

This meeting of the Wallowa County Planning Commission convened at 7:00 p.m. on Tuesday, September 25, 2012, with the following present:

MEMBERS: Ken Wick
Sterling Shetler
Benjamin Curry
Georgene Henson
Ron Lathrop

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

OTHERS PRESENT:

Steven W Topp
Tigard Oregon Resident

Connie & David Howell
Cove Oregon 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 September 25, 2012 hearing session of the Wallowa County Planning Commission to order. My name is Benjamin Curry, 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.

AT&T Joseph Cell Tower CUP#12-04

Harold Black presents the staff report dated August 30, 2012 and attachments to the Planning Commission.

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

Steven Topp states his name and address for the record and explains that he represents American Tower Corporation (ATC) for AT&T. Topp explains that two other location have been considered to locate the proposed tower but were found to be unsuitable. Topp explains that AT&T has a strict policy to never use grain bins for tower sites due to the hazzard issues that these types of structures have been known to have. Topp states that he did a site visit on the grain bins in Joseph, which are currently in use to house similar antennas. Top further explains that the bin has grain dust, which can spontaneously combust, and also has structural issues. Topp states that the bins are currently being used as a storage unit which would pose a safety hazard for technicians who would need to access the top of the bin. Topp states that industrial zoned land is usually the most suitable for this type of use.

The **Planning Commission, Staff, and Topp** discuss phone coverage and Topp explains that the height of the proposed tower will allow co-location for other cell phone carriers.

Testimony in Support

No oral or written testimony provided.

Testimony in Opposition

No oral testimony given.

Harold Black reads letters of opposition submitted by **Ed Derksen, Mark Lacey, and Ken Tremble** into the record.

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

Rebuttal

Steven Topps explains that the proposed tower complies with the Airport Overlay zone requirements and states that the Federal Aviation Administration (FAA) has no issues with this proposal and further states that there will be no lighting to interfere with aircrafts. Topps explains that American Tower will own the tower and will lease to multiple carriers. Topps restates that the Industrial zone is a prime location for this type of use and clarifies that AT&T currently has an antenna located on a tower in Enterprise and not on a grain elevator as implied in oppositional testimony. Topp finishes

his testimony by stating that this proposal meets all Federal Communications Commission (FCC) requirements and requests approval of this application.

Ben Curry moves to close this hearing.

Georgene Henson seconds the motion. [Motion passes 5-0-0]

The **PC & Staff** discuss the Industrial zone and agree that the proposed use is appropriate for this zone and further discuss the color of the proposed tower as it relates to the compatibility of the surrounding area. The Planning Commission ultimately agree to allow the galvanized tower to remain untreated as this will allow the gray color to darken over time and better blend in with the surrounding area.

Benjamin Curry moves to approve the application with the condition that all FAA & FCC requirements be met and that the galvanized tower remain untreated.

Georgene Henson seconds the motion [Motion passes 5-0-0]

Howell CUP#12-01 Revision

Harold Black presents the Staff Report dated September 6, 2012 and attachments to the Planning Commission. Black strikes the statement regarding his knowledge of the flood plain location.

David Howell states his name and address for the record and explains that he would like to move the location of one of the previously approved fishing cabins. Howell explains that the new proposed location is down by the river, known as location "A", as shown on the Howell Fishing Accommodations map dated February 1, 2012. Howell states that the new location would be less visible from the river and further states that if he is allowed to change the location of this cabin, he will reduce the size of both cabins by half the currently approved size.

Ron Lathrop asks Howell if he has DEQ approval for the septic system.

Howell replies that no, he does not yet have DEQ approval.

Ron Lathrop asks Howell how far the proposed cabin would be from the river.

Howell replies that the new cabin would be approximately 150' from the river and further states that he could have a dry cabin if needed. Howell further states that the new location will be less visible and is a beautiful place to build.

The **Planning Commission** and **Howell** discuss the number of people allowed and Howell agrees to reduce the number of fisherman from 15 to 8 guests total.

Testimony in Support

No oral or written testimony provided.

Testimony in Opposition

No oral testimony given.

Harold Black reads letters of opposition submitted by **Greg Ciannella w/ Oregon State Parks, Marc Peirce w/ BLM,** and **Hanley Jenkins II** into the record.
Please note that copies of these documents are available for review in the Planning Department]

Rebuttal

David Howell states that if this proposal is not approved he will either build two large cabins in view of the river or will withdraw his application and place 5 travel trailers down by the river.

Harold Black explains the FEMA regulations regarding setbacks and further states that this new proposed cabin location may be in the flood plain.

Benjamin Curry moves to close the hearing.

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

The **Planning Commission** discuss the proposed location by the river vs the previously approved location, FEMA flood plain regulations, and the Wild and Scenic River Designation and agree that the new location is too close to the river.

Georgene Henson moves to deny the proposed cabin relocation.

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

Minutes

Georgene Henson moves to approve the July 31, 2012 minutes as written.

Ron Lathrop 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