

WALLOWA COUNTY
BOARD of COMMISSIONERS
STATE of OREGON

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TERA ELLIOTT E.A.

CHAIR JOHN HILLOCK
COMMISSIONER TODD NASH
COMMISSIONER SUSAN ROBERTS

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May 3, 2023

Wallowa County Board of Commissioners (BOC)
Regular Board of Commissioners Meeting Minutes

9:00 a.m. Thornton Conference Room
VIA Zoom Meeting
Wallowa County Courthouse

MEMBERS PRESENT: Commissioner John Hillock
Commissioner Todd Nash
Commissioner Susan Roberts

STAFF PRESENT: Tera Elliott, Executive Assistant

OTHERS PRESENT: Bill Bradshaw, WC Chieftain
David Hayslip
Jennifer Hayslip
Todd Rodgers
David Hurley
Mike McNally
Rahn Hostetter
Daniel Park
Sarah Park
Kim Tippett
Chris Bullat

ZOOM ATTENDIES: Andrew Stamp
Deanne Darling
Angelika Ursula Dietrich

9:00 a.m. – Chair Hillock opened the meeting with the Pledge of Allegiance and prayer.

Consideration and/or approval of Consent Agenda

Consisting of:

1. **Payment of Claims on County Funds**
2. **Minutes:** **April 19, 2023** – BOC Regular Meeting
3. **Employee Action Notice(s):** **None**
4. **Resolution(s):** **Resolution 2023-012** – Appointing Member to WC Budget Committee
Resolution 2023-013 – Appointing an Alternate to the WC Budget Committee
Resolution 2023-014 – Appointing Members to the WC Road Service District Budget Committee
5. **Order(s):** **None**
6. **Contract(s):** **None**
7. **Easement(s):** **Richard Price** – Approach Pipe, Homan Lane, Enterprise
8. **Agreement(s):** **Agreement for Occupancy, WC Community Service Center** – Winding Waters Medical Clinic

9. Grant Initiation(s)

Agreement for Occupancy, WC Community Service Center – Wallowa County Emergency Services Or. Dept. of Revenue, County Assessment Function Funding Assessment Program (CAFFA) Grant – Assessor's Department, Operating Funds

10. Letter(s)

None

11. Policy

None

*Commissioner Nash moved to approve the Consent Agenda
Commissioner Roberts seconded the motion*

*The vote on the Consent Agenda:
Commissioner John Hillock – aye
Commissioner Todd Nash – aye
Commissioner Susan Roberts – aye*

Agenda Items:

Request, Wallowa Valley Music Alliance – Requesting \$2000 Courthouse Concert Series and \$2000 Juniper Jam, Total \$4000. Funding for this will come from the 202 Fund.

*Commissioner Nash moved to approve the request for both events
Commissioner Roberts seconded the motion*

The vote:

*Commissioner John Hillock – aye
Commissioner Todd Nash – aye
Commissioner Susan Roberts – aye*

Request, Shake the Lake – Requesting \$5000 for "Shake the Lake"

*Commissioner Nash moved to approve the request for \$5000, funding from the Transient Lodging fund
Commissioner Roberts seconded*

The vote:

*Commissioner John Hillock – aye
Commissioner Todd Nash – aye
Commissioner Susan Roberts – aye*

Order 2023-004 – Scope of Review on Remand, Conditional Use Permit 22-01 – Commissioner Hillock requested Council for both parties to articulate their positions on the record.

Mr. Hostetter gave a brief history of events since this case was remanded by the Land Use Board of Appeals (LUBA). At that time, the Board of Commissioners instructed not to have a de novo hearing, instead instructing Mr. Hostetter to prepare Findings of Fact addressing the LUBA opinion, which are before the Commissioners now. Mr. Hostetter asks the Board not to extend the decision any further and to adopt the Findings of Fact as before the Board now. Mr. Hostetter also stated if the Board is at all inclined to change the Findings of Fact, he requests that they not be changed or adopted as his client will bear the burden of defending them at LUBA. Mr. Hostetter's first choice is to adopt the Findings of Fact as presented. His second choice would be to set a de novo hearing.

