

# WALLOWA COUNTY PLANNING COMMISSION

WALLOWA COUNTY COURTHOUSE  
101 S. RIVER STREET, ROOM B-1  
ENTERPRISE, OR 97828

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<b>IN THE MATTER OF THE REQUEST</b>	)	
<b>FOR A MAJOR AMENDMENT TO THE</b>	)	<b>FINDINGS OF FACT,</b>
<b>WALLOWA COUNTY</b>	)	<b>CONCLUSIONS, AND</b>
<b>COMPREHENSIVE LAND USE PLAN</b>	)	<b>RECOMMENDATIONS OF THE</b>
<b>TO REVISE ARTICLE 07, APPEALS,</b>	)	<b>WALLOWA COUNTY PLANNING</b>
<b>TO CLARIFY THE APPEALS</b>	)	<b>COMMISSION</b>
<b>PROCESS</b>	)	

Amendment AMD# 10-02, Article 07, Appeals revision

The request was properly advertised for three consecutive weeks, September 30<sup>th</sup>, October 7<sup>th</sup>, and October 14<sup>th</sup>, 2010, in the Wallowa County Chieftain. Notice of Proposed Amendment was sent to DLCD on September 8<sup>th</sup>, 2010. The request came before the Wallowa County Planning Commission for Hearing on October 26<sup>th</sup>, with Recommendation on January 25<sup>th</sup>, 2011. There was no Commission meeting in November due to a lack of a quorum and the Commission does not normally meet in December. These findings are for a Major Amendment to the Wallowa County Comprehensive Land Use Plan and Ordinance Articles. Specifically, to add language to Article 7, Appeals, to clarify the criteria for unnoticed decisions. The Planning Commission, having reviewed the record, the materials introduced in the above-referenced hearing, and having heard and considered oral testimony in the above-referenced hearing, and being fully advised makes the following findings of fact and recommendation.

- 01. APPLICANT:** Wallowa County Planning Commission
- 02. REQUEST:** To revise Article 7, Appeals, to clarify the criteria for unnoticed decisions.
- 05. REVIEW CRITERIA:** Article 5 (Public Hearing Review), Sections 5.010, 5.250 and 5.040; and Article 8 (Amendments), Sections 8.010, 8.015(2), 8.020, 8.025(1), 8.030, and 8.035; and any other applicable zoning ordinances or goals of the Wallowa County Land Development Ordinance.

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**SECTION 5.010, PURPOSE:** The Public Hearing Review procedures set forth in this article are designed to provide the means of reviewing applications for uses and developments which may have a significant impact on neighboring uses and developments; amendments to the land use plan; zoning map or implementing ordinances; the health, safety, or welfare of the citizens; or on the provision of public services; therefore, they require review in an open and public forum.

**FINDING 5.1:** The Planning Commission finds that the proposed additional language is an amendment to the WCCLUP Ordinance Articles and that the amendment was properly reviewed in an open and public forum; therefore, the above criteria have been met.

**SECTION 5.250, NOTICE OF PUBLIC HEARING:**

01. Public Hearing Review requires notice of hearing be given to all owners of property lying within:
  - A. One hundred (100) feet of the exterior boundary of the subject property where the subject property is wholly or in part within an urban growth boundary;
  - B. Two hundred fifty (250) feet of the exterior boundary of the subject property where the subject property is outside an urban growth boundary and not within a farm or forest zone;
  - C. Seven hundred fifty (750) feet of the exterior boundary of the subject property where the subject property is within a farm or forest zone.

The Director will provide notice to other parties should it be determined their interests may be affected by the proposal or they have other need for notice. The notice shall be mailed or otherwise delivered no later than ten days prior to the hearing date.

02. Notice of public hearing shall be placed in a newspaper of general circulation no later than 10 days prior to the hearing date nor greater than twenty 20 days prior to the hearing date.
03. Notice of public hearing shall be posted on the Wallowa County Courthouse Public Notice Board no later than 10 days nor greater than 20 days prior to the hearing date.
04. Notice of public hearing regarding an application required by this ordinance shall, at a minimum, contain the following information:
  - A. Name of applicant.
  - B. Name of property owner.

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**FINDINGS**

- C. Property identification.
- D. Nature of request.
- E. Ordinance provisions which govern the review.
- F. Where application can be reviewed.
- G. Place, date, and time of the public hearing.
- H. Where written comment will be received.

**FINDING 5.2:** The request was properly advertised for three consecutive weeks in a local newspaper, and notice of Proposed Amendment was sent to DLCD in a timely manner, as indicated above. All notices contained the required information. Therefore, the Planning Commission finds that the above criteria are met.

**SECTION 5.040, CONDITIONS OF APPROVAL AND PERFORMANCE GUARANTEES:**

01. The Public Hearing Review authority may impose such conditions of approval upon a permit as are deemed necessary to insure the use or development complies with the applicable standards and criteria.

02. The Administrative Review authority may require a performance guarantee to insure the use or development is implemented in the manner detailed in the application. Performance guarantees are authorized and regulated by Article 40, Performance Guarantee.

**FINDING 5.3:** The Commission finds that it is not necessary to impose conditions of approval regarding this application, or to impose a performance guarantee.

