

# WALLOWA COUNTY PLANNING COMMISSION

WALLOWA COUNTY COURTHOUSE

101 S. RIVER STREET, ROOM B-1

ENTERPRISE, OR 97828

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IN THE MATTER OF THE REQUEST )  
FOR A CONDITIONAL USE PERMIT ) FINDINGS OF FACT, CONCLUSIONS,  
TO ALLOW A CITY OF WALLOWA ) AND DECISION OF THE WALLOWA  
WATER STORAGE TANK IN THE ) COUNTY PLANNING COMMISSION  
EXCLUSIVE FARM USE ZONE. )

**RE:** City of Wallowa CUP# 12-02 City Water Storage Tank

The request was deemed to be complete on May 10, 2012 and was properly advertised in the Wallowa County Chieftain on May 16. It was noticed to appropriate property owners and interested parties on May 15<sup>th</sup>, 2012 and came before the Wallowa County Planning Commission for a Public Hearing and Decision on May 29<sup>th</sup>, 2012. The Planning Commission having reviewed the record, the materials introduced in the above-referenced hearing, and having heard and considered oral and written testimony in the above-referenced hearing, and being fully advised, makes the following findings of fact and decision.

01. **APPLICANT:** City of Wallowa
02. **OWNER:** Henderson Farming
03. **REPRESENTATIVE:** Anderson Perry
04. **REQUEST:** To permit a water storage tank as part of a City water system upgrade
05. **INTENDED LAND USE:** Utility facilities necessary for public service
06. **LOCATION:** The property description is Township 1 North, Range 42, Tax Lot#5200.
07. **PARCEL CHARACTERISTICS:** The parcel contains about 233 acres and is zoned Exclusive Farm Use. The parcel is bordered by the city to the north and EFU elsewhere.
06. **REVIEW CRITERIA:** Article 5, Public Hearing Review, Sections 5.025 and 5.035; Article 9, Conditional Use Permit, Section 9.015 and Section 9.020; Article 15, Exclusive Farm Use,

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Sections 15.010 and 15.020(13); and other applicable zoning ordinances or goals of Wallowa County and or laws of the State of Oregon.

**SECTION 5.025, 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.
  - 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 6.1:** The Planning Commission finds the public hearing was properly noticed to all property owners within 750 feet of the subject property, in a newspaper of general circulation and was posted on the Wallowa County Courthouse Public Notice Board prior to the hearing within the required time frame as stated above.

**SECTION 5.035, REVIEW PROCESS AND DECISION:**

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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.

**FINDING 6.2:** The Planning Commission has determined that the use or development, as proposed, complies with the applicable standards and criteria and is compatible with the zone.

**SECTION 9.015, REVIEW PROCEDURE:** Application for a Conditional Use Permit shall be subject to the public hearing review process.

**FINDING 6.3:** The Commission finds that this application was heard at a properly advertised public hearing on May 29<sup>th</sup>, 2012.

**SECTION 9.020, REVIEW CRITERIA:** After taking into account location, size, design, and the general nature of the proposed use; the hearing body must determine that the development will comply with all of the following criteria to approve a Conditional Use Permit.

01. The proposed use will be consistent with the purpose of [and is allowed conditionally in the zone in which the use proposed.
02. The use will not create excessive traffic congestion, noise, dust, glare from lights, or other conditions that may be hazardous.
03. The proposed use will not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school.
04. The site is suitable to accommodate the proposed use, such as: topography, soils, and parcel size.
05. The proposed use will not interfere with uses permitted on adjacent parcels.
06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

**FINDING 6.4:** The Commission finds, via testimony and other evidence presented, that the propose water storage tank, will not create excessive traffic congestion or noise, will not overburden public services, is suitable for the site, will not interfere with uses permitted on adjacent parcels. Additionally, the storage facility will enhance water service for the City of Wallowa. The Commission further finds that there is no reason to apply Article 36 to this application as the new tank will be located on previously disturbed ground.

07. [Not applicable in the EFU zone.]

**SECTION 15.010, PURPOSE:** The purpose of the Exclusive Farm Use Zone is to provide areas for the continuation of existing commercial agricultural activities and permit the establishment of only those new uses which are compatible with agricultural activities. The intention of the

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Exclusive Farm Use Zone is to guarantee the preservation of the areas classified as farm use free from conflicting non-farm uses.

**FINDING 6.5:** The Commission finds, via testimony and other evidence presented, that the proposed water storage tank is compatible with existing uses in the area and is not a conflicting use.

**SECTION 15.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY:** In the Exclusive Farm Use Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Article 9 (Public Hearing Review).

13. Utility facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet high if it must be situated in an agricultural zone in order for the service to be provided).

**FINDING 6.5:** The Commission finds, via testimony and other evidence presented, that the proposed use is conditionally permitted in the EFU zone and has been subjected to Public Hearing review.

**07. CONCLUSION:**

All applicable criteria have been met, and the Planning Commission approves this application.

The Conditional Use Permit # 12-02 to operate a public service utility facility (Water storage tank) will be valid until the permitted use is discontinued for one full year.

**08. CONDITIONS OF APPROVAL:**

The Planning Commission finds that all of the following conditions are able to be met as imposed since the applicant is willing and the Commission finds reasonable evidence to support the conclusion that each is feasible.

No conditions are imposed.

**09. DECISION:**

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

May 29<sup>th</sup>, 2012  
**DATE OF ACTION**

\_\_\_\_\_  
**KEN WICK, CHAIRMAN**  
**WALLOWA COUNTY PLANNING COMMISSION**

This decision 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. June 11, 2012