

**PLANNING COMMISSION REPORT
PLALEG-09-06-0003**

**Amendments to the
Comprehensive Plan &
Land Use and Development Ordinance**

Request:

Amend the Comprehensive Plan (Comp Plan).

1. Amend policy and inventory language related to energy production, consumption and conservation.
2. Include prior acknowledged updates that were never added.
3. Modernize language that is not compliant with state law, incorrect, or out of date.
4. Reformat entire Comp Plan
 - Create Oregon Land Use Goal related chapters
 - Remove Duplication

Amend the Wasco County Land Use and Development Ordinance (WCLUDO)

1. Amend language related to where and how commercial and non-commercial energy development is allowed.
2. Modernize language that is not compliant with state law, incorrect, or out of date.
3. Reformat all zones and add similar uses to create as much consistency between the zones as possible.

Prepared by: Todd R. Cornett, Siting Officer, Oregon Department of Energy

Prepared for: Wasco County Board of County Commissioners

Applicant: Wasco County Planning & Development Department

Planning Commission Hearing Dates: -3 May 2011
-7 June 2011

PC Recommendations: Comp Plan: On a vote of 7 – 0 the Planning Commission recommended the Board of County Commissioners adopt the proposed amendments to the Comprehensive Plan as presented at the 3 May 2011 hearing.

WCLUDO: On a vote of 7 – 0 the Planning Commission recommend the Board of County Commissioners adopt the

proposed amendments as presented at the 7 June 2011 hearing and further amended during deliberation.

Applicable Properties: All properties in Wasco County outside of the National Scenic Area and outside of urban growth areas.

Procedure Type: Legislative

Attachments: -Attachment A: Comprehensive Plan Change Overview
-Attachment B: Wasco County Land Use and Development Ordinance Change Overview.

I. APPLICABLE CRITERIA

A. Wasco County Comprehensive Plan (Comp Plan)

Chapter 11 – Revisions Process

Section B (Form of Comp Plan Amendment)
Section C (Who May Apply for a Plan Revision)
Section D (Legislative Revisions)
Section H (General Criteria)
Section I (Transportation Planning Rule Compliance)
Section J (Procedure for the Amendment process)

B. Wasco County Land Use & Development Ordinance (LUDO)

Chapter 9 – Ordinance Amendments

Section 9.030 (Transportation Planning Rule Compliance)
Section 9.050 (Amendments to the Zoning Ordinance)
Section 9.060 (Recommendation on Amendments to the Land Use and Development Ordinance)
Section 9.070 (Notice of Planning Commission Recommendation)
Section 9.080 (Action by County Governing Body)

II. SUBMITTED COMMENTS

The following comments were submitted in writing and made part of the record.

Planning Commission Hearing #1:

-Elaine Albrich – Stoel Rives, LLP
-Gary Casady
-Keith Wesolowski
-Jason S. Spadaro, President, SDS Lumber
-David Evans (letter submitted by Jason Spadaro)

Planning Commission Hearing #2:

I don't have a complete list. Brenda, please fill this in.

Board of County Commissioners Hearing: None to date.

III. PUBLIC INVOLVEMENT

In addition to the hearings indicated associated with this legislative process, all of which will allow public testimony and the ability to provide prior written comments, Wasco County has included the following measures to ensure the process is open to the public.

A. Community Advisory Groups

The Wasco County Planning Department began this legislative amendment process by convening two advisory groups with members appointed by the County Court (now Board of County Commissioners). The intent of each group was to have members with a diversity of background and interests assisting staff in creating the draft amendments to be presented to the Planning Commission. The agenda and documentation presented at each meeting was included on the Planning Department website throughout the process. While not advertised in the paper, meetings were open to non-advisory group members. Those who regularly attended meetings also received emails of upcoming meeting and the documents to be used at the meetings.

