

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, February 28, 2012, with the following present:

MEMBERS: Ken Wick
David Flynn
Benjamin Curry
Georgene Henson
Scott Lathrop

STAFF: Harold Black, Planning Director
Chrystal Allen, Permit Tech

OTHERS PRESENT:

Dave & Connie Howell
Cove Resident

Rebecca Knapp
Howell Representative

Katy Nezbett
Observer Reporter

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 February 28, 2012 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).

We conduct two types of hearings, legislative and quasi-judicial. Legislative hearings involve the making of rules, either new ones or revisions to existing rules. In these cases we recommend our conclusions to your elected lawmakers, the County Commissioners, who always take the final action on legislative issues. Oregon law requires that persons who attend a land-use hearing be advised of certain rights and duties before the quasi-judicial hearing begins. We must tell you about approval criteria, the raise-it-or-waive-it rule, and the right to have the record left open. First approval criteria: the law requires the County to list the applicable County and State zoning criteria. A County Planner will do so in a few minutes. The law requires us to identify those standards which an applicant must satisfy in order for the County to approve an application. Each of the standards must be supported by substantial evidence in the record. Make sure to direct your testimony, claims, or evidence toward the criteria stated by the Planner or any other criteria which you believe applies to the application.

Second, the raise-it-or-waive-it-rule. The law says that any issue which might be raised in an appeal of the decision after this hearing must be raised before the record of this hearing is closed. If you do not raise the issue before the record is closed, you cannot raise the issue on appeal. You must identify the issue clearly enough so that the County and all parties have an opportunity to respond to the issue. Third, the right to have the record remain open. The law grants the participant the right upon proper request to have the record of the hearing remain open for at least seven days. The request must be made before the conclusion of this hearing. The participant is the applicant or anyone who has submitted written or oral testimony regarding the application. The request may be made at any time during the initial hearing, but must be made prior to the time the Planning Commission Chair announces that the hearing is closed. Once the hearing is closed, there is no longer a legal right to have the record remain open for additional evidence.

Howell CUP#12-01

Harold Black presents the Howell Staff Report dated February 8, 2012 and attachments.

Rebecca Knapp states her name and address for the record and explains that she is representing the Howells in this matter. Knapp states that although location A is preferred, the Howells are willing to use proposed site B if the Oregon Parks and Recreation Department do not oppose this application. Knapp explains that the Howells are confident that the soils will qualify for a septic system and further explains that they may decide to use an alternative type system if DEQ grants their approval. Knapp presents a letter written to Shad Hatton dated February 28, 2012, the Howell Management Plan, and a letter from Steve Meyer with the Oregon Department of Forestry.

Dave Howell states his name and address for the record and explains that he has waited for a full year for the Government to buy his property but they have not, which has cost him the loss of his property manager and rental income. Howell agrees that the existing camp trailers located at site A don't fit in and feels that cabins would blend in better as they will be brown with green or brown roofs. Howell explains that the cabins can be seen from the river on site B but not easily. Howell states that he intends to use a spring for his water source which originates and does not leave his property. Howell states that he is willing to remove existing camp trailers if the proposed cabins are approved and further explains that he lets the Oregon Fish and Game access property and leaves his gate open all the time.

David Flynn asks Howell if commercial guides will use this property.

Dave Howell replies that yes, commercial guides will use his property as he does not prevent anyone from using his property for camping or fishing.

The **Planning Commission & Howell** discuss possible locations for a public rest room.

Testimony in Opposition

Harold Black reads letters submitted by **Hanley Jenkins** dated February 28, 2012, and **Nat Rich with Tripalong Ranch** dated February 28, 2012 into the record.

Testimony in Support

Harold Black reads letters submitted by **Ted Davis with BLM** dated February 24, 2012, and **Greg Ciannella with the Oregon Parks & Recreation Department** dated February 28, 2012 into the record.

Rebuttal

Dave Howell states that Nat Rich's house is visible from the river and further explains that the cabins, if located on site B, will be less visible.

The **Planning Commission and Staff** discuss proposed site location A vs B and agree that the State acquisition process deadline has passed and that site B is the preferred site location and further commend Howell for the "park like" condition of his property.

The **Planning Commission and Staff** discuss possible conditions and agree to add a condition requiring removal of the existing camp trailers located in the site A location and to remove the water condition under condition # 8.

Scott Lathrop moves to approve the application with suggested conditions.

Georgene Henson seconds the motion [**Motion passes 5-0-0**]

Other Business:

The **Planning Commission, Wallowa County Board of Commissioner Paul Castilleja, and Harold Black** discuss an issue relating to a dispute between a property owner and realtor. The property owner has issue with a real estate sign being located on her property within the County road right-of-way. The Planning Commission feels that this is a civil issue, however, agree to read the sign Article and to discuss at the next meeting. Harold Black agrees to meet with the parties along with Commissioner Castilleja to try and reach a compromise.

Harold Black presents the Perry Escrow Agreement to the Planning Commission for their review. **Georgene Henson** recuses herself from this discussion.

The **Planning Commission and Staff** discuss the Planning Commission vacancy and agree to email suggestions to Harold Black.

Minutes

Ken Wick states that he did not second the motion to approve the November 29, 2011 minutes as suggested on page 3 of the January 24, 2012 minutes . After some discussion, it was agreed that Benjamin Curry seconded the motion.

Benjamin Curry moves to approve the January 24, 2012 minutes with suggested correction.

David Flynn 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 9:00 p.m.

Chrystal Allen
Permit Technician

Date