

CROOK COUNTY PLANNING COMMISSION MEETING

August 26, 2020

Meeting minutes are not a complete representation of discussions at the meeting. An audio recording is available from Crook County Community Development at plan@co.crook.or.us or (541) 447-3211.

Crook County Planning Commission Chair Michael Warren II called the meeting to order at 6:05 p.m. The meeting was conducted by WebEx, a call-in service and at the Crook County meeting room. Commissioners attending the meeting in person were Chair Warren, Laquita Stec, Linda Manning, Susan Hermreck and Gary Bedortha. Commissioners Bob Lundquist and George Ponte was not present. The following County staff was present at the meeting: Ann Beier, Hannah Elliott, Katie McDonald, and John Eisler participated on the phone.

No other parties participated by phone.

APPROVAL OF MINUTES

July 22, 2020 – Commissioner Hermreck made a motion to approve the minutes as presented. Commissioner Stec seconded the motion. Commissioner Manning abstained. The motion was approved 4-0-1

Final Plat review of Mill Iron Phase 3 – Ann Beier (Community Development Director) stated that this is the Phase 3 of the 27 lot subdivision from a Measure 37 decision in 2008. This is the last phase of the subdivision, water is provided from Avion, the roads are up to County standards and other departments have signed off on the plat. The applicant has met all the conditions of approval.

Chair Warren asked for questions, none were raised. Commissioner Stec moved to approve the Final Plat for Mill Iron Phase III, Commissioner Manning seconded the motion – Motion passed 5-0.

Beier stated that the next step is the Final Plat will go to County Court for signatures next week.

PUBLIC HEARING

Crook County File Number 217-20-000677-PLNG - an amendment of Crook County Code Title 18, Zoning and Title 17, Subdivision. The proposed Text Amendment is to provide clarification, update references, and align with state law.

Chair Warren then read onto the record the applicable criteria that the application would be weighed against.

Chair Warren asked if any of the Planning Commission members had a conflict of interest or if anyone had any ex parte contact with the Applicants or any member of the public.

Commission Hermreck responded no

Commissioner Manning responded no

Commissioner Stec responded no

Commission Bedortha responded no

Chair Warren responded no.

The Chair then asked if a member of the public, including those participating by phone, wished to challenge any member of the Commission. No members of the public were in attendance and none were on the phone.

Ann Beier (Director) stated that this is an ongoing process for staff to identify needed changes, to ensure consistency with state law, and make it easier for people to understand and administer the code.

Katie McDonald (Planner) identified the materials before the Planning Commission and asked the Commissioners how they would like to proceed.

Commissioner Bedortha and Chair Warren agreed to have each Commissioner identify specific questions or concerns they may have regarding the code.

Commissioner Bedortha asked about Guest Ranches in section 18.16.015 (8) (c) -The guest ranch must be located on a lawfully established unit of land that: (i) Is at least 160 acres. During the Model Code Update there was active legislation at the State level regarding these criteria, therefore the Commission decided to not propose revision at that time. He feels that the 160 acres is too small, especially for the larger EFU1 and EFU2 zones and when looking at section (e) where the use can be expanded up to 25 units. He asked how that discussion was reflected in the language before them.

McDonald responded that the model code language was compared with what the State adopted and the changes were not to the acreage section of the code. Beier added that the County could have different criteria and be more stringent than the state but not less restrictive.

Commissioner Bedortha's concern is where there could be a 160 acre parcel in the middle of someone else's 10,000 acre ranch, which would be an intrusive use, especially considering it has to be a viable operation.

Beier asked for more discussion regarding the guest ranches as the Planning Commission will be making a recommendation to County Court for two additional public hearings. In the past, there have been different criteria for EFU1, EFU2, and EFU3, that could be an option for this as well, with some specific language for the County Court to consider.

Chair Warren also had concerns with the guest ranch acreage size, especially in areas where it may be surrounded by smaller parcels, such as the McKay area. He suggested a 320 acre minimum for EFU1 and EFU2, then 160 acre for EFU3.

Commissioner Bedortha added that although the Guest Ranch requires a conditional use application with additional guidelines, he felt 320 acres is not big enough in the EFU-1 area and including specific acreage limits would provide applicants with more information on what is allowed/not allowed.

Commissioner Hermreck also did not feel like the 320 acres was enough acreage.

Discussion continued among the Commissioners regarding parcel size for transitioning, 640 acres for EFU1 (Post, Paulina), 320 acre minimum for EFU2, and 160 acre minimum for EFU3 while not limiting the opportunity for a guest ranch but protecting the areas.

McDonald asked if there were other areas of the guest ranch code that would need to be addressed or if the Planning Commission's concerns were satisfied by changing the acreage only? Is there an unintended outcome for addressing acreage only? Would they want to take a deeper look at the section to see how it fit for the County?

Commissioner Bedortha asked about noticing for properties at 160 acres to the new minimums and if the County would be required to send notice?

Beier stated that someone could potentially make a case, but that the County would make findings to justify the different criteria. For example, EFU1 has different review criteria for certain uses, more things that come before the Planning Commission, and it makes sense to have a higher standard. EFU2 has more range in the parcel size and the new State reporting criteria would give the County a feedback mechanism. Considering that there has not been interest in siting guest ranches, having clear criteria that reflect the county's interest would be beneficial.

Commissioner Stec asked about current guest ranches.

Beier responded that one is located in the EFU1 Zone, (Post-Paulina Area) and folks fly in to get there. She stated that guest ranches have been allowed by state law for a number of years, they are not a new use and we have not seen interest in developing them. Staff asked if the Commission would like to make the recommendation to County Court with the revision to the acreage.

Commissioner Bedortha and Chair Warren voiced agreement.

