

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, January 26, 2016, with the following present:

MEMBERS: Ramona Phillips
Jim Nave
Chris Bullat
Kim Tippet
Georgene Henson

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

OTHERS PRESENT:

Deanna VanDoozer
Applicant CUP 16-02

David VanDoozer
Applicant CUP 16-02

Ramona Phillips, VICE CHAIR: [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 January 26, 2016 hearing session of the Wallowa County Planning Commission to order. My name is Ramona Phillips, and I am the Vice Chair 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. Legislative hearings involve the making of rules, either new ones or revisions to existing rule-in these cases we act as "lawmakers" and recommend our conclusions to your elected lawmakers, the County Commissioners, who always take the final action on legislative issues. On tonight's agenda the items that we have before us are legislative and quasi-judicial we will hear a staff report on each matter, call for public comment, ask questions, and then consider our decision. State ethics rules apply to us as decision makers of course, but we do not need to disclose ex-parte contacts no are we required to be unbiased on legislative matters. We behave as legislators, representing out point of view and that of our constituents, and make recommendations that we believe are in the best interest of the people of the county.

Quasi-judicial hearings, by contrast, involve the application of existing rules to specific cases or proposals-in these cases we act and judges and compare the facts to the applicable criteria and rules. We make final decisions on such matters, but our decisions may be appealed, subject to written procedures, to the County's Board of Commissioners and additional higher authority. On tonight agenda, Enterprise Water Tower is a quasi-judicial. I will now explain the procedures for hearings on quasi judicial matters.

In decisions on quasi-judicial matters, we must apply the laws and rules of Wallowa County and the State of Oregon and we cannot vary from or change those laws. If you think the law should be changed you can work with the County or State to do that, but State law provides that applications must be judged based on the law that existed at the time the application was filled.

Members of the Planning Commission are to be unbiased(like Judges). Before the start of the hearing on each quasi-judicial item, I will ask the members of the Planning Commission whether they have any potential conflicts, such a family, financial, or business relationship with any of the applicants or with the land in question. If such a potential conflict exists, I will ask whether the commissioner in question believes he or she is without actual bias or whether he or she would like to step down from the Planning Commission during that case.

I will also ask whether any of the Planning Commissioners have had ex-parte contact to report-that is whether they have discussed the application in question with any parties or have independent knowledge of relevant facts, such as from a visit to the site in question. If any of the planning commissioners have such contact or knowledge, i will ask the Planning Commissioners to share the substance of that information with us, so that we can all make judgment from the same base of information. At that time, a person may challenge the impartiality of a Planning Commissioner. Later during testimony, any person may rebut the substance of the Planning Commissioner's statement regarding knowledge of the facts and the commissioner may respond to such a challenge. A copy of these rules of procedure, an agenda for tonight's meeting, and copies of staff reports on each item are available here tonight. We will consider each quasi-judicial case one at a time in the order listed on the agenda.

I will begin each case by asking our staff to summarize their written report. Then the applicant and those in favor of the application testify orally or in writing. Then witnesses who oppose the application or who have questions or concerns testify, again either orally or in writing. If there is opposition or there are questions, the applicant will be given an opportunity to respond to provide rebuttal. The Planning Commissioners also may ask the staff and the witnesses questions throughout the hearing until the record closes. If a witness introduces new evidence in response to opposition or questions, others may respond to the new evidence however, there shall be no audience cross-examination of any witness. Then the applicant can make a closing statement that does not introduce new evidence. I will then close the public testimony phase of the hearing and The Planning Commission will deliberate about what to do with the application. During deliberations, the Planning Commission may re-open the public portion of the hearing if necessary to receive additional evidence before making decision

Any person with an interest in tonight's agenda may offer relevant oral or written testimony. But please only speak after being recognized by me and then come up here before the microphone and testify, after stating your full name for the record. Please spell your last name and give your address. If you represent someone else please say so. If you have any exhibits you want us to consider, such as a copy of your testimony, photographs, petitions, or other documents or physical evidence, please give it to me so we

can mark it and enter it into the record. The planning staff will keep exhibits until appeal opportunities expire, but you can ask that exhibits be returned.

Please be sure to direct your testimony and evidence to the applicable substantive criteria presented in the staff report or other criteria in the land use plan or land use regulations which you believe to apply to the decision.

Please do not repeat testimony offered by yourself or earlier witnesses. If your testimony appears to be irrelevant to the applicable criteria or repetitious, I may interrupt and ask that you continue with another subject.

You must testify orally or in writing before the close of the public record to preserve your right to appeal our decision to the Wallowa County or the state Land Use Board of Appeals, also known as LUBA. You must raise an issue clearly enough so people can understand what it is and offer evidence in response or else you cannot raise that issue on appeal.

It is important that you make your best case to the Planning Commission, because, although all of our decisions are subject to appeal, an appeal may be decided solely on the evidence in the record before us. If you feel you need more time to prepare or gather evidence, you can ask the Planning Commission to hold open the record or to continue the hearing. You must make that request before we close the public portion of the hearing.

