

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, June 30, 2015, with the following present:

**MEMBERS:** Ken Wick  
Ramona Phillips  
Chris Bullat  
Kim Tippet  
Jim Nave

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

**OTHERS PRESENT:**

Michael Vali Lake Resident	Rita Ehrler Lake Resident	Joe Ehrler Lake resident	Bill Whittemore LaGrande Resident
Steve Anderson LaGrande Resident	Mike Lockhart Lake Resident	Katy Nesbitt Observer Reporter	

**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 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.

**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.

**Ramona Phillips** moves to approve the minutes as written.

**Chris Bullat** seconds the motion. [Motion Passes 5-0-0]

### **Wallowa Lake Tramway Subdivision SUBD15-01**

**Ken Wick** Asks if any commissioner had any ex parte communication, there are none. Asks if there are any conflicts for the commissioners, there are none. Asks if this was advertised properly Harold Black confirms that it was.

**Harold Black** reviews the Staff Report dated June 30, 2015.

**Steve Anderson** is representing the property owners. Reviews the plan for the subdivision and explains that the service district can handle this development and that all utilities are planned to be underground.

**Chris Bullat** has concerns for parking and the sewer set up.

**Ken Wick** has concerns for Parking, water pressure and Lot 1 including the “Edelweiss” building.

**Steve Anderson** states that they hope to have all utilities under ground and based on the slope and grade of the properties the sewer and water set up looks to be just fine. Lot 1 does include the “Edelweiss” building and it would be up to whomever bought the property to either fix or replace the building. Parking is an obvious concern to them as well, as parcels begin to sell their plan is to develop other parts of the property they own into more parking.

**Harold Black** Has concerns about the capacity of the sewer system.

**Steve Anderson** Capacity was not addressed but from what they know of the system there is more than enough room to handle the proposed 20 unit subdivision.

**Ramona Phillips** and Chairman Wick ask about how and who will be responsible for the roads in the proposed 20 unit subdivision.

**Steve Anderson** There will be strict covenants that will have the road and maintenance work responsibility included.

**Ken Wick** Asks if there is any written or oral testimony in support of the proposed 20 unit subdivision. There is no written or oral testimony presented in support of the proposed 20 unit subdivision. Then asks if there is testimony in objection to the proposed 20 unit subdivision.

**Harold Black** Reads the letter of opposition submitted by Duane and Jane Wiggins of Joseph, and a letter of opposition from Mark Thornberg of Matterhorn Village.

**Ken Wick** asks for anyone that would like to comment in opposition or are there any questions for the applicants of the subdivision.

### **Testimony**

**Rita Ehrler** states that parking is her only concern and hopes that something is worked out so that parking is taken care of.

**Joe Ehrler** states that parking is his only concern as well.

**Katy Nesbitt** Wants to ask if the old Edelweiss building will remain where it is or if it will be torn down.

**Mike Lockhart** responded that it will be up to whomever buys that piece of property to decided what to do with the building. Also commented on parking that a lot of the people parking at the tram may ride

the tram but they also then walk to the other businesses in the area. Parking is not a Tram problem it is a Wallowa Lake problem. Parking is their concern as well since they need to worry about the well being of their business. They plan to develop parking as subdivision lots sell.

**Harold Black** states that he does not think that the planning commission has the right to dictate the parking issues. And that maybe the Wallowa Lake Tourist Board may need to address this issue at some point.

**Jim Nave** Asks how far it will be developed since someone may not want to buy the bottom lot how far are they planning to develop in the beginning.

**Steve Anderson** Says that phasing development would mean that the main road and all of those parcels would have access in the beginning and developing the additional road later on when it is needed. Also the road may change just slightly to save some of the nice larger trees in the area.

**Kim Tippet** Motions to close the public portion of the meeting  
**Ramona Phillips** Seconds the motion. **[Motion Passes 5-0-0]**

**Chris Bullat** Sees no reason not to accept the application and the business up at the lake will need to work together to figure out the parking situation.

**Kim Tippet** Agrees that they should be able to work together to develop more parking up there and sees no reason to deny the application.

**Ramona Phillips** agree with the other commissioners to accept the application.

**Ken Wick** feels like it is a very tasteful arrangement.

**Harold Black** states that the businesses at the lake do need to get together to figure out the parking issues.

**Chris Bullat** Motions to approve SUBD 15-01

**Kim Tippet** Second the motions **[Motion Passes 5-0-0]**

**Harold Black** Goes over the process that the Finding will be signed at the July 28, 2015 meeting and anyone with standing as 12 days to appeal the decision.

#### **Other Business**

The **Planning Commission** discusses the slalom course and the fact that it has been denied by the state marine board.

The **Planning Commission** discusses the Point of Connections and that they are still apparently housing parolees with out changing their use on their existing Conditional Use Permit. Harold agrees to

contact him and see what they are doing and if they are going to be applying for a new Conditional Use Permit.

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

**Ramona Phillips** 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 7:30 p.m.

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Ashley D Lee  
Department Specialist

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Date