

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, June 24, 2014, with the following present:

MEMBERS: Ken Wick
Chris Bullat
Ramona Phillips
Kim Tippett
Sterling Shetler
Georgene Henson

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

OTHERS PRESENT:

Stephen Tollefson Enterprise Resident	Jack Conley Wallowa Resident	Bruce Dunn Enterprise Resident
Mildred O'Callaghan Joseph Resident	Rahn Hostetter RY Timber Representative	Sarah Salim Enterprise 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 June 24, 2014 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.

Carlson/Lochert CUP #14-02

Harold Black presents the Carlson/Lochert CUP #14-02 Findings of Fact dated June 24, 2014.

Sterling Shetler moves to approve the findings as written.

Chris Bullat seconds the motion. [Motion passes 6-0-0]

Jackman CUP#14-03

Harold Black presents the Jackman Staff Report dated June 24, 2014 and attachments.

Sarah Salim states her name and address for the record and explains that she is David & Christine Jackman's daughter and further explains that although Jason Cunningham takes care of most of the cattle, she needs to be present on the property because her parents are in Kansas most of the time.

Chris Bullat asks Salim why they need a second accessory farm dwelling.

Sarah Salim replies that her parents are gone more now and the business has grown. Salim further explains that her sister, who currently lives in the second home on the property, has schizophrenia and needs care.

The **Planning Commission** and **Sarah Salim** discuss the real need for help on the farm as it relates to the relatively small acreage and minimal number of animals located on the property.

Ramona Phillips moves to close the hearing.

Kim Tippett seconds the motion. [Motion passes 6-0-0]

The **Planning Commission** and **Staff** discuss the previously approved accessory farm dwelling approval and the mostly vacant main home also on the property and determine that the need to care for a relative does not fall under this application criteria and feel that there is not enough property or animals to justify a second accessory farm dwelling. The Planning Commission further agree that, although there may be a need to provide care for a relative, they do not want to set a precedent by approving this application under these provisions and suggest that Salim move into her parents vacant home or possibly add on to the existing accessory farm dwelling.

Chris Bullat moves to deny the application.

Kim Tippett seconds the motion. [Motion passes 6-0-0]

Yanke ZP#13-62, ZP#13-63, & ZP#13-64

Harold Black presents the Yanke Staff Report dated June 24, 2014 and the Supplemental Staff Report dated June 24, 2014 and attachments. Black states that they can require clustering of the homes and feels that a site visit would be beneficial and further believes a cultural archaeological study should be done.

Bruce Dunn states his name and address for the record and explains that they intend to create a management plan for the home sites and will have a cultural archaeological study done. Dunn feels that the conditions for the proposed homes should be based on their design and should not be limited in size. Dunn states that he will take anyone up to the proposed home site locations if given a few days notice. Dunn explains that it would not take much to improve the access roads and further states that the most difficult improvement will be installing utilities and water but feels they can either install holding tanks which can be filled from springs or can drill a deep well.

Chris Bullat asks Dunn if any of the homes are sold yet.

Bruce Dunn replies that no, they are not yet on the market.

Rahn Hostetter states his name and address for the record and thanks the Planning Commission and Director Black for providing an objective and unemotional review process. Hostetter explains that he would like to provide some tweaks to the proposed conditions of approval, found in the Staff Report, as follows:

1. Include the word "siting" in the last sentence of the second paragraph under #7 Staff Comments.
2. Add a sentence stating "When applying the siting and developmental criteria, the conditions can not result in the affect of prohibiting a dwelling."

Rahn Hostetter states that they have an issue with the proposed homes size restriction and would like

proposed conditions 2 & 3, with the exception of the 25' height restrictions, stricken. Hostetter explains that the proposed home sites will most likely not be visible from the highway. Hostetter further states that, although the allowed time to review these applications has passed, they will not make an issue out of the time limits.

The **Planning Commission, Director Black, and the Applicant** discuss possible site visit dates and agree to meet at the public restrooms in Joseph on July 15th at 1:00pm.

Harold Black presents letters from **DLCD** dated June 23, 2014 and **ODF&W** dated January 28, 2014 [Copies of the before mentioned documents can be viewed in the Planning Department]

Mildred O'Callaghan submits a letter of opposition into the record.

Georgene Henson moves to close the hearing.

Chris Bullat seconds the motion. [Motion passes 6-0-0]

Kim Tippett moves to continue this hearing to the regular July 29, 2014 Planning Commission meeting.

Ramona Phillips seconds the motion. [Motion passes 6-0-0]

Other Business

The **Planning Commission** discuss the Commission vacancy and possible candidates.

The **Planning Commission** discuss their liability coverage under the County's insurance and ask Staff to clarify with County Counsel the extend of coverage and requests a copy of the County's policy.

Minutes

Chris Bullat moves to approve the May 27, 2014 minutes as written.

Sterling Shetler seconds the motion. [Motion passes 6-0-0]

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