It was not the goal of the advisory groups to produce a consensus draft. While the majority of the proposed amendments were reached through consensus some were not. Staff has provided options where consensus could not be reached and tried to include comments to document where language was proposed but may not be agreed upon by everyone. Updates to areas of the Comp Plan and WCLUDO unrelated to energy were done entirely by staff.

While not every member attended meeting and some chose to participate solely by email or through discussions with staff, the input from each member was invaluable.

1. Non-Commercial Advisory Group

Membership and General Group Represented

1. Vicki Ashley - Planning Commission/Cattle Ranchers
2. Ken Bailey - Cherry Orchardist
3. Mark Cherniack - Rural Resident/Renewable Energy Expert
4. Jeff Davis - Wasco Electric Cooperative
5. Sherry Holiday - County Commission
6. Jeremy Thompson - Oregon Department of Fish & Wildlife
7. Bob Krein - Consultant/Farmer

8. Tod LeFevre - Renewable Energy Installer/Expert
9. Lane Magill - Wasco County
10. John McElheran - Farmer
11. Paul Titus - Northern Wasco PUD

Meeting Dates

1. 10 February 2010
2. 25 February 2010
3. 17 March 2010
4. 14 April 2010
5. 3 May 2010
6. 25 May 2010
7. 10 June 2010
8. 1 September 2010

2. Commercial Advisory Group

Membership and General Group Represented

1. Elaine Albrich - Stoel Rives LLP
2. Adam Bless - Oregon Department of Energy
3. Gary Cassady - Rural Residents
4. Jeff Davis - Wasco Electric Cooperative
5. John Fulton - Farmer
6. Scott Hege - Rural Resident
7. Don Hoffman - Planning Commission
8. Jim Johnson - Oregon Department of Agriculture
9. Jeremy Thompson - Oregon Department of Fish & Wildlife
10. Bob Krein - Consultant/Farmer
11. Dwight Langer - Northern Wasco PUD
12. Bill Lennox - County Commission
13. Lane Magill - Wasco County
14. Allyson Smith - North Central Public Health District
15. Paul Woodin - Community Renewable Energy Association

Meeting Dates

1. 11 February 2010
2. 23 February 2010
3. 11 March 2010
4. 6 April 2010
5. 17 May 2010
6. 2 June 2010
7. 15 June 2010
8. 30 June 2010
9. 12 July 2010
10. 9 August 2010
11. 23 August 2010

12.8 September 2010

B. Agency Solicitation

The following agencies were contacted for their input on the entire draft ordinance or specific proposed language. These agencies have been notified during the hearings process and be given the opportunity to provide further comments.

Oregon Water Resources Department - Numerous occasions during advisory group process.

Mid-Columbia Fire and Rescue - May 2010

Wasco County Road Department - June 2010

Oregon Department of Transportation - June 2010

Oregon Department of Aviation - June 2010

Wasco County Soil & Water Conservation District - July 2010

Mid-Columbia Building Codes - July 2010

Department of Land Conservation & Development(DLCD) – In September 2010 of 2010 staff send the proposed amendments to Katherine Daniels, the DLCD Farm and Forest Specialist for her input. Ms. Daniels was very helpful in providing advice and necessary changes which were included.

Mid-Columbia Economic Development Department – December 2010

Tri County Hazardous Waste and Recycling Program – December 2010

C. Direct Mail Notification

DLCD Pre-Notice:

Pursuant to ORS 197.610, a pre-notice was sent to DLCD on 20 January 2011 which is more than 45 days prior to the 1st Planning Commission Hearing scheduled for 5 April 2010.

Planning Commission Hearing #1 & #2:

A ORS 215.503 (Measure 56) compliant notice was sent by mail and email on 28 March 2011. This notice will be sent to the following: (1) Every property owner within Wasco County outside of the National Scenic Area and outside of urban growth boundaries; (2) Any person or agency having a subscription to receive Administrative decisions; and (3) Any other local, state and federal agency that may be interested in the proposed changes. The notice will reference both

Planning Commission Hearings. The Planning Commission Hearing #1 was held on for 3 May 2011 with a notice sent more than 20 days in advance. The Planning Commission Hearing #2 was held on 7 June 2011. Because this was a continuation of the Hearing #1 no notice was required.

