

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 CONDITIONAL USE PERMIT)
TO ESTABLISH A MINI - GOLF) FINDINGS OF FACT, CONCLUSIONS,
COURSE IN THE RESORT) AND DECISION OF THE WALLOWA
COMMERCIAL RECREATION (RCR)) COUNTY PLANNING COMMISSION
ZONE)

RE: Thornberg CUP# 10 - 09, Mini -golf Course

The application was deemed complete on August 25th, 2010 and was properly advertised in the Wallowa County Chieftain on September 16th. Adjacent property owners and interested parties were notified on September 8th, 2010. The request came before the Wallowa County Planning Commission for Public Hearing on September 28th, with Decision on October 26th, 2010. The Findings are for a mini-golf course in the RCR 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:** Mark Thornberg
59950 Wallowa lake Hwy
Joseph, OR 97846
02. **OWNER:** Mark and Gwen Thornberg
03. **REPRESENTATIVE:** Mark Thornberg
04. **REQUEST:** Conditional Use permit to establish a mini-golf course in the RCR zone
05. **LOCATION:** The property description is Township 03S, Range 45, Section 29AA, Tax Lot 5101
06. **PARCEL CHARACTERISTICS:** The parcel contains 1.3 acres, is zoned Resort Commercial Recreation (RCR)
07. **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 33, Parking, Section 33.015(05); Article 55, Resort Commercial Recreation, Section 55.020(04); Article

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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 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 that as presented, it is not necessary to impose Conditions of Approval on this proposed use.

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 RCR zone.

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 Commission finds that as presented, the use will not create excessive traffic congestion, noise, dust, glare from lights, or other conditions that may be hazardous.

The Commission also finds that the proposed mini-golf course 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 will 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 7.8.

SECTION 33.015, REVIEW PROCEDURE: The review authority shall insure that new developments are provided with adequate parking in accordance with this ordinance.

[.....]

05. **NON-SPECIFIED NUMBER OF PARKING SPACES:** When a required number of parking spaces is not specified for a particular use or facility, the Wallowa County Planning Director shall prescribe a number of parking spaces based on the traffic generation of the activity, time of operation, location, and other factors as created the need for off-street parking.

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FINDING 7.6: the commission finds that as presented, the proposed mini-golf course has an adequate number of parking spaces.

SECTION 55.020, CONDITIONAL USES: The following specific uses, and other substantially similar uses, including structures enclosing or uses occupying in excess of 4000 square feet for each commercial use, may be established in the Resort Commercial Recreation zone subject to public hearing review for compliance with requirements of Article 9, Conditional Use Permit, and other provisions of this ordinance (all outdoor activities or activities generating noise audible outside of a building at the adjoining property line to begin no earlier than 8:30 AM and terminate by 10 PM except as allowed by a Temporary Use Permit for special events).

[.....]

04. Go-cart tracks, arcades, mini-golf, and similar noise generating outdoor amusements.

[.....]

FINDING 7.7: The Planning Commission finds that the proposed mini-golf course is a conditional use in the RCR zone and has been correctly reviewed at a public hearing.

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

FINDING 7.8 : 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.

The Conditional Use Permit # 10-09 to permit a mini-golf course, will be valid unless the approved use is discontinued for one year.

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.

October 26th, 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. November 8th, 2010. Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.