

# 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 )  
TO SITE A RADIO TOWER AS A USE ) FINDINGS OF FACT, CONCLUSIONS,  
IN THE EXCLUSIVE FARM ZONE ) AND DECISION OF THE WALLOWA  
 ) COUNTY PLANNING COMMISSION  
 )

**RE:** Makin Farms CUP#10-05, Radio Tower

The request was deemed to be complete on April 1<sup>st</sup>, 2010. It was properly advertised in the Wallowa County Chieftain on April 14<sup>th</sup>, and was noticed to property owners and others on April 1<sup>st</sup>, 2010. The request came before the Wallowa County Planning Commission on April 27<sup>th</sup> and May 25<sup>th</sup> for Public Hearing with Decision on June 29<sup>th</sup>, 2010. The findings are for a conditional use permit for the placement of a radio tower in the EFU zone. 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:** Prairie Creek Holdings, LLC
02. **OWNER:** Makin Farms, Inc.
03. **REQUEST:** To site a radio tower in the EFU zone.
04. **LOCATION:** The property description is Township 2S, Range 44E, Section 12, parcel 2, M49 partition, LP#10-02
05. **PARCEL CHARACTERISTICS:** The parcel contains about 5 acres. Access is via Green Valley Road, a county road. The zoning of the parcel is Exclusive Farm Use (EFU) and the parcel is surrounded by EFU.
06. **REVIEW CRITERIA:** Article 5, Public Hearing Review, Sections 5.025 (01-03) and 5.040(01) Article 9, Conditional Use, Sections 9.015 and 9.020(01-06); Article 15, Exclusive Farm Use, Section 15.020(13); Article 36, Salomon 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.

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## FINDINGS

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## **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.

**FINDING 6.02:** The Planning Commission finds that, with regard to this request, conditions of approval are necessary to insure the use or development complies with the applicable standards and criteria.

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## **FINDINGS**

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**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.

Via testimony and other evidence provided, the radio tower will not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school. The site is suitable to accommodate the proposed use, such as: topography, soils, and parcel size. The proposed use will not interfere with uses permitted on adjacent parcels (and if it does, the applicant will be responsible for mitigation). Therefore, the proposed use meets the above criteria including the criteria of Article 36. See Conditions of Approval.

**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 [.....].

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## FINDINGS

**FINDING 6.04:** The Planning Commission finds that via evidence provided by the applicants that this proposal is subject to public hearing review and the public hearing process has been satisfied.

**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.

The Conditional Use Permit # 10-05 to establish a radio tower, in the EFU 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. N/A
- b. N/A
- c. Establishment of electric power to the tower site.
- d. Construction of the foundation of the tower and accessory building.

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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.

Nothing in these conditions shall diminish the enforcement rights or overrule the regulations of the State of Oregon or the Federal Government.

1. All electrical interference with neighbors appliances will be remedied at the applicant's expense.
2. There shall be no lighting on the tower and all yard lighting and lighting on the proposed equipment shed shall be shielded and downward directed.
3. Tower and building must be a neutral color.

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## 9. 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 29, 2010

**DATE OF ACTION**

\_\_\_\_\_  
**GENE KOZOWSKI, 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 12, 2010 Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.

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## FINDINGS

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