Board of County Commissioners Hearing:

Any person or group or their representative who submitted written comments, or requested in writing to receive notification of the hearing, or signed in and testified at either Planning Commission Hearing received direct notification by mail of the date, location and time of the Board of County Commissioner Hearing **scheduled on 6 July 2011** at least 20 days prior to the hearing.

DLCD Post-Notice:

Pursuant to ORS 197.615, Wasco County will provide notice to DLCD and any other group, agency or individual who submits written comments, requests in writing to receive notification of the hearing, or signs in and testifies at any of the hearings within 5 days of the final decision by the Board of County Commissioners.

D. Newspaper Notification

Planning Commission Hearing #1:

The notice for Planning Commission Hearing #1 was published in The Dalles Chronicle on 5 April 2011 which is 20 days prior to the hearing date, 3 May 2011.

Planning Commission Hearing #2:

Planning Commission Hearing #2 is a continuation of Hearing #1 and therefore no notification is required.

Board of County Commissioner Hearing:

The notice for Board of County Commissioner Hearing was published in The Dalles Chronicle on **14 June 2011** which is 20 days prior to the hearing date, **6 July 2011**.

E. Information Available on Website

The information regarding the proposed amendments began to be placed on the Wasco County Planning & Development Department Website (<http://co.wasco.or.us/planning/planhome.html>) starting in February 2010. As updates were made following each advisory group meeting or hearing, the information on the website was updated. At the time of this document, the following information was available:

- A listing of the Advisory Group meeting dates, times locations as well as all the documentation used in each meeting.
- A listing of the hearing dates, times and locations.
- The drafts of the proposed amendments at each step along the process

- Staff report describing the process and changes
- A way to submit comments via email

IV. FINDINGS

A. Comprehensive Plan Criteria

1. Chapter 11 – Revisions Process

a. Section B - Form of Comp Plan Amendment

Amendments to the Comprehensive Plan include many forms and can either be legislative or quasi-judicial.

FINDING: The request is for a legislative text amendment to policies, inventories, maps and figures of the Comp Plan. The amendments fall into five separate categories: (1) Energy Related Amendments; (2) Past Amendments Not Incorporated; (3) Out of Date or Incorrect Language; and (4) Reformatting.

b. Section C - Who May Apply for a Plan Revision

Amendments to the plan may be initiated by the Wasco County Governing Body.

FINDING: The Wasco County Court (now Board of County Commissioners), in a resolution dated 1 July 2009, authorized the County Planning and Development department to initiate a Comp Plan Text Amendment to update the energy related language and make other amendments appropriate for Wasco County. The proposed amendments shall be heard first by the Wasco County Planning Commission for their consideration, report and recommendation to the Board of County Commissioners. A copy of this resolution is located in the file.

c. Section D - Legislative Revisions

Legislative revisions include land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or much different ownership. The Planning Commission and County Governing Body shall evaluate the plan as often as necessary to meet changes in the social, economic, or environmental character of Wasco County.

FINDING: The proposed text amendment to policies, inventories, maps and figures of the Comp Plan are applicable to all properties governed by the Comp Plan and therefore the proposal is a legislative revision.

d. Section H - General Criteria

The following are general criteria which must be considered before approval of an amendment to the Comprehensive Plan is given:

(1) Compliance with the statewide land use goal as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.

(a) Goal 1: Citizen Involvement – To develop and maintain a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: A minimum of three public hearings will be held on the proposed amendments. Section III of this report (Public Involvement) summarizes the outreach measures by staff and opportunities for public and agency input to these proposed amendments. Staff concludes that as a result of these measures, the proposal is in compliance with Goal 1.

