

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

IN THE MATTER OF THE REQUEST)
FOR A 20 UNIT SUBDIVISION IN)
THE RESORT COMMERCIAL)
RECREATION (RCR) ZONE) **FINDINGS OF FACT, CONCLUSIONS,**
AND DECISION OF THE WALLOWA
COUNTY PLANNING COMMISSION

RE: W L Tramway, SUBD 15-01, Subdivision

The application was deemed complete on June 4th, 2015 and was properly advertised in the Wallowa County Chieftain on June 17th. Adjacent property owners and interested parties were notified on June 15th, 2015. The request came before the Wallowa County Planning Commission for Public Hearing on June 30th, with Decision on July 28th, 2015. The Findings are for 20 unit subdivision in the Resort Commercial Recreation 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 hearing, and being fully advised, makes the following findings of fact and decision.

01. **APPLICANT:** Bill Whittemore
 P O Box 3028
 LaGrande, OR 97850
02. **OWNER:** Wallowa Lake Tramway, Inc.
03. **REPRESENTATIVE:** Steve Anderson
04. **REQUEST:** 20 Unit Subdivision
05. **LOCATION:** The property description is Township 03S, Range 45,
 Section 28B, Tax Lot 200
06. **PARCEL** The parcel contains 6.21 acres, is zoned RCR, and is accessed
CHARACTERISTICS: from highway 351.
07. **REVIEW CRITERIA:** Article 5, Public Hearing Review, Sections 5.025(01-03) and 5.035
 Article 31, Subdivision Procedures;
 Article 32, Road Design;
 Article 36, Salmon Habitat Restoration;
 Article 55, Resort Commercial Recreation (RCR);
 and any other applicable zoning ordinances or goals of the Wallowa County Land
 Development Ordinance and/or laws of the State of Oregon.

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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:

[.....]

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;

[.....]

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 a minimum of 250 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 not necessary to impose Conditions of Approval.

SECTION 31.020, REVIEW PROCEDURE: Application for the review of a subdivision shall be subject to the Public Hearing process.

SECTION 31.025, PRELIMINARY PLAT INFORMATION:

01. It shall be the applicant's responsibility to provide the following information on the preliminary plat. A minimum of 10 copies shall be submitted (7 for the Planning Commission, 1 for the Planning Department, 1 for ODOT, and 1 for the public).

General Information

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- A. Proposed name of subdivision.
- B. North point, scale, date of the completed drawing, approximate acreage, and boundary lines.
- C. Appropriate identification clearly stating the map is a preliminary plat.
- D. Location of the subdivision by Township, Range, Section, Tax Lot or Lots, or other means sufficient to define the location and boundaries of the proposed subdivision.
- E. Names, addresses, phone numbers, and zip codes of all owners, subdividers, engineers, or surveyors responsible for laying out the subdivision.
- F. Location, acreage, and dimensions of all lots and the proposed lot numbers.
- G. Location, acreage, and dimensions of areas proposed for public use.

- H. Sites, if any, allocated for a purpose other than single-family dwellings.
- I. Location and direction of all water courses and/or bodies of water and the location of all areas subject to flooding.
- J. Additional information as the Planning Director deems appropriate.

FINDING 7.3: The Planning Commission finds that the application has been correctly subjected to the public hearing process.

Also, the preliminary plat submitted for evaluation contained the above required information.

Roadway Information

- K. All subdivisions that include road and street improvements shall provide the nature and findings regarding the desired improvements, and give notice to each transportation facility provider.

- L. All proposed road improvements should conform to this Article and Article 32, Road Standards. The Preliminary Plat shall also show:
 - a. Location of proposed and existing access point(s) on both sides of the road where applicable.
 - b. Distances to neighboring access points, intersections and other transportation features on both sides of the property, and across roads being accessed.
 - c. Number and direction of lanes to be constructed on the driveway and striping plans.
 - d. All planned transportation features.
 - e. Parking and internal circulation plans including walkways and bikeways.
 - f. A detailed description of any requested variance and the reasons the variance is requested.

- M. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact

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study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project. The determination of impact or effect and the scope of the impact study should be coordinated with the affected transportation provider(s).

- N. Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- O. Existing locations, widths, and names of both opened and unopened roads within or adjacent to the subdivision together with easements or rights-of-way and other important features, such as: section lines, corners, city boundary lines, and monuments.
- P. Location, width, name, approximate grade, and radius of curves of all proposed roads and the relationship of such roads to any projected or existing roads adjoining the proposed subdivision. If direct access to a state highway is proposed, access must be provided in a manner consistent within the access management provisions of the Transportation System Plan and existing ODOT standards.
- Q. Location, width, and purpose of proposed easements of road access and private roads for private use where permitted; and all reservations or restrictions relating to such easements and private roads for private use where permitted; and all reservations or restrictions relating to such easements and private roads.
- R. Notations indicating any limitations on right-of-access to or from roads and lots or other parcels of land proposed by the developer.

Pedestrian and Bicycle Information

- S. A plan for bicycle and pedestrian facilities and improvements within the subdivision, including access ways as necessary to provide connectivity throughout subdivision. The tentative plan shall demonstrate how the subdivision's internal pedestrian and bikeway system provides safe and convenient connections to the surrounding transportation system.

FINDING 7.4: The Planning Commission finds that all required road information was contained in the preliminary plat. Due to the rustic nature of the subdivision, no pedestrian or bicycle facilities are required. The proposed 20 unit subdivision will not generate more than 400 average daily motor vehicle trips (ADTs).

