

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, November 27, 2012, with the following present:

MEMBERS: Ken Wick
Sterling Shetler
Ramona Phillips
Benjamin Curry
Scott Lathrop

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

OTHERS PRESENT:

Marc Stauffer
Enterprise Resident

Larry Christman
Enterprise Resident

Katy Nesbitt
Observer Rep

Rebecca Lenahan
Joseph Resident

Rahn Hostetter
S&V Prop Rep

Rob Ruth
Chieftain Rep

Mark Lacey
Joseph Resident

Peggy Kite-Martin
Joseph Resident

Chad Nash
Enterprise Resident

Paul Castilleja
Wallowa County BOC

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 November 27, 2012 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.

S&V Properties ZC#12-01

Harold Black presents the staff report dated October 30, 2012 and attachments.

Rahn Hostetter states his name and address for the record and explains he is representing S&V Properties. Hostetter explains that this application is not for a particular use, only for a zone change at this time. Hostetter states that if the USFS decides to move forward with their proposal to use this property, S&V will consider an arrangement at that time; and further explains that an analysis under the City of Enterprise Watershed Protection Area (WPA) is not required as a specific use is not under consideration at this time. Hostetter feels that there is a need for more land zoned R/C and could be a benefit to our economy, and explains that the Joseph Airport and Alaskan Bushwheel are both located in the same area. Hostetter submits the 1984 LUBA appeal decision and Hydrological study attached to the City of Enterprises oppositional letter, and explains that the study shows the location of this property in relation to the Wallowa River and Hurricane Creek, along with the topography, which proves that the Enterprise water shed is protected. Hostetter describes past uses of the property in question and summarizes the LUBA appeal made by the Wallowa Lake saw mill, State of Oregon Aeronautics division, City of Joseph, and local land owners, which was denied and resulted in the Enterprise Water Shed Protection designation area article being upheld.

Testimony in Support

No oral or written testimony presented.

Testimony in Opposition

Mark Stauffer states his name and address for the record and explains that he is the City of Enterprise Planning Commission Chairman. Stauffer explains that they have spent a lot of time on this proposal in the form of site visits and meetings, which resulted in a determination that a change from a residential zone to a commercial zone would tip the scales and further feels that any change that could potentially contaminate the springs is a concern.

Peggy Kite-Martin states her name and address for the record and explains that commercially zoned land implies peak demand on services, which needs to be considered, and feels that a change from residential to commercial is a “big” change. Kite Martin further states that there is no existing infrastructure of water or sewer for this property and that the closest existing infrastructure is located miles from the site in the cities of Joseph or Enterprise, which could be a huge expense to citizens.

Harold Black reads letters of opposition submitted by the **City of Enterprise** dated November 27, 2012, **Robert Taylor** dated November 26, 2012, **John Lenahn** dated November 6, 2012, and **Neal Aspinosa** dated November 27, 2012 into the record.

[Please note that copies of these documents are available for review in the Planning Department]

Rebuttal

Rahn Hostetter states this property has never been a Super Fund site and further states that DEQ has given this property a clean bill of health. Hostetter explains that the City of Enterprise’s own map shows that water flow travels away from the City spring and questions how a zone change can potentially contaminate the springs, then states that it does not; and further explains that the R/C zone will have the same relationship to the WPA as the R-2 zone. Hostetter states that details will be presented for review when and if his client submits an application for a use permit.

Ken Wick states that small acreage rural parcels are extremely hard to sell in this market.

Rahn Hostetter states that the intent is to comply with the overlay zone.

Ben Curry moves to close the public comment portion of this hearing

Scott Lathrop seconds the motion. [Motion passes 5-0-0]

The **Planning Commission** discuss the R/C vs R-2 zones as they relate to types of uses allowed in each zone, availability of property within each zone, and the WPA and potential impacts presented by allowed uses within each zone.

Ramona Philips moves to recommend approval to the Wallowa County Board of Commissioners.

Scott Lathrop seconds the motion. [Motion fails 3-2-0 (Four votes needed for approval)]

The **Planning Commission** discuss the potential impact the R/C zone would have on the Enterprise Watershed and agree that the zone change application is the only proposal before them for review and that a development application can be closely reviewed when and if it is presented in the future.

Ramona Philips moves to recommend approval to the Wallowa County Board of Commissioners.

Ben Curry seconds the motion. **[Motion passes 4-1-0]**

Minutes

Scott Lathrop moves to approve the October 30, 2012 minutes as written.

Benjamin Curry 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 9:00 p.m.

Chrystal Allen
Permit Technician

Date