

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 MAJOR AMENDMENT TO THE)	
WALLOWA COUNTY)	FINDINGS OF FACT,
COMPREHENSIVE LAND USE PLAN)	CONCLUSIONS, AND
TO CHANGE THE TEXT OF ARTICLE)	RECOMMENDATIONS OF THE
44, SPECIFICALLY 44.030(D), AND)	WALLOWA COUNTY PLANNING
CONSIDER THE WALLOWA LAKE)	COMMISSION
BIKE AND PEDESTRIAN PATH PLAN)	
)	

Art 44 Text Change and Bike and Ped Path Plan Consideration, AMD#15-01

The request was properly advertised for three consecutive weeks, March 4th, 11th, and the 18th of March, 2015 in the Wallowa County Chieftain. DLCD was noticed on February 23rd, 2015. Applicable property owners and interested parties were notified by mail on March 6th, 2015. The request came before the Wallowa County Planning Commission for Public Hearing on March 31st, 2015, with Approval and Recommendation on April 28th, 2015. These findings are for a Major Amendment to the Wallowa County Comprehensive Land Use Plan (WCCLUP) and Ordinance Articles. Specifically, to change the text of Article 44, section 44.030(D), and consider the Wallowa lake Bike and Pedestrian Path Plan. 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 recommendation.

- 01. **PETITIONER:** Oregon Department of Transportation
- 02. **OWNER:** Ronald C. Yanke Family Trust, Little Oxbow, Inc, and Ham Family Trust
- 03. **REPRESENTATIVE:** DKS Associates, John Bosket
- 04. **PROPERTY LOCATION:** 03S 45 tax lots 1401, 1402, and 1500

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- 05. **REQUEST:** To amend the WCLDO Article 44, specifically 44.030(D), and consider the Wallowa Lake Bike and Pedestrian Path Plan.
- 06. **REVIEW CRITERIA:** Article 5 (Public Hearing Review), Section 5.025, Article 8 (Amendments), 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:

[.....]

- 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.
- 04. Notice of public hearing regarding an application required by this ordinance shall, at a minimum, contain the following information:
 - A. Name of applicant.
 - B. Name of property owner.
 - C. Property identification.
 - D. Nature of request.
 - E. Ordinance provisions which govern the review.
 - F. Where application can be reviewed.
 - G. Place, date, and time of the public hearing.
 - H. Where written comment will be received.

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SECTION 8.010, PURPOSE: The purpose of this article is to provide for change in needs, desires, and rate of development in Wallowa County. Revisions to the land use plan, to the text of this ordinance, to the land use plan map, and to the zoning map affecting areas more than ten acres in size will be regarded as major amendments to be processed as a legislative action. Small tract zone changes on areas less than ten acres in size adjacent to the proposed zone will be regarded as minor amendments to be processed as Quasi-Judicial actions.

FINDING 6.1: All property owners within the bowl of the Wallowa Lake Moraines and other interested parties were noticed regarding this hearing. Additionally, as this proposed amendment is for a text amendment involving more than 10 acres, the Planning Commission finds that this is a major amendment and shall be processed as a legislative action.

SECTION 8.015, AUTHORIZATION TO INITIATE AMENDMENTS: Amendments may be initiated in one of the following ways:

01. By resolution of the County Court referring a proposed amendment to the commission.
02. By action of the Planning Commission.
03. By request of the Planning Director, said request relating to actions deemed necessary to bring the zoning map or land use plan map into compliance with state law.
04. By petition from a resident or residents of Wallowa County and/or owners of land within Wallowa County - said petition must be accompanied by the appropriate fee.

FINDING 6.2: The request for a revision to the WCCLUP and Ordinance Articles was properly brought before the Planning Commission by the Planning Commission by request of the Oregon Department of Transportation. Therefore, the Planning Commission finds that the amendment was correctly initiated.

SECTION 8.020, AMENDMENT REQUEST CONTENT: Requests for major and minor amendments shall be filed with the Planning Department. Requests shall include the following information:

01. Party initiating the amendment.
02. In the case of an amendment to the land use plan or text of this ordinance, the portions that are to be deleted, if any, and the proposed replacement or addition.
03. In the case of an amendment to the land use plan map or zoning map, the request should identify the areas to be directly affected by the current map classification or zone.
04. Statements demonstrating compliance with the applicable review criteria of section 8.025.

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FINDING 6.3: The Planning Commission finds that the content of the amendment application met the above criteria.

SECTION 8.025, REVIEW CRITERIA: Requests for amendments shall be reviewed for conformance to the applicable criteria:

01. Major amendments shall meet the following:
 - A. The proposed amendment is in conformance with statewide planning goals and guidelines and other applicable state laws.
 - B. The proposed amendment is in conformance with all other elements of the land use plan and land use plan map.
 - C. The proposed amendment is in the public interest and serves the purpose and intent of the local planning process.

