



STAFF REPORT
CONDITIONAL USE APPLICATION – HOME OCCUPATION

Purpose of the Application	Gain approval of a home occupation to provide short term rental use within a portion of the dwelling.
Relevant Ordinance Criteria	Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) Articles 2 and 21; Oregon Administrative Rules (OAR) 660-033-0130(5), and OAR 660-033-130(14) as revised and implemented January 1, 2025.
Property Location	T02S R38E Section 18D, Tax Lot 506. Situs address is 63698 Owsley Canyon Road.
Property Owner & Applicant	Stacy and Rich Livermore
Zone Designation	Timber Grazing A-4, soils comply with Exclusive Farm Use A-1
Comprehensive Plan Designation	Timber-Grazing
Parcel Size	4.27 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 short-term rental home occupation. This motion is based on *[choose any or all of the following]*

- analysis and findings in the staff report,
- information provided in the application,
- verbal testimony at the public hearing by the applicant,
- verbal testimony at the public hearing by the public

This motion includes the requirement for the applicants to comply with the conditions of approval, 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 short-term rental home occupation based on the following reasons..."

II. CONDITIONS OF APPROVAL

Preliminary Approval

- 1) This preliminary approval is valid for one year from the date of decision. Four one-year time extensions may be granted by the Planning Director if the applicable regulations and circumstances of the application are unchanged. Requests for extension must be submitted prior to the expiration deadline. If all conditions of preliminary approval are not completed within the specified time frame, this approval shall be null and void.
- 2) Operating approval, which allows the applicants to begin the home occupation use, shall be granted when the following conditions are completed.
 - a. The applicants shall remove cooking appliances from the basement. The applicants shall provide the Planning Director an opportunity to inspect the basement to ensure compliance.
 - b. The applicants shall provide two designated parking spaces for short term rental guests near the dwelling and shall place signage at these locations stating they are for short term rental guests only. The applicant shall provide the Planning Director with a photo of these signs at the designated spaces in order to show compliance.
 - c. The applicants shall petition the City of La Grande to annex this parcel into the La Grande Rural Fire Protection District. If approved by the fire district, the process shall be completed prior to operating approval being granted.

Operating Approval

- 1) Short term rental use is restricted to 45 days or less per guest, where 'guest' can be a singular person or multiple persons with the same booking.
- 2) Short term rental use is restricted to that area identified as the basement and includes 788 square feet that encompasses a bathroom, bedroom, and living room.
- 3) The applicants shall not add a stove, oven, or built-in microwave to the basement.
- 4) The applicants shall restrict the short-term rental users to the number of guests on the rental agreement.
- 5) The applicants shall ensure that guests do not create noise disturbances that can be heard on adjacent properties.
- 6) The applicants shall employ on the site no more than one full-time or part-time person at any given time to help with the short-term rental use.
- 7) The applicants are allowed to place one (1) sign identifying the home occupation, not to exceed a total of 32 square feet in area and located outside of the public right of way.
- 8) The applicants shall pay the county's transient tax.
- 9) This use is approved for the applicants only and does not carry over with any land transfers.

I. BACKGROUND AND PROPERTY INFORMATION

The subject property is approximately 4.27 acres. It is zoned A-4, Timber Grazing but the applicable zone for the property, based on the majority soils, is A-1, Exclusive Farm Use.

