

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, December 9, 2014, with the following present:

MEMBERS: Ken Wick
Chris Bullat
Ramona Phillips
Kim Tippet
Georgene Hanson

STAFF: Harold Black, Planning Director
Ashley Lee, Department Specialist

OTHERS PRESENT:

David Bright Joseph Resident	Phyllis Manes Joseph Resident	Jon Parks Joseph Resident	Bob Reading Joseph Resident	Beu Tippet Joseph Resident
J & R Lenahan Joseph Resident	Robine Parks Joseph Resident	Chad Nash Enterprise Resident	Katy Nezbit Observer Reporter	Mike Fluit Joseph Resident
Jody Riggs Wallowa Title Company	Ranh Hostetter Hays Representative	S Tollefson Hostetter Law Office	Blair Woodfield Walla Walla Resident	
Patty Glaze Lagrande Resident	Dale Potter Enterprise Resident	Ben Boyd Walla Walla Resident	Parley Pearce Walla Walla Resident	
James Monteith Joseph Resident	Rodd Ambrosion Joseph Resident			

KEN WICK, CHAIRMAN: [Introduced members and staff and read agenda.]

[Please note that draft and adopted findings, staff reports, written testimony, and the official Planning Commission meeting audio record are available for review and/or purchase in the Planning Department.]

Public Hearing Procedure

Ladies and Gentlemen, I call the regular December 9, 2014 hearing session of the Wallowa County Planning Commission to order. My name is Ken Wick, and I am the Chairman of the Planning Commission for Wallowa County, Oregon. The members of the Planning Commission are appointed by the Wallowa County Board of Commissioners and we all serve as volunteers. Now I would like to introduce the current members of the Commission who are present tonight, and the staff of the Planning Commission, who have prepared the materials we will consider. (Does introductions of members and staff).

Our role as commissioners is to conduct public hearings and to make decisions about land use matters in Wallowa county. You may already understand that we conduct two very different kinds of hearings-

legislative hearings and quasi-judicial. The processes for these hearing are different. On tonight's agenda we have the Hays Land Partition LP#14-13 and a few items of other business.

Hayes LP # 14-13

Harold Black presents the staff report for the Hayes Land Partition and no one has questions regarding his explanation.

Ken Wick asks the applicant to begin there presentation in relation to the Hayes Land Partition

Rahn Hostetter Reviews how and why Measures 37 and 49 came to be. Explained that the DLDC has already given approval for the proposed lots with single family dwellings. Mary Hayes was awarded the two dwellings and there for has the right to them. He feels that the only issues that the planning commission members have concern was the property development in Article 15.025. Rahn directly quoted what was listed in the article. Rahn stated that the proposed plans meet those requirements. They have the houses clustered and are 2 acre parcels each which also complies with the restrictions in high value farm lands even though this is not high value farm land. Non issues are in regards to the fact that this being such a historical property makes no difference. Issue of the irrigation ditch should not concern the commissioners it is a civil matter not a land use matter. Who profits from what should not be of concerns to any one but the land owners. Rhan then calls Jodi Riggs to testify as to who the owners of the property legally are according to the deeds,

Jody Riggs states that the Mary Hayes Estate and Eastern Oregon Development are both owners. Since Mary is deceased the living family member would be in ownership of the property and a legal signer for documents. Easter Oregon Development owns the house and 5 acres with development rights.

Ken Wick wants to clarify how the land would be owned after the Land partition and wants to clarify that the land would not be developed further.

Rahn Hostetter states that the house and approximately 142 acres would be owned by one person and the other two lots would be sold to build single family dwellings. The land would not be further developed with the current laws.

Ken Wick wants to make clear the that land could not be developed farther as it sits now.

Chris Bullat Asks to re state how it will be divided if the land partition is approved so that every one is clear. And how the road accesses will be maintained

Ken Wick States that it would have to meet road standard that currently exist for emergency standards.

Rahn Hostetter Agrees with that and states the both parcels would agree to a conditions to follow current road standards. States that is all that he has for his presentation.

Harold Black there are no letters in favor to read there for opposition testimony is to be heard

Ken Wick asks anyone that has an opposition to please come forward at this time.

John Lenahan concerned about Rahn stating that there will be no more development based on current rules, and questions if they were to rezone it could farther development occur?

Harold Black states that yes "IF" it could be rezoned there would be potential for more development but it would be very difficult for this particular property.

John Lenahan asks if the documents given to the commissioners was tabbed exactly as his were when submitted to the office. And if not why they were not tabbed.

Harold Black The forms as copied are not tabbed. If he wanted them tabbed he could submit tabbed copies to the commissioners. All of what he submitted is there in order.

John Lenahan wants to voice his concerns regarding the Hayes Partition which are all addressed in his letter and the documentation that follows it. Top points were previous appeals, ownership, conditions that could apply to the home sites and ditch, and how the proposed sites are in respect to the ditch location. He wants to highlight the conflict of property ownership and transfers with validity to the measure 49 claim, proposed siting has impact on Cove Ditch, he believes there are conflicts to the measure 49 guidelines, and wants protections for the ditch and the rights to the ditch. Not in his written submission but has come to his attention recently there is a pressurized pipeline that needs to be addressed and if it goes through the proposed sites. He wants the commissioners to consider visiting the site to see how the proposed sites sit on the property and there location in relation to the ditch. Wants the commissioners to consider alternate site locations during there site visit. Also referencing ORS 197.763 Subsection 6 conduct of notices, he feels that the guidelines were not followed properly. Stresses that 100 feet from the Ditch may not be far enough of a buffer either.

Ken Wick asks how the pipeline is fed

John Lenahan says that he believes it to be a booster pump.