(b) Goal 2: Land Use Planning – To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

FINDING: This process will be conducted pursuant to all applicable procedural requirements established in Chapter 11 (Revisions Process) of the Comp Plan. Additionally, the process will be consistent with Chapter 2 (Development Approval Procedures) & Chapter 9 (Zone Change and Ordinance Amendment) of the WCLUDO, including notification requirements, hearing procedures, written findings of fact, and appeal rights. These requirements establish a planning process and policy framework which will be the basis of the final decision made by the Board of County Commissioners. Staff concludes the process is in compliance with Goal 2.

(2) Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.

FINDING: The proposal is consistent with criterion (2).

- Attachment A includes a description of all of the proposed amendments to the Comp Plan. These were all evaluated by staff for compliance with both the spirit and intent of Oregon's Land Use Goals.
- As indicated in Section III (Public Involvement), staff contacted multiple agencies to solicit their input during the drafting of the proposed amendments. The comments by these agencies helped to ensure the proposed amendments are consistent with Oregon's Land Use Goals.

- Staff is proposing amendments to Goal 1 – Citizen Involvement to reflect how it is has been done for the past 15 years. On 22 November 2010, pursuant to Goal 1 language staff sent the proposed amendments to Department of Land Conservation and Development staff and the Citizen Involvement Advisory Committee (CIAC). Staff also participated in a telephone conference with CIAC on 16 December 2010. During this telephone conference CIAC members were in agreement with the proposed amendments related to Goal 1 and provided some helpful suggestions. These suggestions were subsequently included.
- This amendment process will include notification to all appropriate agencies who will have the opportunity to evaluate the proposals in relation to Oregon’s Land Use Goals. This, along with all of the previously indicated measures will ensure the spirit and intent of all applicable Oregon Land Use Goals are adhered to.

(3) A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.

FINDING: The proposal is consistent with criterion (3).

- Staff is proposing amendments that fall into four separate categories. See Attachment A for more detail.
- Energy Related Amendments: The main purpose of the proposal is to amend the Comp Plan language related to energy production, consumption and conservation along with the implementing ordinances in the WCLUDO related to the where and how commercial and non-commercial energy development is allowed. The Comp Plan energy language dates back to 1983, the year of acknowledgement. While it was accurate and reflective of the circumstances of the time, it is currently out of date and needs to be amended to reflect changes in energy policy and more current inventories.
- Past Amendments Not Incorporated: Staff researched all of the amendments that were previously made to the Comprehensive Plan. Because of the formatting and the fact that it was only in a paper format until several years ago, many adopted changes were never actually incorporated. Staff is taking this opportunity to incorporate all past amendments.
- Out of Date or Incorrect Language: Much of the Comprehensive Plan language dates back to 1983, the year of acknowledgment. Staff is also taking this opportunity to update and correct non-substantive/non policy language.
- Reformatting: The Comprehensive Plan is currently formatted in such a way that results in a lot of duplication and difficulty in finding sought after information. One of the proposals is to reformat the majority of the document around Oregon’s Land Use Goals with each Goal housed in an individual chapter which includes all of its applicable inventories, findings and policies. These are currently spread throughout

the Comp Plan. The intent is to remove duplication and facilitate future searches and amendments for the benefit of staff and the public.

- (4) Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.

FINDING: The proposal is consistent with criterion (4).

- The proposed amendments to the Comp Plan do not result in changes which will impact healthful, safe and aesthetic surroundings and conditions. This criterion is more appropriately applied to specifically proposed criteria in the WCLUDO. All property owners outside of the National Scenic Area and urban growth boundaries of cities as well as applicable local, state, and federal agencies and interested parties will receive notice of the proposed amendments and have the opportunity to testify at all three hearings. Any concerns related to the public need for healthful, safe and aesthetic surroundings and conditions can be evaluated with the opportunity for changes to be made during each hearing. Through the legislative hearings process criterion (4) will be met.