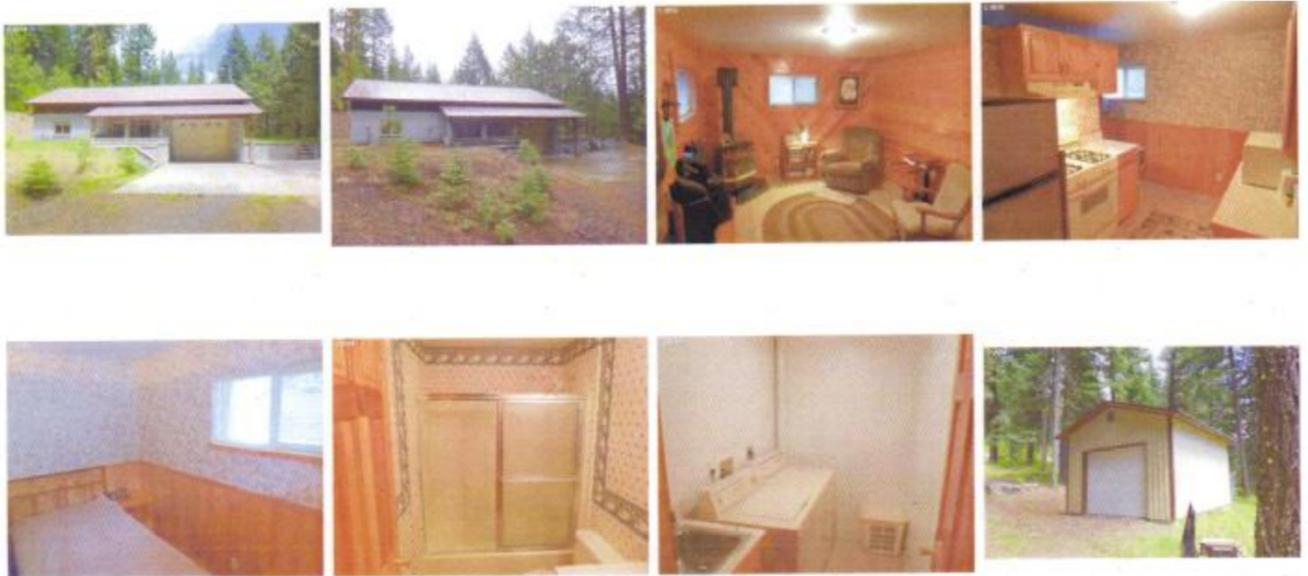
Forest soils 0.9 acres

Range soils 3.4 acres

The Union County Planning Commission granted Conditional Use approval to establish a non-farm dwelling on the property on October 27, 1988¹, and the dwelling was subsequently established in 1995. In 2014, the Planning Department approved a request to replace the dwelling². In that same staff report, it was identified that the parcel was not legally created but the staff report did state that the parcel did meet the requirements for legal validation. The partition plat to make this a legal parcel is recorded as 20150002T.

Access to the property is from Mt. Emily Road although the property address is Owsley Canyon Road. The area is covered by the Oregon Department of Forestry for fire control. This is in the La Grande public school system.

The following pictures are of the original dwelling that was replaced.



As the applicants indicate in their narrative, the basement of the current dwelling used to be the original dwelling. This basement area is what is proposed to be used for short term rentals. This basement appears to have all of the characteristics of a separate dwelling unit.



¹ Application No. 19880051

² Application No. 20140055



One of the conditions of approval is to remove the cooking appliance and another is to not replace it.

II. WRITTEN TESTIMONY

Four written testimonies were received by the Planning Department. The documents are attached to this staff report.

The following is summary of the testimony, which are opposed to the use:

- The houses in the community share a Community Spring for potable water use. Renters would assume unlimited water supply and this would impact the amount of water shared by other households.
- The property is downhill of 7 or 8 immediate neighbors and there is a possibility of noise pollution from any short-term renters, which would easily carry up hill.
- Boundary issues could occur with renters trespassing on neighbors' property.
- It is a heavily wooded area and renters may increase the potential for accidental ignition through ignorance or misunderstanding of the risks.
- The transient nature of short-term renters would disrupt the stability and security of the neighbors.
- Current infrastructure cannot support increased vehicle turnover.
- There could be improper trash disposal.

III. FINDINGS APPLYING CODE CRITERIA

All applications are subject to the requirements of the Union County Zoning, Partition and Subdivision Ordinance. Sections in boldface type below denote relevant Ordinance, Oregon Administrative Rule, or State Statute sections. Sections in regular type denote staff analysis of the application.

Oregon Administrative Rules 660-033-0130(14), effective January 1, 2025

(c) A governing body may only approve a use provided in OAR 660-033-0120 as a home occupation if:

(A) The scale and intensity of the use is no more intensive than the limitations and conditions otherwise specified for the use in OAR 660-033-0120, and

Findings: There is no short-term rental use allowed as a separate use through ministerial, administrative, or quasi-judicial review in the Exclusive Farm Use zone. The only manner that this use can be allowed in the Exclusive Farm Use zone is through a home occupation and the only intensity limits that apply to this use are those listed in UCZPSO Article 2, Section .05.

