

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, February 26, 2013, with the following present:

MEMBERS: Ken Wick
Sterling Shetler
Georgene Henson
Scott Lathrop

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

OTHERS PRESENT:

No Audience present

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 26, 2013 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.

Hayes ZC#12-02

Harold Black presents the Findings of Fact dated February 6, 2013.

Scott Lathrop moves to approve the Findings of Fact as presented.

Sterling Shetler seconds the motion. [Motion passes 4-0-0]

Other Business

The **Planning Commission** and **Staff** discuss an unpermitted home based bakery and determine that the bakery may be exempt from planning permits. The Planning Commission and Staff further discuss scrap metal recycling activity being conducted on private property within the Exclusive Farm Use (EFU) zone and agree that this activity is prohibited in the EFU zone. Harold Black agrees to contact the property owner.

Minutes

Sterling Shetler moves to approve the minutes of November 27, 2012, with included revisions, and January 29, 2013 as presented.

Scott Lathrop seconds the motion. [Motion passes 4-0-0]

There being no further business before the commission, the meeting was, on motion duly made and seconded, adjourned at 8:00 p.m.

Chrystal Allen

Permit Technician

Date