



# UNION COUNTY

## Planning Department

Inga Williams,  
Planning Director

1001 4th Street, Suite C

La Grande, OR 97850

PHONE (541)963-1014

[Williams@Union-County.org](mailto:Williams@Union-County.org)

[LJohnston@Union-County.org](mailto:LJohnston@Union-County.org)

[Phall@Union-County.org](mailto:Phall@Union-County.org)

### Union County Planning Commission Regular Session February 24, 2025 Meeting Minutes Misener Conference Room

#### Approved

#### ATTENDANCE

Present: Mat Barber, Mace Cadwell, Joel Hasse, Amanda May, Chas Koenig, Geoff Robinson, Stacy Warren

Excused: Sam Delano

Staff: Inga Williams, Pam Hall, zoom Lorcinida Johnston

Mr. Hasse called the meeting to order at 7:00 p.m.

#### I. OLD BUSINESS

There was no old business.

#### II. NEW BUSINESS

Elections for Chair and Vice Chair. Joel Hasse nominated for Chair, Mace made motion to elect Joel as Chair and Amanda 2<sup>nd</sup> the motion. Vote was unanimous. Chas Koenig nominated for Vice Chair, Stacy made motion to elect Chas as Vice Chair and Amanda 2<sup>nd</sup> the motion. Vote was unanimous.

#### III. APPROVAL OF MINUTES

Stacy moved to approve December 16, 2024 minutes as written and Amanda seconded. Motion carried unanimously.

#### IV. HEARINGS

##### **PUBLIC HEARING: James and Linda Albrecht Conditional Use for Accessory Dwelling Unit.**

A Conditional Use application was submitted by James & Linda Albrecht for accessory dwelling unit. The property has 16.10 acres in Union County's R-3 Farm Residential Zone and Rural Residential Plan classification, which is intended to provide areas suitable and desirable for small acreage residential parcels that will maintain rural character and can be developed in harmony with both urban uses and agriculture, timber or grazing activities. Ms. Williams presented the staff report. She did clarify that #2 B in article 8.00 R-3 Farm Residential Zone there was a mistake with the findings. The Tax Assessor's office assessment page put the square footage as 1176. Ms. Williams had 1152 sq. ft., from the applicant's information, a difference of 24 ft. Mr. Cadwell asked "How did it come up to be 49 ft. instead of 48 ft. on the inside?" The interior is 48 ft. Ms. Williams said if you look at the Assessor's sheet, the tax record showed the square feet as 1176 a difference of 24 sq. ft. Mrs. May spoke from a Real Estate perspective, that it is only open floor space, not interior walls. Is there a standard floor plan for the Manufactured Home? Ms. Williams replied "No, it is a 1985." Mrs. May stated that you should be able to get the schematic of the home from the make and model. This poses the question from Ms. Williams to the PC members "How do you want me to apply "useable floors space?" Mr. Cadwell asked if the porch really was a "useable floor space." Mrs. May said it is if it is enclosed.

Mr. Hasse asked applicants James and Linda Albrecht to speak. They were on Zoom. Mr. Albrecht stated name and address 64344 Marks Rd, La Grande. Mr. Hasse said they were looking at the map trying to determine /figure out "useable floor space, heat & storage (what has been enclosed). Mr. Albrecht "where do I start?" Mr. Hasse said they were looking at the map on page 10. Explain to us how we are going to get this to 900 sq.ft. Mr. Albrecht said it is a 24 by 44-48ish mobile home that they purchased in 2006. The additions that you see on the black line were there when we bought it in 2006, no heat, no air-conditioning and no electrical. The size of mobile home is over 900 sq. ft. on-line. Useable floor space can be dignified in 3 different areas: carpet area—excluding interior wall, water/heater and cabinets. The other is built up area—includes the walls and then super built up—includes interior walls and outside walls. Union County is using the term "useable floor space". Porches are not included in floor space, areas that can be blocked. Mr. Koenig asked about the schematic of the space. Mr. Hasse said it is 897 sq. ft. taking out the interior walls. The discussion continues with what can be removed and what should be allowed to be done. It is a 1500-1600 sq.ft. Manufactured home trying to fit into 900 sq. ft. Mrs. Warren talks about useable floor space that the utility room and closets are useable floor space. Even if he seals the door to the bedroom and closet, making an access from outside, it is still useable floor space.

Mr. Hasse asked for testimonies in opposition of application.

**Kelly Gross**, 62674 Standley Lane. She was very active in the Senate bill 644 on ADU's. It is 900 sq. ft. or less. "I ask that if you have to reduce so much sq. ft. by excluding interior walls, heat, plumbing and then a bedroom/closet to get to the 900 sq. ft. there would still be heat in the closed off room, that wouldn't be hard to put back once approved." This is the 1<sup>st</sup> ADU—setting a precedent for ADU'S—you are representing the County and the future ADU's.

