

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, January 27, 2015, with the following present:

MEMBERS: Ken Wick
Chris Bullat
Ramona Phillips
Kim Tippett

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

OTHERS PRESENT:

David Bright
Joseph Resident

Bob Reading
Joseph Resident

Beu Tippett
Joseph Resident

Chad Nash
Enterprise Resident

Blair Woodfield
Walla Walla Resident

Rahn Hostetter
Hays Representative

S Tollffson
Enterprise Resident

Katy Nesbit
La Grande Observer

Elaine Albrich
Lenahan Representative

Mike Fluit
Joseph Resident

John Lenahan
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 January 27, 2015 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 site visit documents which show pictures of the site visit and reviews the purposed conditions.

Ramona Phillips asks if the set back is 1000 feet.

Ken Wick replies no, there is a 100 foot set back.

Elaine Albrich explains that regarding matters of procedure there were no disclosure of ex-parte contact which were not disclosed for the record, and did not provide a summary of what was discussed, seen, or heard among them with an opportunity to respond. Albrich states that the record should be left open for responses and review. Albrich requests a continuance, the opportunity for discussion, and to look at the substance of the file and new evidence with an opportunity to respond.

Harold Black asks if his email is not an acceptable form of explanation.

Elaine Albrich states the email was from staff, and believes it should to come from the commissioners themselves and would like further dialog from the commissioners and believes that the commissioners lack engagement and involvement in the review of the file. Wants to hear from the commissioners themselves for the record and open the discussions up for response regarding the new evidence.

Ramona Phillips feels that she is independent and asks questions.

Ken Wick reads the ex-parte contact requirements into the record. Wick felt it was not necessary to go to the site visit. Wick explains that a request can be made to have the record opened and asks if that's what they would like to do.

Elaine Albrich replies yes, that is what she would like to do in order to go over additional evidence and respond to the site visit.

Ken Wick asks that the commissioners disclose what their site visit experience was. And if they have grounds to open the hearing back up for discussion.

Harold Black thinks that the commissioners should speak to the questions of what they learned on the site visit before addressing anything about opening the floor back up for discussion.

Rahn Hostetter states that he would like a clean record. Disagreed with the participation aspect and that the commissioners do a fantastic job. He does agree that the commissioners need to speak about there own experience regarding the site visit. Agrees that they should have an opportunity to comment but on that limited topic of the site visit but not open the record completely.

Ramona Phillips goes over her site visit. Got a better idea of the lay out visually. Goes over the pictures and what she saw at the site. How the parcels are laid out, and steep slopes to the ditch. Helpful for her to see it and she takes this seriously and states that she asks questions and is involved in the conversations.

Chris Bullat goes over his site visit and discusses the length of the access and expresses disappointment that there were no corners marked on the lots. Bullat felt the general area was not specific, however, was glad to see the 100 foot set back.

Ken Wick asks if there is a request to reopen the hearing.

Rahn Hostetter request the record be opened but only to discuss what they have heard.

Harold Black recommends not opening.

Ken Wick would like to be cautious and open it for discussion.

Chris Bullat makes a motion to open the record for new information.

Kim Tippet seconds the motion. [Motion passes 4-0-0]

Rahn Hostetter states that the stakes are not there, and are not required until the partition is approved and the survey is done. Hostetter would also like to point out that everyone including county counsel was careful to not have ex-parte contact.

Ken Wick calls Elaine Albrich to discuss her comments.

Elaine Albrich hands out discussion packets regarding the site visit and orientation on the land. Albrich outlines her submission and goes over the hand out with the commissioners. Albrich briefly discusses the access roads, and the development on the Non-Measure 49 property and notes sections 6 and 12. Albrich states that there are better locations for the proposed parcels and suggests they be moved.

John Lenahan passes out his handout showing pictures of equipment and ditch repairs. Went over page by page the pictures and the ditch repair that is often needed, and explains that the fences should not be to close to the ditch.

Elaine Albrich hands in the written material for the record.

Chris Bullat asks about legal ditch right away.

John Lenahan replies that there is not a legal recorded right-of-way but it has been understood for maintenance in years past.

David Bright explains that the ditch has been a community effort to maintain which has lessened over the years. Asks about ditch verbiage and if they can put in there something with meaning.

Ramona Philips asked if they can include some verbiage from one of the attorneys or from the previous application.

Rahn Hostetter states that the testimony presented was in more detail than what the motion allowed. Hostetter explains that it is none of anyone's business what they want to do with their own land regarding the ditch. It has always been functioning and is fine. Ditch is still an irrelevant issue for this commission and feels this is a circuit court issue. Run off is not an issue since the current run off is from the farming no additional issues would be caused by dwellings. The siting that counsel made does not apply to this situation since the set backs are the only thing they have to comply with and they go above the standard. Access road is not an issue. Measure 49 is being followed and Hays are allowed to do what they are doing, and are following the standards.

Elaine Albrich brings up the Yanke case as it relates to them moving their parcels.

Rahn Hostetter replies to Albrich that DLCDC can not decide where they go.

Harold Black asks Hostetter what the proposed setback is to the ditch.

Rahn Hostetter replies that they are set back 25 feet, and adds that even with the new parcels and new owners they still need Hayes' permission to come on the land.

Ken Wick asks questions about page 2 and would like a few questions answered by a third party.

Ramona Philips clarifies the set backs for the property lines.

Chris Bullat moves to close hearing.

Ramona Philips seconds the motion [Motion passes 4-0-0]

Ken Wick feels that the Planning Commission does not have jurisdiction on the ditch. Property lines will be 25 feet from the ditch allowing room for repairs. Then the permanent structures are 25 more feet from the property lines but in EFU permanent structures will have to be 100ft from the ditch.

Ramona Philips asks if the water master might need to answer the questions regarding the ditch. Do they have the authority to move the sites, or as long as they are clustered they are where there are.

Harold Black states that they are only required to make sure they are clustered.

Chris Bullat asks if we have a legal right to increase the property set back so that fences are not to close to the ditch.

Kim Tippett states that it does not matter if the property is 25 feet or 100 feet from the ditch, the house still is not moved more than 25 feet.

Ken Wick feels that 25 feet should be enough room for ditch repair, however and the ditch doesn't matter to us so we need to move on. The sites are clustered so that is not an issue. DLCDC needs to be asked about the road Development on the Non-Measure 49 claim property.

Harold Black states that he will ask DLCD about the road and if it is okay to be improved for the claim even though it passes over the home stead sight and will ask the Water Master about the ditch rights and set backs.

Ken Wick asks for a motion to continue so that questions can be answered.

Ramona Phillips moves to continue the hearing.

Chris Bullat second the motion [**Motion Passes 4-0-0**]

Next meeting will be Tuesday February 24, 2015

Other Business

The **Planning Commission** discusses trying to get Ben Curry to return to the Planning Commission on and appointed by the next meeting.

The **Planning Commission** discusses that Ramona Phillips and Chris Bullat have both been reappointed by the Board of Commissioners for their positions on the Planning Commission.

The **Planning Commission** discusses the Bike Path and how it will need to be added supplementary to the Transportation Plan. It changes the Comp plan and protections for the area.

Minutes

Chris Bullat moves to approve the minutes with a few name corrections.

Ramona Phillips seconds the motion. [**Motion passes 4-0-0**]

Chris Bullat moves to close the meeting.

Ramona Phillips 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 9:15 p.m.

Ashley D Lee
Department Specialist

Date