

WALLOWA COUNTY PLANNING COMMISSION

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

IN THE MATTER OF THE REQUEST TO SITE AN ADDITIONAL DWELLING AS A USE IN THE TIMBER GRAZING ZONE AS A HARDSHIP DWELLING))))))	FINDINGS OF FACT, CONCLUSIONS, AND DECISION OF THE WALLOWA COUNTY PLANNING COMMISSION
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RE: Lathrop Hardship Dwelling CUP#13-01

The request was deemed to be complete on May 7, 2013. It was properly advertised in the Wallowa County Chieftain on May 15th, and was noticed to property owners and others on May 8th, 2013. The request came before the Wallowa County Planning Commission on May 28th for Public Hearing with Decision on June 25th, 2013. The findings are for a conditional use permit for the placement of an Accessory Farm Dwelling to be occupied by a relative. 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 hearings, and being fully advised makes the following findings of fact and decision.

- 01. APPLICANT:** Ron and Sandy Lathrop
78585 Leap Lane
Wallowa, OR 97885
- 02. OWNER:** Same
- 03. REQUEST:** To establish a Hardship Dwelling in the T/G zone.
- 04. LOCATION:** The property description is Township 01 north, Range 44 east, Section 6 Tax Lot 1200
- 05. PARCEL CHARACTERISTICS:** The parcel contains a total of 269 acres. Access is via Leap Lane, a county road. The zoning of the parcel is Timber Grazing (T/G). It is bordered by T/G and EFU.
- 06. REVIEW CRITERIA:** Article 5, Public Hearing Review, Sections 5.025 (01-03) and

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5.040(01) Article 9, Conditional Use, Sections 9.015 and 9.020(01-06); Article 16, Timber Grazing, Section 16.015, Article 36, Salmon Habitat Recovery, Sections 36.015 and 36.020 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 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 6.01: 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 as stated above.

SECTION 5.040, 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.

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FINDING 6.02: The Planning Commission finds that, with regard to this request, no conditions of approval are necessary.

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

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 6.03: The Commission finds that the proposed use is subject to the Public Hearing process and that, via testimony and other evidence provided, as the purpose of the proposed use to enable the current owners to live on the property as they have in the past, continue their agricultural operations, provide care for their elderly parents, and will not result in a change of use, the proposed use meets the above criteria including the criteria of Article 36.

SECTION 16.020, BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY IN THE TIMBER GRAZING ZONE: The following uses and activities and accessory buildings and uses are permitted subject to the provisions of Article 9, Conditional Use Permit.

[.....]

19. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, If personal hardship relating to the aged, infirmity, or other persons incapable of maintaining a separate

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residence necessitates someone living on the same premises, the following conditions shall apply:

- A. The applicant must have a signed physician's statement indicating the need for care; and
- B. The permit shall be issued for a specific person and for a period of one year requiring annual review and renewal. No change in occupancy shall take place without review of the Planning Commission. The temporary dwelling shall be removed after the original need has ceased; and
- C. The placement of the temporary dwelling shall be located in such a way to utilize existing water, sewer, electrical, access and the Department of Environmental Quality shall approve the sewer provisions; and
- D. Granting of the permit shall not constitute as approval to divide land. The location of a temporary dwelling unit on a parcel shall not be considered the creation of a separate dwelling site.

[.....]

FINDING 6.04: The applicant has, in the narrative supplied, and in testimony, provided evidence that shows that the above criteria have been met. Additionally, after the need for the hardship dwelling has passed, the current accessory dwelling (also a manufactured home) will be removed. The new hardship dwelling will then become the accessory farm dwelling, and a total of two dwellings will remain on the parcel.

SECTION 36.015, MANAGEMENT PLANS: Management plans shall be required prior to approval of watershed, streambank, and in-stream project applications. Plans shall conform to the requirements as provided by the Planning Department for this purpose.

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

FINDING 6.05: The Commission finds that a management plan is not necessary. See Finding 6.03.

07. CONCLUSION:

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

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The Conditional Use Permit # 13-01 to establish a hardship dwelling in the T/G zone is approved.

This Conditional Use Permit will expire four years from the Date of Decision for this permit.

The expiration date for a CUP may be extended if:

The applicant submits a written request to the Wallowa County Planning Department for a two-year extension prior to the expiration date of the permit; or

The permit is “perfected” by initiation of the approved use as evidenced by, in the case of new construction, completion of any two of the four substantial development actions:

- a. A domestic water well (or connection to a permanent water system).
- b. A septic system (or connection to a permanent sewer system).
- c. Establishment of electric power to the residential site (or permanent alternative electric generations system adequate for the proposed use).
- d. Construction of the foundation of the principal residence.

Validation of completion of substantial development action shall be accomplished by delivery of written evidence acceptable to the Wallowa County Planning Department that the approved action has been initiated and a finding by the department that the permit has been exercised and perfected.

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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.

The Commission finds that no conditions of approval are necessary.

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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.

June 25th, 2013

DATE OF ACTION

KEN WICK, 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. July 8th, 2013 Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.

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