

# 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,  
TO ALLOW PERIODIC USE OF A ) CONCLUSIONS, AND DECISION OF  
SHOOTING RANGE AND ) THE WALLOWA COUNTY  
CAMPGROUND IN THE T/G ZONE ) PLANNING COMMISSION  
)

**RE:** ODF&W Wenaha Muzzle Loaders CUP# 10-02

The request was deemed to be complete on January 28<sup>th</sup>, 2010, and was noticed to property owners and interested parties on February 11<sup>th</sup>, 2010. The Hearing was properly advertised in the Wallowa County Chieftain on February 11<sup>th</sup>, 2010. The request came before the Wallowa County Planning Commission on February 23<sup>rd</sup>, for Public Hearing with Decision on March 30, 2010. The Findings are for a Conditional Use Permit for the Wenaha Muzzle Loaders to periodically use a camp ground and shooting range. 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. **APPLICANT:** Oregon Department of Fish and Wildlife (ODF&W)
02. **OWNER:** Oregon Department of Fish and Wildlife (ODF&W)
03. **REQUEST:** To permit the Wenaha Muzzle Loaders to periodically use a shooting range and campground in the Timber Grazing (T/G) zone
04. **LOCATION:** The property description is Township 5 North , Range 43, Tax lot 1500
05. **PARCEL CHARACTERISTICS:** The parcel contains a total of 160.4 acres and is located west of the community of Troy. Only the portion of the parcel south of the Wenaha River would be used for the shooting range. Access is via Troy Road, which is a County road, and an access road over tax lot 1400. The zoning of the parcel is Timber Grazing (TG).
06. **REVIEW CRITERIA:** Article 5 (Public Hearing Review) Sections 5.025(01-03) and 5.040(01); Article 09 (Conditional Use Permit) Sections 9.020 and 9.025; Article 16 (T/G) Sections 16.010 and 16.020(05) and (13); Article 36 (Salmon Habitat Recovery), Sections

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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 6.1:** 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 within the proper time frame 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 6.2:** The Planning Commission finds that it is desirable to carry over from the previous Temporary Use Permit a condition of approval relative to signage to ensure the use or development complies with the applicable standards and criteria and is compatible with the zone.

**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.

**FINDING 6.3:** The Commission finds that the use of the campground and shooting range by the Muzzle Loaders is consistent with the purpose of the zone and is allowed conditionally (16.020(05) and (13)). Additionally, although there may be some inconvenience to the residents of Troy, due to noise, the presence of the Muzzle Loaders should make for a cleaner and safer camping and shooting experience.

03. The proposed use will not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school.

**FINDING 6.4:** The Commission finds that none of the above mentioned services will be impacted by the Muzzle Loaders use of the campground and shooting range.

04. The site is suitable to accommodate the proposed use, such as: topography, soils, and parcel size.

**FINDING 6.5:** The Muzzle Loaders and ODF&W have worked to organize the shooting range so that shooting is encouraged to the south, into an existing hillside, away from the Wenaha River (and the trail on the other side of the river), and the unincorporated community of Troy.

05. The proposed use will not interfere with uses permitted on adjacent parcels.

**FINDING 6.6:** Please see Findings 6.3, 6.5, and 6.9.

06. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.
07. In addition to the above and for uses within the Timber Grazing Zone, when the predominant use is determined to fall under Goal IV guidelines or the Timber Commercial Zone the following shall be found:
  - A. The proposed use will not force a significant change in or significantly increase the cost of accepted farming or forest practices on agriculture or forest lands.
  - B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

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- C. A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in this ordinance.

**FINDING 6.7:** The Commission has found that this use will not interfere with farming or forest uses on agriculture or forest lands. Neither will the use by the Muzzle Loaders increase the fire hazard risks, risks to fire suppression personnel, or raise the cost of fire prevention.

**SECTION 9.025, SPECIAL CONDITIONS:** In granting a Conditional Use Permit, the review authority may impose any of the following conditions:

01. Limit the manner in which the use is conducted including the time an activity may take place and restraints to minimize noise, dust, glare, and odor.
02. Designate the size, number, location, or nature of vehicle access points.
03. Increase the amount of required street dedication, roadway width, or improvements within the street right-of-way.
04. Limit or otherwise designate the number, size, location, and height or lighting of signs.
05. Limit the location and intensity of outdoor lighting or require its shielding.
06. Require landscaping or screening to protect nearby property.
07. Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.
08. Specify other conditions to permit the development of the County in conformity with the intent and purpose of the land use plan.

**FINDING 6.8:** As the Wenaha Muzzle Loaders use of the campground and shooting range has been trouble free, while regulated via a Temporary Use Permit, and that the group has been found to be fastidious users of the property, and as they are very safety conscious and have a safety officer present at all of their functions, and they clean up after themselves and others, the Commission finds that only a signage condition is necessary.

See Finding 6.2 regarding signage.

**SECTION 16.010, PURPOSE:** The purpose of the Timber Grazing Zone is to provide areas for commercial farm and forest activities and permit the establishment of only those new uses which are compatible with agricultural and forest activities. The intention of the Timber Grazing Zone is to guarantee the preservation of the areas so classified for farm and forest use free from conflicting non-farm, non-forest use.

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**FINDING 6.9:** The Planning Commission finds, via evidence presented both orally and in writing, that this use is compatible with agricultural and forest activities. Whereas there may be some inconvenience to the residents of Troy, a nearby unincorporated community, due to noise, this property historically has been used for shooting as well as camping.

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

**FINDING 6.10:** The Planning Commission finds that this application does not involve new construction and that the existing cabin and other structures conform to the standards of the area for accessory buildings. Therefore, Article 36 does not apply and no management plan is necessary.

## **07. CONCLUSION:**

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

The Conditional Use Permit # 10-02 to permit the use of a campground and shooting range as a periodic use by the Wenaha Muzzle Loaders will be valid unless the approved use is discontinued for one year. (Also subject to conditions of approval.)

## 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 Wenaha Muzzle Loaders will place signage on the subject property to indicate the dates and times of monthly and annual shooting matches. Such signage shall be coordinated with ODF&W.

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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.

March 30, 2010  
**DATE OF ACTION**

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