

**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 )  
TO ESTABLISH A WEDDING ) **FINDINGS OF FACT, CONCLUSIONS,**  
GARDEN (PRIVATE PARK) IN THE ) **AND DECISION OF THE WALLOWA**  
EXCLUSIVE FARM USE ZONE ) **COUNTY PLANNING COMMISSION**

**RE: Kooch Wedding Garden CUP#10-12**

The application was deemed complete on January 3<sup>rd</sup>, 2011 and was properly advertised in the Wallowa County Chieftain on January 13<sup>th</sup>. Adjacent property owners and interested parties were notified on January 5<sup>th</sup>, 2011. The request came before the Wallowa County Planning Commission for Public Hearing on January 25<sup>th</sup>, with Decision on February 22<sup>nd</sup>, 2011. The Findings are for a wedding garden (private park) in the Exclusive Farm Use (EFU) zone. 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 hearings, and being fully advised, makes the following findings of fact and decision.

01. **APPLICANT:** Julia M. Kooch  
83349 Dorrance Ln.  
Enterprise, OR 97828
02. **OWNER:** Same
03. **REQUEST:** Conditional Use permit to establish a wedding garden (private park) in the EFU zone
04. **LOCATION:** The property description is Township 02 south , Range 44 east, Section 13 Tax Lot 900
05. **PARCEL CHARACTERISTICS:** The parcel contains about 9.5 acres and is zoned EFU. Access is via West Dorrance Ln., a county road.
06. **REVIEW CRITERIA:** Article 5, Public Hearing Review, Sections 5.025(01-03) and 5.040(01); Article 9 Conditional Use Permit, Sections 9.015 and 9.020; Article 15 Exclusive Farm Use, Section 15.020(09); Article 36, Salmon Habitat Restoration, Section 36.020; and

any other applicable zoning ordinances or goals of the Wallowa County Land Development Ordinance 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 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.

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.

**FINDING 7.1:** The Planning Commission finds the public hearing was properly noticed to all property owners within 750 feet of the subject property, in the Wallowa County Chieftain, and was posted on the Wallowa County Courthouse Public Notice Board prior to the hearings within the required time frames as indicated above.

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

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 7.2:** The Planning Commission has found it necessary to impose Conditions of Approval to insure the use or development complies with the applicable standards and criteria. The Conditions will ensure that the proposed use is subordinate to agriculture uses and that neighbors are not disturbed by noise.

**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.

**FINDING 7.3:** The Planning Commission finds that the proposed use is allowed conditionally in the EFU zone (15.020(09), the Commission further finds that the proposed use is consistent with the purpose of the zone in that the proposed use will be subordinate to agriculture uses. See Finding 7.2.

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.

**FINDING 7.4:** The applicant's plan has taken care to ensure that dust, noise, traffic, glare from lights, or other conditions will not create conditions that may be hazardous.

The Commission also finds that the proposed Wedding garden would 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 7.5:** The Planning Commission finds that the site is suitable for the use and is conditioned so as to not interfere with uses permitted on adjacent parcels.

The Commission further finds that the use does not require review by the Wallowa County Salmon Habitat Technical Advisory Committee. See Finding 7.7.

**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).

09. [.....]  
Other than on lands designated as high value, private parks, playgrounds, hunting and fishing preserves, and campgrounds. Existing facilities may be maintained, expanded, or enhanced.  
[.....]

**FINDING 7.6:** The Planning Commission finds that the proposed wedding garden (private park) is a conditional use in the EFU zone and has been correctly reviewed at a public hearing.

A NRCS soils map shows that the proposed use does not take place on high value farm ground.

**SECTION 36.020, DEVELOPMENT PLANS:** Development plans shall be required as provided for in this ordinance [.....]:

**FINDING 7.7 :** The Commission finds that the Technical Advisory Committee does not need to review this application as no fish bearing waters are impacted.

#### **07. CONCLUSION:**

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

The Conditional Use Permit #10-12 to allow a wedding garden (private park) in the EFU zone 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.

1. The applicants agree that the proposed use on the property is subordinated to; and conflict will be resolved in favor of farm, forest and mining practices which are consistent with the Oregon Forest Practices Act and other applicable regulations. The applicants acknowledge these practices may involve the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, traffic, and other impacts. The applicants recognize the applied for use of the property may be impacted by such activities. In the event of conflict; the owners agree to give preference to farm, forest, and mining practices.

2. Any noise making activity associated with this permit shall cease by 10:00 PM, unless approved by affected neighbors.

**09. DECISION:**

Based upon the information submitted the comments of interested parties and the findings, the review authority finds this application does not satisfy all review criteria and is hereby denied as presented. The vote on the motion is \_\_\_\_\_ in favor and \_\_\_\_\_ opposed with \_\_\_\_\_ abstaining.

February 2<sup>nd</sup>, 2011  
**DATE OF ACTION**

\_\_\_\_\_  
**CHRIS GEYER, CHAIRMAN**  
**WALLOWA COUNTY PLANNING COMMISSION**

The decision on the Conditional Use Permit 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 7<sup>th</sup>, 2011. Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.

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**FINDINGS**

Kooch Wedding Garden CUP#10-12

January 27, 2011

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