Utility Information

- T. Location of all underground utility lines. Utility service lines such as electric, cable TV, and phone shall be placed underground unless evidence satisfactory to the review authority is presented that underground placement is not feasible.
- U. An acceptable and approved method of sewage disposal for each of the proposed lots which meets the rules and regulations of the Environmental Quality Commission of

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the State of Oregon as administered by the Department of Environmental Quality or its contract agent.

- V. An adequate and approved method of potable water supply. And, a sufficient supply of water for firefighting, including fire hydrants to be spaced at intervals not greater than 400 feet.

02. The following information shall accompany the preliminary plat.

- A. The nature and type of improvements proposed for the subdivision and a timetable for their installation.
- B. Subdividers shall provide a list of any proposed restrictive covenants.
- C. Proposed plan for draining surface water, including location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties.

FINDING 7.5: The Planning Commission finds that all required utility information was contained in the preliminary plat, the submitted narrative, and was discussed at the public hearing.

Also, the rate of the development of the subdivision will depend on how quickly the initial lots sell. Restrictive covenants will be developed, and surface water issues were discussed in the submitted narrative.

SECTION 31.030, REVIEW CRITERIA:

01. In reviewing preliminary plats all of the following criteria shall be met prior to approval.

- A. All of the required information pursuant to Section 31.020 shall be found to be included with the request.
- B. All of the proposed lots must conform to the minimum standards for lot designs as set out in the respective zones.
- C. The preliminary plat complies with all applicable Wallowa County Ordinances including the purposes and intent of this article.
- D. The road design meets the required road standards as found in the Wallowa County Transportation System Plan and Article 32, Road Design, and if a bond is required to be posted; the subdivider has so agreed, in writing, to post such a bond. Additional access criteria are:
 - 1. If any lot abuts a street right-of-way that does not conform to the design specifications of this article, the owner may be required to dedicate all of the total right-of-way width required.
 - 2. All proposed road shall follow the natural topography and preserve natural features of the site where possible and practical. Alignments shall be planned to minimize grading/fills.

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3. An internal accessway system of sidewalks or paths shall provide continuous connections to parking areas, entrances to the development, open space, and recreational and community facilities associated with the development. Sidewalks shall also connect with the peripheral street system and be adjacent to all residential properties.
- D. Any application that involves the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with State access management standards.

FINDING 7.6: The Planning Commission finds that, as shown on the preliminary plat, this application meets the requirements of Article 32, Road Design.

- E. Each lot has an approved method of sewage disposal in accordance with State requirements.
 - G. The subdivision is in the public interest and is not contrary to the public health, safety, and welfare.
 - H. Other requirements as deemed necessary by the review authority.
 - I. Clustering of dwellings may be allowed by the review authority if an appropriate variance is obtained by the developer and open space is made available to mitigate overall dwelling density.
 - J. Variances shall be reviewed in accordance with Article 10, Variance Procedure. Specifically, variances for access shall be considered as Use Variances and the applicant shall provide proof that:
 1. Indirect or restricted access cannot be obtained.
 2. No engineering or construction solutions can be applied to mitigate the condition.
No alternative access is available from a street with a lower functional classification than the primary roadway.
02. In the event of conditional approval, the review authority may require the subdivider to file a map within 30 days of the date of approval showing the revised design as approved by the review authority.

FINDING 7.7: The Planning Commission finds that each lot will be served by the Service District and that no variances are necessary.

Most testimony expressed concern over the potential impact on overflow tram parking. If lots 2, 3 and 4 are developed, the loss of parking could impact not only the tramway, but other businesses as well. The applicant argued compellingly that it would be in their best business interest to develop more parking if overflow parking was lost to future development.

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SECTION 32.040, REVIEW CRITERIA:

[.....]

11. **ROAD DESIGN STANDARDS:** Standards are delineated in Table 1, “ROAD STANDARDS.”

SECTION 55.035, PROPERTY DEVELOPMENT STANDARDS:

01. **PARCEL SIZE:** Where both community water and sewer are available for purchase at the time of permit approval, the minimum parcel size for development on an existing parcel or for creation of a new parcel is 7,500 square feet. Where either or both community water and sewer are not available or slope of a lot is greater than 10%, application review for building construction or creation of new lots shall be based on recommendations by a registered licensed engineer or geologist and the ability of the site to accommodate on-site sewage disposal and the use, but in no case shall the lot be smaller than 7,500 square feet.

02. **LOT WIDTH:** Not less than 50 feet with 50 feet minimum street frontage except “flag lots” may be permitted with a minimum 30 foot frontage provided that access requirements of 55.035.03 can be met.

03. **ACCESS:** All transportation facilities associated with development proposals must be consistent with the adopted Transportation System Plan for Wallowa County, including access management standards, and all proposed road or street intersections with state highways must be submitted to ODOT District 13 Office for review and approval prior to County approval. All intersection improvements must be completed prior to the opening of any proposed development.

When, in the opinion of the Review Authority, a proposed use may significantly affect a transportation facility, Traffic impact studies may be required to assure that the use is consistent with the identified function, capacity, and level of service of the facility.

FINDING 7.8: The Planning Commission finds that the submitted preliminary plat meets the above road design and property development standards. A traffic impact study is not required. See Finding 7.4.

Also, **ARTICLE 36, SALMON HABITAT RECOVERY.**

FINDING 7.9: The Planning Commission finds that this subdivision has no impact on salmon habitat and that no recovery plan is required.

07. CONCLUSION:

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

08. CONDITIONS OF APPROVAL:

The Planning Commission finds that no Conditions of Approval are necessary.

09. DECISION:

Based upon the information submitted the comments of interested parties and the findings, the review authority finds this application does satisfy all review criteria and is hereby approved as presented. The vote on the motion is _____ in favor and _____ opposed with _____ abstaining.

July 28th, 2015
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. August 10th, 2015. Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.