- (5) Proof of change in the inventories originally developed.

FINDING: The request is consistent with criterion (5).

- As stated in (3) above, proposed amendments fall into four separate categories
- Energy Related Amendments: The policies, inventories and text related to energy, production, consumption and conservation does not reflect changes that have occurred in the past 30 years. The proposed amendments will modernize these policies and inventories and make them reflective of Wasco County's current and future goals related to energy.
- The other proposed amendments represent incorrect, out of date or previously amended but not incorporated language and inventories. Criterion (5) is not applicable to these proposed amendments.

- (6) Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.

FINDING: The request is consistent with criterion (6).

- The amendments are not based on any special studies. As indicated in Section III (Public Involvement) staff utilized two advisory groups to assist in drafting the proposal. Staff also consulted with agencies about specific language. Finally, the draft was

compared to state law to ensure consistency. These three elements serve as the factual basis for the proposed amendments.

e. Section 9.030 Transportation Planning Rule Compliance

- (1) Review of Applications for Effect on Transportation Facilities - A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:

FINDING: The proposal is a county initiated Comp Plan and WCLUDO text amendment. Based on the findings below the proposal is consistent with criterion (a) and will not significantly affect a transportation facility.

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

FINDING: The proposed amendments are consistent with criterion (a) because none of the amendments change the functional classification of an existing or planned transportation facility.

- (b) Change standards implementing a functional classification system; or

FINDING: The proposed amendments are consistent with criterion (b) because none of the amendments change standards implementing a functional classification system.

- (c) As measured at the end of the planning period identified in the adopted transportation system plan:

- i. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- ii. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
- iii. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard

identified in the TSP or comprehensive plan.

FINDING: The proposed amendments are consistent with criterion (c).

- While the ordinances relating to energy development is being modernized and update, no new uses or higher levels of existing use are being proposed. Therefore:
 - The types and level of travel and access will continue to be consistent with the functional classification of all existing and planned transportation facilities;
 - The performance of all existing and planned transportation facilities will remain above the acceptable performance standard identified in the TSP; and
 - The performance of all existing and planned transportation facilities that is otherwise project to perform below minimum acceptable performance standard identified in the TSP will not be worsened as a result of the proposed amendments.

f. Section J - Notification of Hearing:

- (1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.

FINDING: The request is consistent with criterion (1).

- As indicated in Section III (Public Involvement), a ORS 215.503 notification was provided to all affected property owners. This statute prescribes the form of the notification which includes a summary of the issues in an understandable and meaningful manner.
 - (2) Notice of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the first hearing.

FINDING: The request is consistent with criterion (2).

- As previously indicated in Section III (Public involvement and (1) above, notice was given pursuant to ORS 215.503. The date of the first Planning Commission hearing is 3 May 2011. The notice was mailed at least 20 days but not more than 40 days prior to the hearing consistent with this criterion.
 - (3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission present cannot agree on a proposed change, the

Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.

FINDING: The request is consistent with criterion (3).

- Pursuant to Planning Commission adopted rules and public meetings law, a Planning Commission meeting cannot be held unless a quorum is present.
- Two Planning Commission meetings were held. The Planning Commission unanimously voted to recommend the Board of County Commissioners approve amendments to both the Comprehensive Plan and the Land Use and Development Ordinances.

(4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.

FINDING: The request is consistent with Criterion (4).

- At the Planning Commission hearing(s) the first draft of this report which includes all of the facts and reasons to support the decision is the Staff Report.
- At the Board of County Commissioner's hearing the Staff Report becomes the Planning Commission Report and includes any additional facts and reasons to the support the decision made by the Planning Commission.
- A final version which is the Board of County Commissioner's Report includes any additional facts and reasons to support the decision made by the Board of County Commissioner's.

(5) Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.

FINDING: The request is consistent with criterion (5).