**Diane Partridge**, 62668 Standley Lane. She agreed with everything neighbor Kelly Gross said and she gave more history on the 2 prior medical hardships. She asked if this application met the ADU qualifications and also met the Senate bill 644 requirements. Diane understood that a manufactured home was to be removed 90 days after the hardship is no longer needed which should have happen on the first application. She stated that the Senate bill 644 states "useable floor area" including water heater, furnace and all parts of the area. She would have liked the application to be more complete and detailed. The application was not complete to her. It needed more detail.

**Jeff Denny**, 64342 Marks Rd. He lives next door the property. He states that the manufactured home porch is all insulated, enclosed and has a working wood stove. He also has pictures to pass around showing that it is all livable floor space. It is more like 1500 to 1600 sq. ft. The plumbing was to be removed, but removing a sink and toilet is not removing the plumbing. He got a tax statement on the property showing that he had not been paying taxes on this structure. He hopes the County will make the right decision on this ADU application.

Ms. Williams bought up an example on the big screen TV of how Deschutes County does their ADU's. They have 6 different ways that an ADU can be done.

Mr. Hasse gave time to the applicants for rebuttal of what was said.

Mr. Albrecht stated that "I can spend a measure of time but it seems pointless. When his sister passed away, his brother n law was thrown out on the streets with no place to live because of the laws. He has not been living in that house. He has been living with us at night but goes over there during the day. Mr. Albrecht says he has paid what the Assessors say he needs to pay. He can't help it if the Tax Assessor are not taxing his home correctly. "I don't know what to say on this." What it boils down to me

is the verbiage that the County is using for useable floor space. The information that I have found is removing interior walls and space that you put carpet on and moves furniture around on. Mr. Barber asked Mr. Albrecht what the previous resident did with the designated storage space and how did they use it. Mr. Albrecht stated in the summertime Richard would sit in the room and look out the window. In the winter time he would sit in the interior with no heat but from fireplace, not much. Other areas, adjacent from the kitchen, they stored can goods and most of the whole area clear to the corner was outside had no wall, posts and tarps to keep the wind out. Storage on the north—I am not sure what he did. He had hobbies and such.

Mr. Hasse closed the hearing and opened it for discussion.

There was much discussion about all the hoops that would have to be jumped thru to make this qualify for a 900 sq. ft. ADU. In closing off a bedroom/closet the Planning Director would have to inspect the Manufactured Home to make sure the guidelines were being followed and there has not been a good history of compliance with the other 2 medical hardships from the applicant. The term “useable floor space/area,” and what exactly the definition includes for Union County was also discussed.

Mr. Koenig moved to deny the ADU Application based on the testimony and evidence given here today and the dwelling does not meet the criteria. Mrs. Warren seconded the motion including all findings from the Staff report. Mr. Hasse asked for roll call: Mat – yes, Mace –yes, Chas –yes, Amanda –yes, Stacy –yes, and Geoff –yes. Vote was unanimous to deny the application.

### **HEARING: Tracy Reed-Home Occupation**

A Conditional Use Application for Home Occupation by Tracy Reed for short term rental use within a portion of the dwelling. Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) articles 2 and 21; Oregon Administrative Rules OAR (660-033-0130(5) and OAR 66-033-130(14) as revised and implemented January 1, 2025. The property is located at T01S R38E Section 15, designated tax lot 900. The subject property assigned address is 66967 Hunter Rd, Summerville, OR. The subject property is approximately 39.39 acres, zoned A-1, Exclusive Farm Use. Ms. Williams presented the Staff Report and the application does meet the criteria for a Home Occupation. There were some concerns about where the applicant lives, she lives on the property. The other concern was if the garage counted as living space, and it does since they converted it to a livable space. This meets the 49% criteria.

Mr. Hasse stated that he was looking at page 4 where it shows the entire house being rented out. Ms. Williams said “is currently why the site received a code violation letter.” Mrs. May asked, “So the application is just for the STR.” Mr. Koenig said “the application is for a Home Occupation that is an STR.” Mr. Hasse wasn’t aware that an Air BNB was allowed as a conditional use/home occupation in an A-1 Farmland zone. Ms. Williams said this is the only way that it can be approved.

