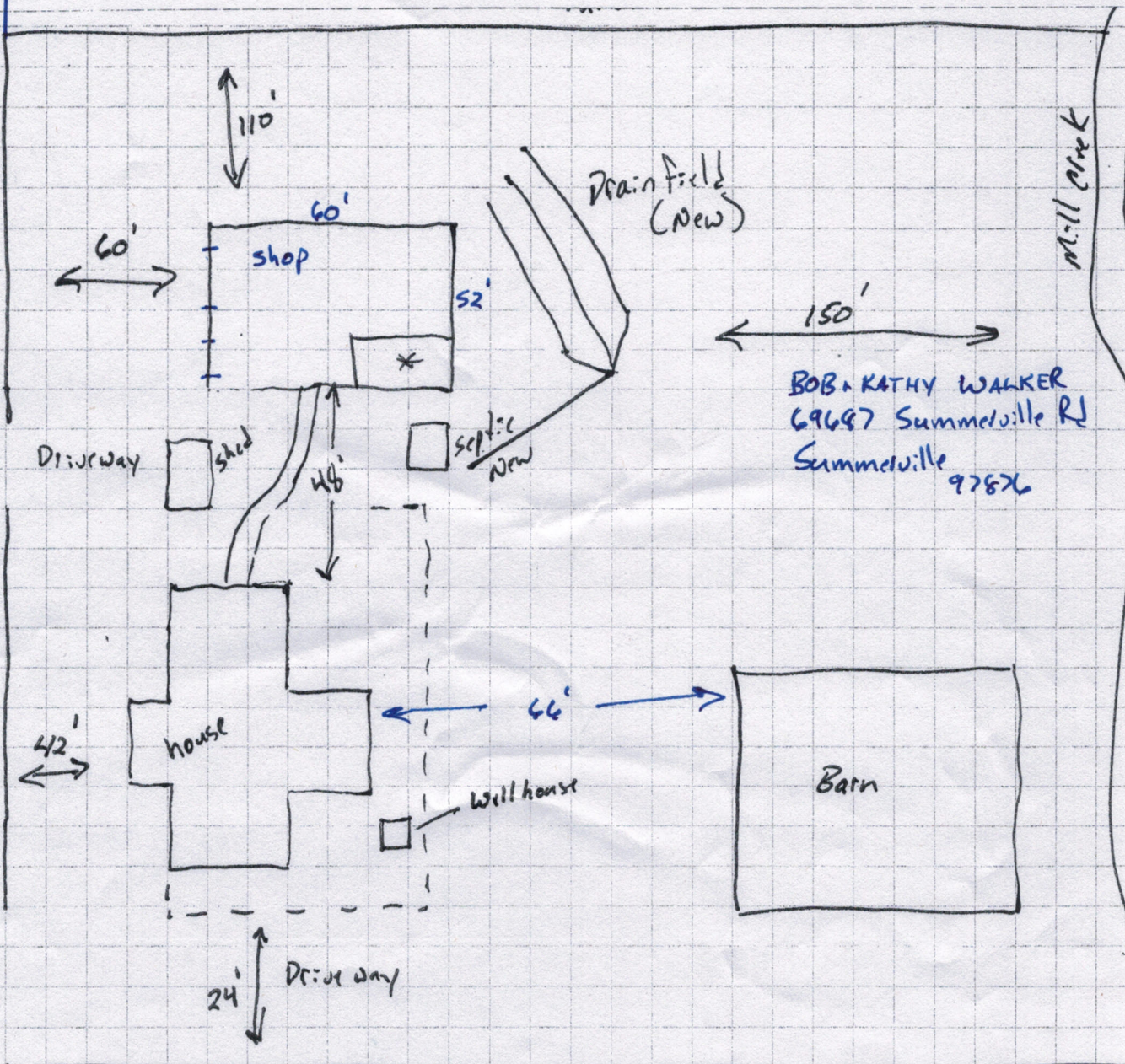
Application Number _____

Payment Receipt Number _____

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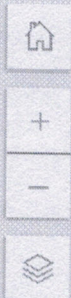
Tarvin

Summerville Rd



BOB & KATHY WALKER
69687 Summerville Rd
Summerville 97826

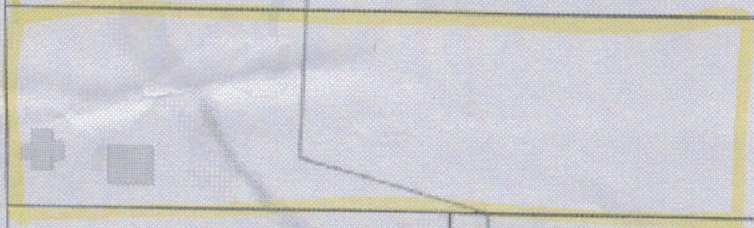
Tipton



Summerville Rd

Summerville Rd

Outback Ln



200 ft