(B) The use is accessory, incidental and subordinate to the primary residential use of a dwelling on the property.

Findings: UCZPSO Article 2.05 applies limits to the home occupation and the operating conditions of approval will ensure that it remains accessory, incidental, and subordinate to the residential use of the dwelling.

UCZPSO Article 1 Introductory Provisions and Definitions

Subsection 1.08 DEFINITIONS

DWELLING UNIT: One or more rooms designed for occupancy by one family and not having more than one cooking facility.

DWELLING, SINGLE-FAMILY: A detached building containing one dwelling unit.

UCZPSO Article 2.00 A-1 Exclusive Farm Use

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).

25. Home occupations as provided in Subsection 2.05.7.

Findings: The applicant has applied for a Conditional Use to conduct a home occupation to allow short term rental of a portion of her dwelling.

Section 2.05 Use Standards

7. Home occupations:

A. A home occupation shall:

(1) Be operated by a resident or employee of a resident of the property on which the business is located;

Findings: Stacy and Richard Livermore are the owners of the subject property and will be operating the home occupation.

(2) Employ on the site no more than one full-time or part-time person at any given time;

Findings: The applicants have not stated that they will not have an employee but that option would remain open to them.

(3) Be operated substantially in:

(a) No more than 49% of the dwelling; or

Findings: The Property Assessor's information states the following measurements for areas that contribute to the livable area of the dwelling.

Main floor of dwelling: 1,251 square feet
Basement: 1,112 square feet
1 & ½ stories: 576 square feet

These equal 2,939 square feet. The applicants are utilizing 788 feet of the basement. This is 27% of the dwelling.

(b) Other buildings where no more than 1,200 square feet is used for the home occupation and the building is normally associated with uses permitted in the zone where the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences.

Findings: No other buildings are proposed to be used.

(4) Not unreasonably interfere with other uses permitted in the zone in which the property is located.

Findings: See Section 2.06 and OAR 660-033-0130(5) below regarding farm and forest impacts. Four residents of adjacent properties have submitted written testimony stating that this use will interfere with the use of their property.

(5) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery ...

Findings: Not Applicable

(6) The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.

Findings: The applicants will continue to live in dwelling so the home occupation will be accessory to the residential use.

(7) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

Findings: There is no indication that the home occupation will utilize any materials or mechanical equipment that would be detrimental to residential use of the subject property or on adjoining properties.

(8) All off-street parking must be provided on the subject parcel where the home occupation is operated.

(a) Employees must use an approved off-street parking area.

(b) Customers visiting the home occupation must use an approved off-street parking area.

Findings: A condition of approval requires the applicant to provide at least two parking spaces next to the residence with signage indicating that they are for rental guests' use only.

(9) One (1) sign identifying the home and occupation is permitted, not to exceed a total of 32 square feet in area and located outside of the public right of way.

Findings: The applicants have not indicated that they will place a sign for the business on their property but that option will be available to them.

(10) Retail sales shall be limited or accessory to a service.

Findings: The proposed home occupation does not involve any retail sales.

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 Uses processes and procedures and standards for specific uses. The application is complying with the processes and procedures of Article 21. 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 is the application review procedures that 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.**