Mr. Hostetter also advised he received an email from Mr. Ellis, an associate of Mr. Stamp, late on the evening of May 2nd, indicating they have agreed on a settlement. If Mr. Stamp affirms the settlement has been agreed upon, the Facts and Findings may be signed as presented and the settlement will end this process.

Mr. Stamp reiterated LUBA remanded for inadequate findings, strongly suggesting there was not enough evidence in the record to confirm an approval of the application. Mr. Stamp believes a de novo hearing is needed. A de novo hearing would also allow the death of his client, Twyla Poppleton, to become part of the record.

Mr. Stamp has not seen the email stating his client is ready to settle.

Deanne Darling stated although they are very close to settlement, it has always been conditioned upon the approval of the Findings Order. The Findings Order was received by her attorney, Beau Ellis and Mr. Stamp last Friday, giving insufficient time to review them. Ms. Darling gives issue to the representation by Mr. Hostetter that Mr. Ellis said they were settled. With discussion, Ms. Darling stated her position is there is not at this time a settlement.

Mr. Hostetter commented on Ms. Darlings statements and upon hearing there is no agreement beyond the Declaration, Mr. Hostetter asks the Board to adopt these Findings of Fact. If the Board does not adopt the Findings in their present form, Mr. Hostetter requests a de novo hearing be set.

Commissioner Hillock commented and stated he would like to see this decision delayed again, allowing time for adequate review of the Findings, and giving time for a settlement agreement.

Dates were discussed that would work for all parties, with comments from Ms. Darling, Mr. Stamp, Mr. Park, and Mr. Hostetter.

*Commissioner Nash moved to review Findings on June 21
There was no second, the motion dies*

*Commissioner Nash moved to review Findings on May 19
Commissioner Roberts seconded the motion, advising she would not be available that day*

Commissioner Nash withdrew his motion for May 19

*Commissioner Roberts motioned to meet on May 24, 10:00 a.m.
to determine if our Findings are adequate or if they need to be corrected
Commissioner Nash seconded*

*The vote:
Commissioner John Hillock – aye
Commissioner Todd Nash – aye
Commissioner Susan Roberts – aye*

Findings AMD#2022-02 Nash Findings, Conclusions and Decision, Nash - Commissioner Hillock disclosed he has had conversation with Mr. Nash regarding the Findings while driving together. Commissioner Hillock read the Findings in their entirety.

*Commissioner Roberts moved to approve the Findings of Facts on AMD #22-02
Commissioner Hillock seconded*

*The vote:
Commissioner John Hillock – aye
Commissioner Susan Roberts – aye
Commissioner Todd Nash – recused*

Order 2023-005 Application by T. Nash and A. Nash for a Zone Change – Commissioner Hillock read Order 2023-005 in its entirety.

*Commissioner Roberts moved to approve Order 2023-005
Commissioner Hillock seconded*

The vote:

*Commissioner John Hillock – aye
Commissioner Susan Roberts – aye
Commissioner Todd Nash – recused*

County-wide Nuisance Ordinance – The commissioners discussed the possible need to develop an ordinance due to some properties in the county demonstrating unhealthy living conditions, fire hazards, etc. which concern our Planning and Building Codes officials. The Commissioners' discussion and development will be going forward on this issue.

There was no further business.


Adjournment:

The official meeting adjourned at approximately 9:46 a.m.

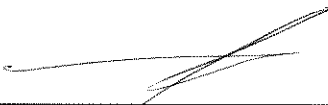
Respectfully submitted by:

Tera Elliott, Executive Assistant

WALLOWA COUNTY BOARD OF COMMISSIONERS



Commissioner John Hillock



Commissioner Todd Nash

ABSENT

Commissioner Susan Roberts



ATTEST: Tera Elliott, Executive Assistant