If the Planning Commission decides to hold open the record, you can submit additional written testimony and evidence into the record before the Commission makes a decision.

If the Planning Commission continues the hearing it means oral and written testimony, including new evidence, can be offered at the future hearing.

Whether or no the hearing is continued or the record is held open for any other reason, state law provides that we must hold open the record for at least 7 days after it is closed to all other parties to allow the applicant to submit final written arguments in support of an application unless the applicant waives that right.

We must also comply with state law that requires the County to make a final decision, including all local appeals, within 150 days after the County staff found the application was complete, unless an applicant waives that right. So we cannot hold the record open for very long in most cases.

This hearing will be held in an orderly fashion and no audience demonstration or other conduct that could disrupt this hearing will be permitted. Unrecognized comments from the audience will not be part of the record.

This concludes the introduction to procedure. Questions regarding the conduct of this hearing shall be addressed to the Chairman at this time. If there are no questions, the hearing shall proceed.

Harold Black asks that the commissioners consider moving Johnson's CUP 16-01 to item number two on the agenda since they have requested a continuance until next month, this also needs a vote to allow the continuance. Also want to add the electing of officials to the agenda under the other business.

Chris Bullat motions to move the Johnson CUP 16-01 to item two on the agenda

Kim Tippet seconds the motion [**Motion Passes 5-0-0**]

Georgene Henson motion to continue the Johnson CUP 16-01 until next month

Kim Tippet seconds the motion [**Motion Passes 5-0-0**]

Georgene Henson motion to add electing officials to the other business section on the agenda

Kim Tippet seconds the motion [**Motion Passes 5-0-0**]

Ramona Phillips states that the minutes are on the agenda first tonight. Commissioner Phillips asks if anyone in has issues with the meeting minutes from last month.

Chris Bullat moves to approve the minutes as written.

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

VanDoozer CUP #16-02

Ramona Phillips ask that Harold Present the Staff Report.

Harold Black reviews the Staff report proposing that the VanDoozer' s be allowed to have a bed and breakfast and have commercial sales for there current bakery.

David VanDoozer states his name and address for the record. Mr VanDoozer goes over there plan for bed a breakfast as well as the retail store and there plans for both. Explaining how the property is set up nicely for this situation.

Ramona Phillips is interested to know how many bed rooms they would use for the bed and breakfast.

David VanDoozer said that up to 4 if they split the two large rooms into two rooms. They want to give guests the real farm feel.

Georgene Henson asks about the parking at the property.

David VanDoozer explains that they circle drive and the gravel area to be finished off for parking right next to the entrance of what will be the retail store.

Chris Bullat questions the certified bakery and whole sales permit, are there restroom facilities, farm stand is listed on the application does that mean there is an additional stand?

David VanDoozer explains the permit for the wholesale bakery are through the state and already approved, there are no restrooms in the retail area but they have talked with Rhan Sanitary about potable stations outside, and there wont be a stand just the retail store in the bakery area.

Harold Black explains that the use of the word farm stand was just a miss use of words there will be no farm stand just the little retail store to sell bakery and farm related food items.

Chris Bullat suggests that there is a stipulation that this CUP stays with the applicant not with the property so that if someone else wants to run this business they must take application up with the planning commission to be sure that the next person is continuing in the same manner.

Harold Black reads the letters in favor of approval from Efrain Suarez and then reads the letter of opposition from Dick and Kerry Tienhaara. Mr Black also suggests an additional condition that there be a conflict acknowledgment statement be included to show that farm use comes first in this county.

David VanDoozer response to the Tienhaara letter explaining that there have been some conflicts due there dog eating his wives chickens. The driveway issue is resolved in the fact that the Tienhaara's driveway is on a different road then his and that they have more then sufficient parking to keep people off of the street.

Chris Bullat asks him about signs he may have

David VanDoozer states that they will have a sign at the main road and the entrance to the property but the signs would be compliant with the sign article.

Georgene Henson motions to close the public portion of the hearing

Kim Tippet seconds the motion [Motion Passes 5-0-0]

Chris Bullat would like this to be approved as long as the two conditions discussed are included

Georgene Henson says she is willing to approve as well with the two conditions.

Chris Bullat motions to approve the application with the conditions of adding the conflict acknowledgment statement be included as well as the permit staying with the owners not the property

Kim Tippet seconds the motion [Motion Passes 5-0-0]

Harold Black states that findings will be drafted for the February 23, 2016 Meeting. There will be 12 dat appeal period after the findings are signed next month.

Other Business

The **Planning Commission** Votes for the election of officers by consensus

Kim Tippet motions to elect the following officer positions as shown below:

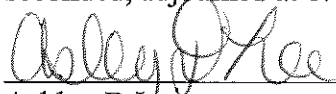
- Chair- Ramona Phillips
- 1st Vice Chair- Georgene Henson
- 2nd Vice Chair- Chris Bullat

Jim Nave seconds the motion [**Motion Passes 5-0-0**]


Chris Bullat motions to close the meeting.

Kim Tippet 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 8:40 p.m.



Ashley D Lee
Department Specialist



Date