**SECTION 8.010, PURPOSE:** The purpose of this article is to provide for change in needs, desires, and rate of development in Wallowa County. Revisions to the land use plan, to the text of this ordinance, to the land use plan map, and to the zoning map affecting areas more than ten acres in size will be regarded as major amendments to be processed as a legislative action. Small tract zone changes on areas less than ten acres in size adjacent to the proposed zone will be regarded as minor amendments to be processed as Quasi-Judicial actions.

**FINDING 5.4:** As this proposed amendment is a text revision to Article 7 potentially involving more than 10 acres, the Planning Commission finds that this is a major amendment and shall be processed as a legislative action.

**SECTION 8.015, AUTHORIZATION TO INITIATE AMENDMENTS:** Amendments may be initiated in one of the following ways:

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02. By action of the Planning Commission.

**FINDING 5.5:** The request for a revision to the WCCLUP Ordinance Articles was properly brought before the Planning Commission by action of the Planning Commission. Therefore, the Planning Commission finds that the amendment was correctly initiated.

**SECTION 8.020, AMENDMENT REQUEST CONTENT:** Requests for major and minor amendments shall be filed with the Planning Department. Requests shall include the following information:

01. Party initiating the amendment.
02. In the case of an amendment to the land use plan or text of this ordinance, the portions that are to be deleted, if any, and the proposed replacement or addition.
03. In the case of an amendment to the land use plan map or zoning map, the request should identify the areas to be directly affected by the current map classification or zone.
04. Statements demonstrating compliance with the applicable review criteria of section 8.025.

**FINDING 5.6:** The Planning Commission finds that the content of the amendment application met the above criteria.

**SECTION 8.025, REVIEW CRITERIA:** Requests for amendments shall be reviewed for conformance to the applicable criteria:

01. Major amendments shall meet the following:
  - A. The proposed amendment is in conformance with statewide planning goals and guidelines and other applicable state laws.

**FINDING 5.7:** The Commission finds that the proposed amendment brings the Appeals Article into conformance with applicable state ORS.

- B. The proposed amendment is in conformance with all other elements of the land use plan and land use plan map.

**FINDING 5.8:** The Commission finds that the proposed amendment is in conformance with all other elements of the land use plan and land use plan map.

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- C. The proposed amendment is in the public interest and serves the purpose and intent of the local planning process.

**FINDING 5.9:** As this amendment will serve to clarify the appeals process, the Commission finds that the proposed amendment is in the public interest and serves the purpose and intent of the local planning process.

**SECTION 8.030, NOTICE OF HEARING:**

Redundant to Section 5.030. See Finding 5.2

**SECTION 8.035, AMENDMENT REVIEW PROCESS:**

01. Amendment proposals brought forth under this article shall be conducted in the manner prescribed in the conduct of hearings ordinance unless supplemented by rules adopted prior to the commencement of the evidentiary portion of the hearing.
02. At least two public hearings shall be held on a major amendment unless it is deemed by the Planning Department that a joint meeting by the Planning Commission and the County Court is sufficient.
03. The Planning Commission shall hear and review the proposal for compliance with the applicable review criteria. The Planning Commission shall adopt findings of fact demonstrating the proposals compliance or non-compliance with each review criterion. The Planning Commission shall place the findings, conclusions, and recommendations in writing and forward the same to the County Court.
04. Following receipt of the Planning Commission's recommendation, the County Court shall, within 90 days, hold a second public hearing. Based upon testimony taken at the second hearing together with the Planning Commission's recommendation and testimony from the first hearing, the Court shall adopt findings demonstrating the proposal's compliance or non-compliance with the applicable review criteria. The decision shall be set forth in writing and shall specify findings and conclusions of the Court.
05. The County Court may, at its own discretion, hold both of the required hearings.

**FINDING 5.10:** As this proposed major amendment has been properly reviewed by the Planning Commission at public hearings, a public hearing is scheduled before the Board of Commissioners, and the Planning Commission has made its recommendation to the Board of Commissioners, adopted these findings of fact and forwards and recommends them to the

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Board of Commissioners as required by the legislative process, the Planning Commission finds that within its purview, the amendment review process has been followed.

**04. CONCLUSION:**

It is the opinion of the Planning Commission that all applicable criteria have been met, and the Commission finds that the proposed Major Amendment is in compliance with the review criteria. Therefore, the Planning Commission forwards this Major Amendment to the County Board of Commissioners with the recommendation that the Amendment be approved as proposed.

**05. CONDITIONS OF APPROVAL:**

N/A

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**04. DECISION:**

Based upon the information submitted, the comments of interested parties and the findings, the review authority finds this application does satisfy all review criteria and is hereby recommended for approval as presented. The vote on the motion is \_\_\_\_\_ in favor and \_\_\_\_\_ opposed with \_\_\_\_\_ abstaining.

January 25, 2011

**DATE OF ACTION**

\_\_\_\_\_  
**CHRIS GEYER , CHAIRMAN**

**WALLOWA COUNTY PLANNING COMMISSION**

This recommendation may be appealed to the Wallowa County Board of Commissioners pursuant to Article 7, Appeal. The provisions of Notice of Intent to Appeal accompanied by the appeal fee must be received by the Wallowa County Planning Department by 5:00 p.m. February 7<sup>th</sup>, 2011.

As this is a proposal for a Major Amendment, it will, as a matter of procedure, be reviewed and approved, modified or denied by the County Board of Commissioners.

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**FINDINGS**

Amendment AMD# 10-02, Article 07, Appeals revision

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