

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) **FINDINGS OF FACT, CONCLUSIONS,**
TO ESTABLISH AN) **AND DECISION OF THE WALLOWA**
AGRICULTURAL EQUIPMENT) **COUNTY PLANNING COMMISSION**
SALES BUSINESS IN THE RURAL)
COMMERCIAL ZONE)

RE: Daggett Change of Use CUP# 11 - 05, Ag Equipment Sales - PGG

The application was deemed complete on November 1st, 2011 and was properly advertised in the Wallowa County Chieftain on November 16th. Adjacent property owners and interested parties were notified on November 8th, 2011. The request came before the Wallowa County Planning Commission for Public Hearing on November 29th, 2011, with Decision on January 24th, 2011. The Findings are for an agricultural equipment sales business in the Rural Commercial (R/C) 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:** Wilfred Daggett
P O Box D
Enterprise, OR 97828
02. **OWNER:** Wilfred Daggett
03. **REPRESENTATIVE:** Jeanie Story
04. **REQUEST:** Conditional Use permit to establish an agricultural equipment sales business in the R/C zone
05. **LOCATION:** The property description is Township 02S, Range 45, Section 20, Tax Lot 101
06. **PARCEL CHARACTERISTICS:** The parcel contains 6.7 acres, is zoned Rural Commercial (R/C) and is located on the east side of Hwy 82 and one parcel north of the Bingaman (Pioneer West) Retail Ag Sales Store.
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 23, Rural

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Commercial, Section 23.020(04); Article 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:

[.....]

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 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 necessary to impose a Condition of Approval to insure the use or development complies with the applicable standards and criteria. The Condition addresses signage.

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.

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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 R/C zone (23.020(04), the Commission further finds that the proposed use is consistent with the purpose of the zone in that this use requires proximity to major streets or arterials for trade or transportation and requires a lot size larger than is typically available within Urban Growth Boundaries.

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 Planning Commission finds that this use will not create excessive traffic congestion, noise, dust, glare from lights, or other conditions that may be hazardous. Additionally, the use will not overburden the public services of water, sewer, storm drainage, electrical service, fire protection, and school. Mr. Daggett will lease an existing building to Pendleton Grain Growers (PGG) who will operate the ag sales business. The site has existing parking, storage and access to Hwy 82.

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.

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 23.010, PURPOSE: The primary purpose of the Rural Commercial Zone is to provide a district for a limited number and type of commercial enterprises which depend on proximity to major streets or arterials for trade or transportation, require lot sizes larger than are typically available within Urban Growth Boundaries, and are compatible with surrounding areas.

FINDING 7.6 : The Planning Commission finds that the proposed use is not in conflict with agricultural and forest activities. See Finding 7.3.

Section 23.020 BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY: In an Rural Commercial Zone the following uses may be established, subject to the requirements of Article 9, Conditional Use Permit:

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[.....]

04. Commercial activities in conjunction with farm use.

[.....]

FINDING 7.7 : The Commission finds that the proposed use of an agricultural equipment sales business of a meets the above criteria as a commercial activity in conjunction with farm use.

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 # 11-05 to allow an agricultural equipment sales business in the Rural Commercial zone will be valid until the permitted use is discontinued for one full year. (Also subject to conditions of approval)

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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.

1. All signage shall be pre-approved by the Planning Director or designated staff, consistent with the criteria of Article 34, Signs.

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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 does satisfy all review criteria and is hereby approved as presented. The vote on the motion is _____ in favor and _____ opposed with _____ abstaining.

January 24th, 2012
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. February 6th, 2012 Appeals, if any, will be heard in a public hearing held by the Wallowa County Board of Commissioners.