

**WALLOWA COUNTY
BOARD of COMMISSIONERS
STATE of OREGON**

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STACEY FREGULIA, E.A.

CHAIR TODD NASH
COMMISSIONER SUSAN ROBERTS
COMMISSIONER PAUL CASTILLEJA

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September 4, 2018

**Wallowa County Board of Commissioners (BOC)
Transient Lodging Tax Advisory Board
Stuart Vencill Appeal #18-03
10:00 a.m. Thornton Conference Room
Enterprise, OR**

MEMBERS PRESENT: CHAIR TODD NASH
COMMISSIONER PAUL CASTILLEJA
COMMISSIONER SUSAN ROBERTS

STAFF PRESENT: STACEY FREGULIA, EXECUTIVE ASSISTANT, JODI
BECK, TREASURER OFFICE DEPARTMENT
SPECIALIST, GINGER GOEBEL-BURNS, WALLOWA
COUNTY INTERIM TREASURER

OTHERS PRESENT: STUART VENCILL, ROD CHILDERS

10:06 a.m. – Chair Nash called the hearing to order stating that this hearing is to hear an appeal from Stuart Vencill on Transient Lodging Tax. Chair turned the floor over to Stuart Vencill.

Mr. Stuart Vencill stated that he made his best efforts to file his bed and breakfast taxes on time, which he admitted he did not. He stated according to his research he should not have been filing a bed and breakfast tax report nor should he have been in business any longer. Mr. Vencill stated that according to the Wallowa County Land Use Ordinance his conditional use permit had expired due to the rules and regulations of the ordinance. He stated that the ordinance says if he had not rented his rooms out for a year then the conditional use permit expires; he went for more than a year and a half and no one ever sent him a notice stating that he was out of compliance.

Commissioner Roberts asked Mr. Vencill how the county would know if he had not rented his room out to be able to inform him that the permit would have expired. Mr. Vencill stated that he submits his quarterly reports to the Treasurer's Office which show that he didn't have any renters.

Commissioner Roberts asked if he had attempted to rent the rooms out. Mr. Vencill stated that they had not and at one point they had rented a porta-potty because they didn't have indoor bathrooms.

**WALLOWA COUNTY
BOARD of COMMISSIONERS
STATE of OREGON**

Chair Nash asked if Mr. Vencill intended to start again. Mr. Vencill stated he and his wife had decided that they were done with the business. Commissioner Roberts stated that she saw his note he submitted to the Treasurer's Office. Mr. Vencill stated he just wanted to make it formal that he was no longer in business. He wasn't aware of the rules at that time when he filed his last quarterly statement and the note explaining he was closing his business. He spoke to the Planning Department and they were the ones to point it out to him.

Commissioner Roberts asked Executive Assistant, Stacey Fregulia, to find Chrystal Allen and have her come in to speak.

Commissioner Roberts noted that she wanted to speak to the Planning Director noting that she may be able to get a bit of information on how the conditional use permits work. If the Planning Department has ever noticed to anyone that their permits expire. Mr. Vencill stated that he did not recall ever receiving a notice, but recalled he had received a copy of the original application years ago. Commissioner Roberts clarified that she was wanting to see if the Planning Department ever notified anyone, not just Mr. Vencill, that their conditional use permit were to expire or had expired at any point.

Mr. Vencill stated that he didn't think he could have rented it out during that time and that there were new regulations that had been put in place around ten years ago.

Commissioner Roberts noted that when Mr. Vencill appealed before she thought that the commissioners at that time approved the appeal and he did not have to pay the fine. Mr. Vencill stated that he didn't pay the fine but did pay the county's cost, which was to compensate for the certified letter that had been sent out.

Chair Nash turned to Chrystal Allen, stating that the Commission had a question on conditional use permits. Commissioner Roberts stated to Ms. Allen that Mr. Vencill has a conditional use permit for his bed and breakfast and he has noted when reading through our County Ordinance that if he had not rented his room out for at least a year then his permit would expire, is this accurate. Ms. Allen stated that he would be in violation and the conditional use permits would expire if he did not use it. Commissioner Roberts asked Ms. Allen if the county normally sends notices to the permit holders if their permit were to expire or had expired. Ms. Allen stated that the county does not send notices for that purpose. She also noted that the county would not know that they hadn't used their permit in that length of time. Commissioner Roberts stated that Mr. Vencill claims that the county would know because he files the quarterly reports with the Treasurer's Office stating that he had not rented his rooms out. It was clarified that those reports filed with the Treasurer's Office do not make their way to the Planning Office and due to the lack of inter office communications there would be no way for the Planning Department to know.

Commissioner Roberts asked if that information would be critical for one office to let the other know. Ms. Allen stated that it would be critical if a situation came about and questioned if the permit was valid or not. The Planning Department would need that bit of information to know if the permit has been in use.

**WALLOWA COUNTY
BOARD of COMMISSIONERS
STATE of OREGON**

Commissioner Roberts asked that in the language of the ordinance, does it state that it would put that burden on the property owner to inform the county. Ms. Allen said she can't say that it says that it would be up to the land owner or permit holder to notify the county whether they are using the permit or not, it just states that if it isn't used within a year then it expires. Commissioner Roberts clarified the question noting that Mr. Vencill states that he has a permit and if he hasn't used it in a year it expires, his argument is that he shouldn't have even been filing the reports because his permit had expired. Ms. Allen stated that she could not speak on whether he would have needed to file the reports.

Chair Nash stated that Mr. Vencill should have noted that he was out of business and should have turned back his conditional use permit and closed things up. Mr. Vencill stated that he had intended to reopen it just took them so long to get the house and facilities back in order. Chair Nash asked if they were willing to give up the conditional use permit at this point. Mr. Vencill stated that he and his wife had decided to stop running the bed and breakfast after two years of not taking in any guests.

Chair Nash stated that based on the facts of going out of business and the exchange of personnel here in the County Treasurer's Office he recommended to accept the appeal and waive the fees. Commissioner Roberts stated that in the past the Commission had waived a \$250.00 fee and was noted at that time that it was a onetime only forgiveness. However she would make a motion on waving the fine and stated that the Commission does have a letter stating that he is no longer in business and his conditional use permit is expired as of this moment. If Mr. Vencill were to start up again he would need to go through the process of requesting another conditional use permit.

Commissioner Roberts moved to withdraw the penalty fee of \$250.00 that has been assessed by the Wallowa County Treasurer's Office and accept Mr. Vencill's letter that he no longer is in business.

Commissioner Castilleja seconded the motion.

Vote was unanimous in favor and the motion carries.

No further business was brought before the Transient Lodging Tax Review Board at this time.

Adjournment: The official meeting ended at approximately 10:20 a.m.

Respectfully Submitted by:
Stacey Fregulia, Executive Assistant


9/7/2018

Page 3 of 4

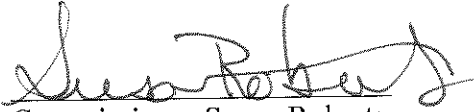
WALLOWA COUNTY
BOARD of COMMISSIONERS
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Chair Todd Nash

Attest: 
Stacey Fregulia, Exec. Assistant


Commissioners Paul Castilleja


Commissioner Susan Roberts

Received By: _____
Sandy Lathrop, County Clerk