

# 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 MINOR AMENDMENT TO THE</b>	)	
<b>WALLOWA COUNTY</b>	)	
<b>COMPREHENSIVE LAND USE PLAN TO</b>	)	<b>FINDINGS OF FACT,</b>
<b>CHANGE THE ZONE OF 4.44 ACRES</b>	)	<b>CONCLUSIONS, AND DECISION</b>
<b>AND REVISE THE WALLOWA COUNTY</b>	)	<b>OF THE WALLOWA COUNTY</b>
<b>COMPREHENSIVE LAND USE PLAN</b>	)	<b>PLANNING COMMISSION</b>
<b>AND MAP ACCORDINGLY</b>	)	

## Hayes Zone Change, ZC#12-02, M-1/EFU to R-2

The request was properly advertised January 9<sup>th</sup>, 2013 in the Wallowa County Chieftain. DLCD was noticed on December 13<sup>th</sup>, 2012. Applicable property owners and interested parties were notified by mail on January 8<sup>th</sup>, 2013. The request came before the Wallowa County Planning Commission for Public Hearing on January 29<sup>th</sup>, with Approval and Adoption on February 26<sup>th</sup>, 2013. These findings are for an Minor Amendment to the Wallowa County Comprehensive Land Use Plan (WCCLUP) and Map. Specifically, to change the zoning of 4.44 acres from M-1/EFU to R-2. 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 decision.

- 01. **PETITIONER:** Parley Pearce
- 02. **OWNER:** Mary Hayes, et al
- 03. **REPRESENTATIVE:** Patty Glaze
- 04. **PROPERTY LOCATION:** 02S 45 31 tax lot 1501
- 05. **REQUEST:** To amend the WCCLUP text and zoning map to change the zoning of the above listed parcel from M-1/EFU to R-2. 4.44 total acres.

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## FINDINGS

06. **REVIEW CRITERIA:** Article 8 (Amendments), Article 22 (Industrial, M-1), Article 15 (Exclusive Farm Use, EFU), Article 17 (Recreation Residential, R-2), and other applicable zoning ordinances or goals of Wallowa County and or laws of the State of Oregon.

**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 6.1:** As this proposed amendment is a zone change involving less than 10 acres (4.44 acres), the Planning Commission finds that this is a minor amendment and shall be processed as a quasi-judicial action.

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

01. By resolution of the County Court referring a proposed amendment to the commission.
02. By action of the Planning Commission.
03. By request of the Planning Director, said request relating to actions deemed necessary to bring the zoning map or land use plan map into compliance with state law.
04. By petition from a resident or residents of Wallowa County and/or owners of land within Wallowa County - said petition must be accompanied by the appropriate fee.

**FINDING 6.2:** The request for a revision to the WCCLUP and Zone Map was properly brought before the Planning Commission by the applicant, Parley Pearce, on behalf of Mary Hayes, a Wallowa County land owner. 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.

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## FINDINGS

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 6.3:** 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.
  - B. The proposed amendment is in conformance with all other elements of the land use plan and land use plan map.
  - C. The proposed amendment is in the public interest and serves the purpose and intent of the local planning process.

**FINDING 6.4:** After evaluating the evidence presented both orally and in writing, and after due discussion and deliberation, the Planning Commission finds that the above criteria are met. The properties were shown to more valuable economically, zoned R-2 as this zone allows for residential uses. The minimum parcel size in the R-2 zone outside of an unincorporated community or an urban growth boundary is 2.0 acres. See finding 6.7.

**SECTION 8.030, NOTICE OF HEARING:**

01. Notice of public hearing before the Planning Commission for the purpose of considering an amendment brought forth under this article shall be published in a newspaper of general circulation for three consecutive weeks prior to the hearing date.
02. The notice of public hearing shall be designed to reasonably inform the public of the nature and intent of the proposal and shall, at a minimum, contain the following information:
  - A. Date, time, and place of the hearing.
  - B. Party initiating the amendment.

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- C. General description of the proposed amendment and notification to the public of the hours and place where the amendment can be reviewed in its entirety.
03. If the proposed amendment is determined by the Planning-Department to affect a limited area of the County, mailed notice of the hearing shall be provided to all owners of property directly affected by the amendment and 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 and 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.

In addition, mailed notice of the hearing shall be given to all parties the Department may have reason to believe are substantially affected by the proposed amendment. Mailed notice of hearing shall be provided no less than 15 days prior to the hearing date.

**FINDING 6.5:** In accordance with a quasi-judicial procedure, the request was properly advertised in the Wallowa County Chieftain. Applicable property owners were notified by mail. Notice of Proposed Amendment was sent to DLCD. See above for details. All notices contained the required information. Therefore, the Planning Commission finds that the above criteria are met.

#### **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

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#### **FINDINGS**

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 6.6:** As this proposed minor amendment has been properly reviewed by the Planning Commission at a public hearing and the Commission will adopt these findings of fact as required by the quasi-judicial process, the Commission finds that within its purview, the amendment review process has been followed.

**SECTION 22.010, PURPOSE:** The purpose of this zone is to provide areas for industrial activities which may require large land areas and to preserve those areas from being developed with such uses as residential that would inhibit or eliminate the future potential for industrial development.

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

**SECTION 17.010, PURPOSE:** The purpose of the Rural Residential Zone is to provide areas suitable for small acreage parcels and to maintain a buffer between urban and farm or forest uses.

**FINDING 6.7:** The Commission finds that residential use is the better use for the subject parcel. That is, the EFU portion is small and isolated and generally unsuitable for agriculture, and the M-1 portion is small and is located in the 100 year flood zone along the Wallowa River. As R-2, residential use would be allowed and would be less detrimental to the river and its flood and riparian zones. This parcel, at 4.44 acres could, at some future date, be partitioned into two parcels and a dwelling could be allowed on each. Any development would be required to meet applicable flood zone regulations, per Article 25. See finding 6.4.

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## 06. CONCLUSION:

It is the opinion of the Planning Commission that all applicable criteria have been met, and the Commission finds that the proposed Minor Amendment is in compliance with the review criteria. Therefore, the Planning Commission approves and adopts this Minor Amendment as submitted.

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**07. 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 and adopted as presented. The vote on the motion is \_\_\_\_\_ in favor and \_\_\_\_\_ opposed with \_\_\_\_\_ abstaining.

February 26<sup>th</sup>, 2013

**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. March 11, 2013.

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