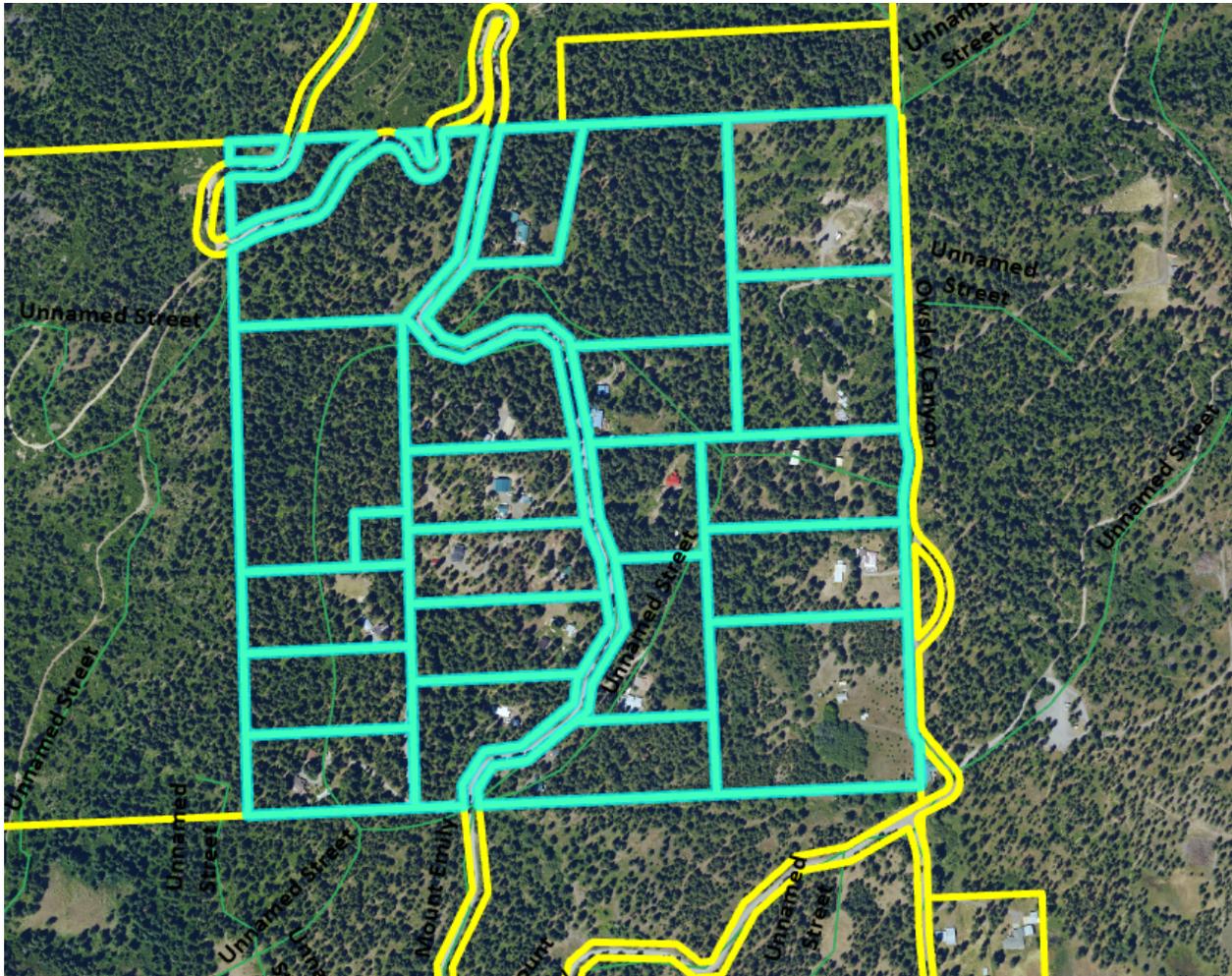
OAR 660-033-0130 (5), revised and effective January 1, 2025

- (c) For purposes of subsections 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 subsections 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 subsections 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 subsections 2 and 3.

Findings: This parcel is in the middle of a cluster of undersized parcels. The average size of the 22 parcels that make up this cluster is 7 acres. Seventeen of the parcels have dwellings. The majority of the dwellings were constructed in the 1970's; two were constructed in the 1980s and two in 1995.

The soils for this cluster are a majority forest on the west side of the road and a mix of forest and range on the right side of the road.



UCZPSO Article 21 Conditional Uses

Subsection 21.06 General Standards Governing Conditional Uses

The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07:

- 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: Subsection 21.06.1 refers review back to the zone regulations if there are specific conditions expressed for conditional uses. For home occupations, the A-1 zone does contain specific conditional use requirements.

IV. NOTIFICATION

This application was submitted to the Planning Department (department) on January 20, 2026, and subsequently found complete. The department reviews this application type using the quasi-judicial process pursuant to Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) Article 24.03, and 24.09 through 24.12. In compliance with the UCZPSO, the department sent a Notice of Hearing to property owners within 500 feet of the property subject to this application (subject property) and placed a legal ad in the public notice section of Elkhorn Media on March 13, 2026.

Once a decision is made, the department will send a Notice of Planning Commission Decision to the same property owners. The Notice of Planning Commission Decision will inform adjacent property owners that they have 30 calendar days from the date of the decision to appeal the Planning Commission's decision to the Board of County Commissioners.