- In a legislative hearing parties are those individuals and groups who have provided written comments or signed in and testified at one the hearings as well as all affected local, state and federal agencies.
- The second Planning Commission hearing was held on 7 June 2011. The Board of County Commissioners hearing is scheduled for 6 July 2011. Staff will be required to mail the Planning Commission Recommendation prior to 16 June 2011 to meet this criterion.

B. LUDO CRITERIA

1. Chapter 9 – Ordinance Amendments

a. Section 9.030 - Transportation Planning Rule Compliance

FINDING: Transportation Planning Rule Compliance was evaluated in V(A)(1)(e) above.

b. Section 9.050(A) Amendments to the Zoning Ordinance

Amendments to this Ordinance may be initiated by Resolution of the County Governing Body referring a proposed amendment to the Commission for its consideration, report and recommendation.

FINDING: The Wasco County Court (now Board of County Commissioners), in a resolution dated 1 July 2009, authorized the County Planning and Development department to initiate a Land Use and Development Ordinance Text Amendment to update Chapter 19 – Energy Facilities and associated chapters and to make other amendments appropriate for Wasco County. The proposed amendments shall be heard first by the Wasco County Planning Commission for their consideration, report and recommendation to the Board of County Commissioners. A copy of this resolution is located in the file.

c. Sections 9.060 Recommendation on Amendments to the Land Use and Development Ordinance.

After hearing, the Approving Authority shall recommend that the proposed amendment to the Zoning Ordinance be granted or denied. The Director of Planning or his assistants shall reduce to writing the Planning Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.

FINDING: The request is consistent with criterion c.

- The Planning Commission conducted a legally notified hearing on 3 May 2011 at 3:00 PM in the lower level classroom of the Discovery Center at 5000 Discovery Drive, The Dalles, Oregon. Staff presented their report and those in the audience had an opportunity to provide testimony.
- The Planning Commission conducted a second hearing (continuation of the first) on 7 June 2011 at 3:00 PM in the lower level classroom of the Discovery Center at 5000 Discovery Drive, The Dalles, Oregon. Staff present their report and those in the audience had the opportunity to provide testimony.
- Criterion c. was adhered to in two ways. The first was in the form of a notice of the Planning Commission recommendation to all persons who provided written comments or testified at either hearing and all affected agencies. This notice included a very brief statement indicating the recommendation.
- The second is in the form of this report should anyone wish to find a more detailed statement of facts. This report will be available on the Wasco County website before and after each hearing and upon request at the Wasco County Planning Department. This report will transform throughout the process according to the following:
 - At the Planning Commission hearing(s) the first draft of this report which includes all of the facts and reasons to support the decision is the Staff Report.
 - At the Board of County Commissioner's hearing the Staff Report becomes the Planning Commission Report and includes any additional facts and reasons to the support the decision made by the Planning Commission.
 - A final version which is the Board of County Commissioner's Report includes any additional facts and reasons to support the decision made by the Board of County Commissioner's.

d. Section 9.070 Notice of Planning Commission Recommendation.

Within ten (10) days of the final Planning Commission hearing, the Director of Planning or his assistants shall give notice thereof to any persons who signed in and testified at the hearing and to such other persons as may have requested the same in writing.

FINDING: Criterion d was met.

- All persons or agencies, or their representatives who submitted written testimony or provided oral testimony at either of the Planning Commission hearings or have requested to receive notification of the action of the Planning Commission **were sent a notice of the vote of the Planning Commission on XXXXX which is** less than 10 days after the final Planning Commission hearing on 7 June 2011.

e. Section 9.080, Action by County Governing Body

Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Governing Body act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.

FINDING: Criterion e will be met.

- The second Planning Commission hearing was held on 7 June 2011. The Board of County Commissioners hearing is scheduled for 6 July 2011. Staff mailed to mail the Planning Commission Recommendation on 16 June 2011 which is more than twenty (20) days prior to the Board of County Commissioners. At this hearing the Board of County Commissioners will take such action that they feel is appropriate and in the public interest.