Beier asked the Commission to look at other language in the guest ranch section to see it needed to be revised.

Commissioner Bedortha asked that McDonald draft language to reflect the Commission's direction for acreage.

Eisler stated that 18.160.030 notice (4) is citing the wrong section of ORS – It is citing ORS 215.503(2), it should be citing 215. Beier responded that staff would work with legal to address this update.

Beier asked Eisler about the recommendation to County Court if it needed to have findings for the County to be more restrictive.

Chair Warren asked where the 160 acre minimum came from.

McDonald responded that it was from the state language. Beier stated that there was a work group a number of years ago working on this and reminded everyone that State statute applies to the entire state.

Commissioner Bedortha asked if the recommendation could go forward with the changes to acreage and if the Court or State wanted to see it changed could they address findings for the criteria.

Eisler stated that it would not hurt to have findings; Beier responded that we could pull language from the Comprehensive Plan. McDonald said this has been done previously with other code updates. Beier stated that the recommendation would reflect a change to the minimum acreage needed to site a guest ranch and then asked the Commission to consider (e) where there is also acreage requirements for siting additional units.

Commissioner Bedortha suggested that the acreage increase be at least the amount of the base acreage needed in the different zones.

Discussion continued about the base minimum of 160 to add additional units or to use the zone minimums for additional units.

Commissioner Stec asked for clarification regarding the discussion; would a property in EFU1 need to have a minimum of 640 acres to apply for the guest ranch and then 160 to add unit or an additional 640 to add units. Discussion continued regarding base acreage and acreage required for additional units.

Commissioner Stec and Commissioner Manning asked if the criteria should read that in order to add units the acreage would need to match the zoning minimum.

Beier offered for staff to draft language that offered two options. McDonald clarified the options for County Court to consider.

1. For every additional zoning minimum acreage (in (3) above)...additional units may be added
2. For every 160 additional acres...additional units may be added

Commissioner Bedortha offered that the acreage is contiguous.

Beier added that the contiguous language could be added to (3).

Chair Warren asked the Commissioners if they were comfortable sending the options to County Court or would they want to only send the preferred option. Discussion continued regarding the preferred option, with examples and sending options to County Court public hearings.

Commissioner Manning asked for clarification on the options.

McDonald stated that with option 1, 3,200 acres would be needed to apply for the max 25 guest units in EFU1.

The Commissioners agreed that was their intent.

Beier stated the intent was to not to limit the supplemental income but to sustain the operative ranch and support the different acreage requirements.

Eisler stated that a brief summary will accompany the Planning Commission recommendation to County Court, findings would not be necessary.

Commissioner Hermreck had no other comments on the Text Amendments
Commissioner Manning had no other comments on the Text Amendments.
Commissioner Stec had no other comments on the Text Amendments.

Commissioner Bedortha asked if things were getting more restrictive with the code changes or just cleaning things up and keeping a level playing field.

McDonald responded that this was a clean-up rather than substantive code change and balanced approach.

Commissioner Stec asked about Appeal section and asked about the mailed referenced.

Beier responded that the recent appeal called this to our attention and we changed it to match state code. She also mentioned the updated reference from Commissioner Ponte's comments with the Model code regarding stream classification. There are also much cleaner definitions included, for example defining building height.

Commissioner Stec mentioned that there used to be guidance regarding Commissioner term limits and attendance, 3 absences, Commission Bedortha concurred.

Commissioner Bedortha circled back to Commissioner Stec's question in that 3 absences is approximately 20% and staff clarified that excused vs. unexcused absences was deliberate to ensure a quorum.

Commissioner Stec asked about our Pro Tem Planning Commissioner and staff responded that he is on call but trying to maintain social distancing and limiting contact.

Beier called out the appeal section that required the hearing body to determine if the appeal was appropriately filed. This change is to allow the director to work with legal counsel to determine if the boxes are checked and then a public hearing would be scheduled. This change could allow for a quicker timeline for all parties. She asked the Commission to weigh in if they would like to determine if the appeal was appropriately filed. Eisler described the process for appeal hearing, but indicated this step was a check the box, was the appeal filed correctly.

Commissioner Bedortha asked about standing.

Eisler replied that it would not affect standing; this proposed change would clean-up process.

Commissioner Stec asked if section (c) was new, staff responded that it was not.

Chair Warren asked about Indian Rock PUD in the P.R. Zone.

McDonald answered that it was the only other recognized subdivision, planned unit dwelling development, in the zone.

Chair Warren called for the motion.

Commissioner Hermreck made a motion to approve the text amendments as presented with the changes to guest ranches as discussed and present this to County Court. Commissioner Stec seconded the motion.

Commissioner Hermreck voted Aye

Commissioner Manning voted Aye

Commissioner Stec voted Aye

Commissioner Bedortha voted Aye

Chair Warren voted Aye

Motion passes 5-0

McDonald clarified process that the recommendation would include the options discussed for guest ranches and go before County Court on September 2nd.

Eisler weighed in that the Planning Commission's recommendation will include the findings of facts for Planning Commission.

Commissioner Hermreck asked staff about the Agricultural Exempt presentation before County Court.

Staff responded that the County had an Order that laid out the process for applying and who was approving an Exempt structure, which laid out a planning approval, when the exemption is from the State Building Codes for

structural. A new order was drafted that aligned the approval with the Building department to determine exemption with planning sign off for meeting agricultural or equine status. Chair Warren clarified process and did not ask for other testimony because there were no members of the public present or on the phone and staff confirmed.

Beier provided information on upcoming Public Hearings and current planning activities.

Commissioner Bedortha made a motion to adjourn, Commissioner Hermreck seconded.
Motion passed 5-0

Commissioner Warren closed the meeting @ 7:25 p.m.