FINDING 6.4: After evaluating the evidence presented both orally and in writing, and after due discussion and deliberation, the Planning Commission finds that the above criteria are met.

Much discussion and testimony regarding the preferred option presented in the pedestrian and bicycle path plan. Letters were read into the record. Almost all thought the plan was a good idea with one caveat - cost. The cost was lowered somewhat by narrowing the path to ten feet, but still was on the order of 22 million dollars. Even though most of the money would come from elsewhere, it seems like a lot of money to be spending on a bike path when we struggle to keep our local roads paved.

However, this amendment only amends Article 44 text to allow future conditional use permits to go forward should funding become available. As currently worded, Article 44 prohibits conflicting and conditional uses in the strip of land between highway 351 and Wallowa Lake, and transportation improvements are conditional uses in the underlying zones (EFU and T/G). The new wording would allow these uses to be permitted as conditional uses and considering the pedestrian and bicycle plan would provide a frame work for the project. The plan would also provide for interim improvements to highway 351 such as paving, striping, and signage. Also, the ability to lower the posted speed limit will be explored.

Additionally, a “User Developed Hiking Trail” shown on the Recommended Plan Map will be removed.

SECTION 8.030, NOTICE OF HEARING:

01. Notice of public hearing before the Planning Commission for the purpose of considering an amendment brought forth under this article shall be published in a newspaper of general circulation for three consecutive weeks prior to the hearing date.

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02. The notice of public hearing shall be designed to reasonably inform the public of the nature and intent of the proposal and shall, at a minimum, contain the following information:
 - A. Date, time, and place of the hearing.
 - B. Party initiating the amendment.
 - C. General description of the proposed amendment and notification to the public of the hours and place where the amendment can be reviewed in its entirety.

03. If the proposed amendment is determined by the Planning-Department to affect a limited area of the County, mailed notice of the hearing shall be provided to all owners of property directly affected by the amendment and 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.

In addition, mailed notice of the hearing shall be given to all parties the Department may have reason to believe are substantially affected by the proposed amendment. Mailed notice of hearing shall be provided no less than 15 days prior to the hearing date.

FINDING 6.5: The request was properly advertised for three consecutive weeks, in the Wallowa County Chieftain. Applicable property owners were notified by mail. Notice of Proposed Amendment was sent to DLCD per ORS 197.610. See above for details. All notices contained the required information. Therefore, the Planning Commission finds that the above criteria are met.

SECTION 8.035, AMENDMENT REVIEW PROCESS:

01. Amendment proposals brought forth under this article shall be conducted in the manner prescribed in the conduct of hearings ordinance unless supplemented by rules considered prior to the commencement of the evidentiary portion of the hearing.

02. At least two public hearings shall be held on a major amendment unless it is deemed by the Planning Department that a joint meeting by the Planning Commission and the County Court is sufficient.

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03. The Planning Commission shall hear and review the proposal for compliance with the applicable review criteria. The Planning Commission shall consider findings of fact demonstrating the proposals compliance or non-compliance with each review criterion. The Planning Commission shall place the findings, conclusions, and recommendations in writing and forward the same to the County Court.
04. Following receipt of the Planning Commission's recommendation, the County Court shall, within 90 days, hold a second public hearing. Based upon testimony taken at the second hearing together with the Planning Commission's recommendation and testimony from the first hearing, the Court shall consider findings demonstrating the proposal's compliance or non-compliance with the applicable review criteria. The decision shall be set forth in writing and shall specify findings and conclusions of the Court.
05. The County Court may, at its own discretion, hold both of the required hearings.

FINDING 6.6: As this proposed major amendment has been properly reviewed by the Planning Commission at a public hearing, a public hearing will be scheduled before the Board of Commissioners, and the Planning Commission has made its recommendation to the Board of Commissioners, adopted these findings of fact and forwards and recommends them to the Board of Commissioners as required by the legislative process, the Planning Commission finds that within its purview, the amendment review process has been followed.

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06. CONCLUSION:

It is the opinion of the Planning Commission that all applicable criteria have been met, and the Commission finds that the proposed Major Amendment is in compliance with the review criteria. Therefore, the Planning Commission forwards this Major Amendment to the County Board of Commissioners with the recommendation that the Amendment be considered.

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07. 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 recommended for consideration as presented. The vote on the motion is _____ in favor and _____ opposed with _____ abstaining.

April 28th, 2015
DATE OF ACTION

KEN WICK, CHAIRMAN
WALLOWA COUNTY PLANNING COMMISSION

As this is a proposal for a Major Amendment, it will, as a matter of procedure, be reviewed and adopted or denied by the County Board of Commissioners.

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