

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, July 28, 2015, with the following present:

**MEMBERS:** Ken Wick  
Jim Nave  
Chris Bullat  
Kim Tippett

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

**OTHERS PRESENT:**

Cindy Griffith Lake Resident	Emmet Wold Lake Resident	Bill Whittemore La Grande Resident	Steve Anderson La Grande Resident
Mike Lockhart Lake 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 March 31, 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. 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 and 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.

**Ken Wick** states that the minutes are on the agenda first tonight. Commissioner Wick asks if anyone in the audience has any questions or issues with last month's meeting minutes. No one has issues.

**Chris Bullat** moves to approve the minutes as written.

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

### Wallowa Lake Tramway Subdivision SUBD15-01

**Ken Wick** asks for the findings to be presented.

**Harold Black** reviews the Findings and asks if there are any questions.

**Emmet Wold** says that he never received a notice from the planning office and that he wants to voice his concerns.

**Harold Black** verifies that according to all of our record there was a notice sent to the address that they have on file for their taxes. This address is verified that it is his mailing address.

**Ken Wick** clarifies that the planning commission can listen to the testimony and then decide whether or not to add it to the record officially. The Commissioners agree to hear the testimony and decide if it is new information to add to the record.

**Emmet Wold** is concerned with the parking for the tram and the dust that the road may create and wants there to be stipulations for road maintenance.

**Ken Wick** does not think that the concerns are new or different than what is already on the record and that they don't need to open the record.

**Kim Tippet** motions not to open the record

**Chris Bullat** seconds the motion [Motion Passes 4-0-05]

**Ken Wick** asks for a decision on the findings.

**Chris Bullat** motions to approve the Findings for SUBD 15-01

**Kim Tippet** second the motions [Motion Passes 4-0-0]

**Harold Black** discusses over the process for appeals.

#### Other Business

The **Planning Commission** discusses the Point of Connections Halfway house idea and where they are on that, Harold is working on it.

The **Planning Commission** discusses FEMA and the regulation changes that are coming down the line and that commissioners will be informed as information is available.

**Chris Bullat** motions to close the meeting.

**Kim Tippet** 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 7:45 p.m.

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Ashley D Lee  
Department Specialist

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Date