Chris Bullat asks to know who legally owns the ditch

Ken Wick states the Rahn Hostetter should address that in the rebuttal Mr. Wick asks Mr. Lenahan if he is done with his opposition and he says yes Mr. Wick calls for the next person with opposition to be heard.

David Bright Read of his letter about his background here in the county, states that he is concerned about the protection and water rights to the ditch. He would like to see similar wording in the new application as there was in the previous application regarding the ditch. Wants to know about the possibility of rezoning to further develop the land. Calls this a "backdoor means to development". Believes that there may be better suited areas for the two parcels. And quotes his letter regarding where the better sites may be and why they may be better. Focusing on the clustering of the houses to minimize impact on farm land. Voiced the opinion that he doesn't feel his voice is heard and he

doesn't like the process and length of paperwork.

Harold Black states that though he can not grantee that it can not be re-zoned it would however be extremely difficult. References the land out side of Enterprise that was re-zoned and how difficult that was even though it was not the best farm land In the Hayes case this is irrigated farm land that has always been used for farming therefor would be extremely difficult to re-zone.

David Bright is interested in what the long term intentions are and if we question those

Harold Black states that we don't look at that we look at the present proposal.

Ramona Phillips Asks why ditches are not addressed in this application

Ken Wick states that it doesn't have to be. This is an entirely new application.

Harold Black reads the previous ditch verbiage as it appeared the last time around.

Ken Wick states that it looks like they need to potentially address the ditches. Ken also has Mr. Bright mark on the map which property is his.

David Bright does so and states that there is no need to read his letter for the record since he has testified in person.

Ken Wick calls anyone else to testify.

Rod Ambroson as a neighbor he agrees with what has been brought up by the other in opposition.

Robine Parks agrees with what the others have said and to disregard the letter she submitted since the others have addressed all of the issues.

David Bright wants to add that is he is not opposing that the dwelling be allowed just opposes the siting of them.

Gorgene Hanson Asks about the idea of a site visit.

Ken Wick talks about a site visit and what needs to be discussed for conditions that would apply. Then asks for any final testimony.

Chad Nash Is concerned with the ability to maintain the ditch from a machine operator perspective. This ditch is a difficult ditch to maintain the banks of. Need to keep that in mind when placing the houses so that there is enough room for equipment and how it may affect the new houses. If there will be future issues with the ditch or flooding of other ditches based on the impact that the houses may have on the ditch.

Harold Black Reads the Sam's letter, the emailed letter, Monteith and Duncrack letter for the record.

Ken Wick Gives the opportunity for the rebuttal.

Rhan Hostetter Commends the planning department for following proper procedure and that the tabbing brought up by Mr Lenahan should not have be the department's responsibility. States that there are no and there never have been any easements for the ditch and its uses and there have never been problems before. Reminds everyone that easements like this are not up to the planning commission to decide but that easements are a civil issue that would be decided by a circuit court judge. The pipeline is only the owners business as well as the roads and any investments made are the owners business and no one else. A site visit would be allowed by the land owners for the planning commissioners to look at where the sites are. There is no legal base or statute to impose the trib involvement if there were any artifacts or graves found state law would be followed.

Ken Wick asks Rahn to point out on the map where the pipeline is on the map so that it can be seen in relation to the sites

Georgene Hanson Motion to Close.

Chris Bullat seconds the motion [Motion Passes 5-0-0]

Open Discussion

Chris Bullat is interested in doing the site visit and needing more time to review all the information.

Ken Wick agrees that the site visit would be a good idea for the commissioners. To look at the placement fo the houses to the ditch. Realizes that the ownership has been addresses and that the commissioners may need to look at the roads and conditions for them, the ditch and maintenance that may need addressed.

Chris Bullat Wants to look at clustering and if they should be clustered together as they are or if they need to be clustered with the current house.

Harold Black in measure 49 condition 12 parcels do need to be clustered but they do not have to be clustered with the existing house.

Ken Wick believes that the site visit should be done and see no reason for the tribe to be addressed. The septic systems and the run off are managed by the state not the planning commissioners there for that is not an issue

Chris Bullat motions to do a site visit and a continuance until the January 27th, 2015 planning meeting.
Ramona Phillips Seconds the motion. [Motion approved 5-0-0]

Planning Commissioners agree meeting at the Hays property on Monday December 15th, 2014 12:00 pm for site visit.

This site visit will only include the commissioners. John Lenahan wants to be included but that is up to the owner and they indicate no.

Other Business

The **Planning Commission** discusses green houses at the lake for commercial use and that they may have to go to public hearing if the buildings will be for public use and for a business.

The **Planning Commission** Discusses vacant seats and who they may be able to get into those seats. that those needing reappointed by the commissioners would be done at the next Board of Commissioners meeting. Need to decide who will be the Chairman and 2 vice chairman for the next year.

Georgene Hanson motions to keep Ken Wick as Chariman
Chris Bullat Seconds that motion [**Motion Passes 5-0-0**]

Georgene Hanson Motions for Ramona Phillips to be a vice chairman
Ramona Phillips Motions for Georgene Hanson to be the second vice chairman

Chris Bullat Seconds those motions [**Motion Passes 5-0-0**]

Minutes

Georgene Hanson moves to approve the August 26, 2014 minutes as written.

Kim Tippett seconds the motion. [**Motion passes 5-0-0**]

Ramona Phillips motions to close the meeting

Kim Tippett seconds the motion. [**Motion passes 5-0-0**]

There being no further business before the commission, the meeting was, on motion duly made and seconded, adjourned at 9:30 p.m.

Ashley D Lee
Department Specialist

Date