

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, October 29, 2013, with the following present:

MEMBERS: Ken Wick
Chris Bullat
Ramona Phillips
Sterling Shetler
Benjamin Curry

STAFF: Harold Black, Planning Director

OTHERS PRESENT:

Robert Reading
Joseph Resident

Andy Plew
Wallowa Resident

Janie Burcart
LaGrande Resident

Katy Nezbit
Observer Reporter

Blair Woodfield
College Place WA 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 October 29, 2013 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.

Hayes APP#13-01

Harold Black presents the draft Hayes Findings dated October 16, 2013.

[Please note that this document is available for review in the Planning Department]

Benjamin Curry moves to approve the Hayes Findings as presented.

Ramona Phillips seconds the motion [**Motion passes 5-0-0**]

Hermens CUP#13-03

Harold Black presents the Hermens staff report dated October 15, 2013 and attachments.

Carrie Hermens states her name and address for the record and requests approval of her CUP application.

Ken Wick asks Hermens if her guests will be supervised and if she will provide breakfast, lunch, and dinner.

Carrie Hermens replies that the guests will be supervised and explains that she may provide food the guests can prepare for themselves; such as cereal, or eggs and vegetables the guests gather and harvest themselves, but her primary focus will be to provide a farming and ranching experience along with room boarding. Hermens further explains that there are lots of possibilities and that she plans to fine tune her operation in more detail.

Harold Black presents a letter submitted by the land owner, **James Smejkal**, giving his approval of this application.

Testimony in Support

Harold Black presents a letter of support submitted by **Norman & Amy Lou Werst** into the record.

Andy Plew states his name and address for the record and explains that his property borders this property to the southeast and further states that he is in support of the Hermens proposed operation.

Testimony in Opposition

No oral or written testimony presented.

Harold Black states that this type of business is a great secondary revenue source to help keep farmers in operation.

Benjamin Curry moves to close the hearing.

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

Ken Wick states he feels this type of business would be beneficial in providing people a better understanding where their food comes from.

Carrie Hermens explains that although this type of operation is popular in other countries, there are only two or three similar operations in Oregon & are gaining in popularity.

Ramona Phillips moves to approve the application as presented.

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

Other Business

The **Planning Commission** discuss their schedules and agree to move the November Planning Commission meeting to November 19, 2013.

The **Planning Commission & Staff** discuss the **Wagner** scrap metal operation enforcement issue and agree that Staff should make additional contact with Wagner, as the conditions of scrap removal have not been met.

The **Planning Commission & Staff** further discuss a request made by **David Howell** to modify his permit, which currently allows the construction of two fishing cabins, to instead construct one private cabin for personal use on proposed location "A" located at the base of the knoll above the river. After much discussion the Planning Commission agree that due to the close proximity to the flood zone and the new flood regulations, it will be impossible to approve Howell's request.

Harold Black presents the Association of Oregon County Planning Directors FEMA - ESA and Biggert-Waters Act 2012 discussion document and explains that this winter the Planning Commission will be revising our flood article to include the new regulations.

Minutes

Harold Black states that Janie Burcart should be added to the list of those who were present at the September 24, 2013 meeting.

Benjamin Curry moves to approve the minutes for the September 24, 2013 Planning Commission meeting with the suggested correct.

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 8:00 p.m.

Chrystal Allen
Permit Technician

Date