**Tracy Reed owner and Roger Huffman agent.** Address is 66967 Hunter Rd. Tracy started wanting to clear up some confusion on her home. It is 1 home with 2 Air BNB’s. There is the Farm House (main house) and the Guest House (smaller part of home). The 2 rentals are not connected. There is a 36 ft. hallway behind the garage that is enclosed and has locked doors. Mr. Huffman, agent, tried to explain how this all came about and how many other people in the County are doing Air BNB’s. The complaint was on the other activities at Summerville Stables not the rentals. Mr. Hasse stated that unfortunately land use is complaint driven and it looks at all the uses of the property. Mr. Koenig states from his

perspective, Union County has a long history of inequitable practices that come to land use planning and there is zero to no enforcement within the County. It comes down to time, resources and money. Ms. Reed asks if there is any kind of temporary variance for this so she can continue until Union County figures it all out. She does not want anyone else treated unfairly when clearly, others are doing this. Mr. Hasse said "No, Air BNB's in A-1 farm zone, you can't do it." Mr. Huffman said the larger question is there are so many people with full houses doing Air BNB, VRBO and more in this County. Mrs. May stated that they are in different zones. Mr. Huffman goes on the Planning Department received a complaint on the other activities but were talking about the rentals because of the complaint.

Mrs. May asked the applicant if she pays the Transient Tax. Ms. Reed said, "I just give everything to my Accountant and she pays everything." Mrs. May asked again on the Lodging Tax and Ms. Reed said, "Yes, absolutely, I pay all that stuff."

Ms. Williams brings up the issue that the home has 2 kitchens in 1 house. It cannot have 2. There was a discussion around having 2 kitchens and what could be done. Ms. Reed was upset because what is she to do when the Farm House is rented. She can't cook food.

Mr. Hasse called for opposition testimony.

- 1) Julia Richard 66946 Hunter Rd submitted testimony in opposition to the application. Ms. Richard states the letters may not directly be about the STR but she thinks they are because of the traffic hazard and major safety concerns.
- 2) Wes Faulk 67004 Hunter Rd submitted testimony in opposition to the application. Mr. Faulk identifies that it is a migratory route for deer and elk and how can you have all that commotion around. He has had many people park in his driveway.
- 3) Lisa Bushman 67016 Hunter Rd submitted testimony in opposition to the application. They identify traffic, noise, dust and smells as concerns from existing use of the property. Lisa feels that a lot of her questions were answered by Ms. Reed, she does live on the property. She is very concerned with strangers being around the area from the rentals and this does interfere with their lifestyle.
- 4) Jeff Bushman 67016 Hunter Rd said it has changed drastically for the neighbors because of the noise. People turn around in their driveway all the time.

#### Positive Testimony

- 5) Dr. Sherry Carpenter 66900 Hunter Rd stated that Hunter Rd is awful and it has gotten lots worse. She doesn't hear the parties nor has she ever seen a 100 cars go by. She believes it is adding to the economy and getting young kids to love horses.

Mr. Hasse asked if the applicant would like to respond to the opposition testimony.

Ms. Reed and Mr. Huffman wanted to clarify that it was the semi-truck driver's fault for going off the road. He just cut the corner too close. It had nothing to do with the Air BNB. It was her son's wedding, she believes, that got everyone upset. It was still going at 2:00am in the morning. During the Pumpkin Patch time in October, Ms. Reed has live music. She did not realize the music was so loud. The sound equipment does not belong to her so she is not in control of it and does not know on loud it is. Mr. Huffman states that there is always someone on the property, either Tracy or himself, the renters are not left alone. He apologized for the noise and craziness.

Mr. Hasse closed the hearing and asked for discussion from the Planning Commission members. Mr. Koenig asked about the LUBA case that was provided from a written testimony. He was confused on if STR was allowable on EFU ground and what Ms. William's interpretation was. Ms. Williams gave a brief explanation that that the case was specific to Clackamas County wanting to put this in their county ordinance. Mr. Koenig asked if this had any external impacts specific to Farm Forest practices. Ms. May stated that it is important to hone-in on the Air BNB issue when most of the testimonies were about the stables. Mr. Koenig asked Ms. Williams if she was aware of anything in the legislature that would change this in the next 6 months. Ms. Williams replied that she had sent a request to the DLCD rep for Farm/Forest 1/1/25 and did not receive a response back. There is some items dealing with Agri-Tourism but nothing on Home Occupation or STR. Mrs. May asked what is to be put as restrictions so this application is workable. She liked one of the mailed testimonies issue about signage, identifying the guest house. There is plenty of parking and changing the language on Proposed Conditions of Approval #3 to "remove all built in cooking appliances."

Mr. Hasse is reading for a motion.

Mr. Barber moved to approve the Conditional Use application for Home Occupancy based on the Proposed Conditions of Approval 1-4, modifying #3 to "remove all built in cooking appliances" and the Operation Approval 1-8, modifying #2 to "rental agreement accordance to the standard room occupancy." Mrs. May seconded the motion to approve.

Roll call: Mat – yes, Mace – yes, Amanda – yes, Chas – yes, Geoff – yes, and Joel – yes. The vote was unanimous to approve the Conditional Use Application for Home Occupation.

Mr. Hasse adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Pam Hall  
Planning Department Specialist