

## CROOK COUNTY PLANNING COMMISSION MEETING

9/28/2022

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](mailto:plan@co.crook.or.us) or (541) 447-3211.

Crook County Planning Commission Chairperson Warren, called the meeting to order at 4:02 p.m. The meeting was conducted by WebEx (a call-in service) and in-person at Crook County Annex. Commissioners attending the meeting in person were Chair Mike Warren, Gary Bedortha, Laquita Stec, George Ponte, Bob Lundquist, and Susan Hermreck. No Commissioner attended via WebEx. The following County staff were present at the meeting: Community Development Director, Will Van Vactor; Planner, Katie McDonald; and Senior Permit Tech Hannah Elliott. Permit Tech, Jennifer Orozco attended via WebEx;

### Excused Absences

Commissioner Pro Tem Lawrence Weberg  
Commissioner Les Williamson

### Un-Excused Absences

### Parties in Attendance:

See sign in sheet

### Participating via phone WebEx:

See sign in sheet

### Minutes

- **September 21, 2022**

Commissioner Hermreck made a motion to approve the minutes as corrected.

Commissioner Stec seconded the motion.

- George Ponte - Aye
- Susan Hermreck - Aye
- Gary Bedortha - Aye
- Laquita Stec - Aye
- Bob Lundquist – Abstain
- Mike Warren – Aye

The motion passed 5-0-1

### Items Not on the Agenda

None

### Items for Discussion

- **Grandridge Phase 3 Final Plat**

Staff asked for Planning Commission direction regarding the final plat showing properties outside of the tentative plan area, being included in the development.

Bobby Kennedy provided testimony.

Commissioners and staff discussed concerns and codes.

Commission advised staff to continue with processing the final plat and ensuring CCR's applied.

**Public Hearing**

• **Record numbers 217-22-000777-PLNG & 217-22-000778-PLNG - Pulguero Rock and Stone Co., LLC ]** (“Applicant”) proposes to amend the Crook County Comprehensive Plan (“Comprehensive Plan”) to add an approximately 98.7-acre portion of property identified as Tax Lot No. 1716000001900 to Crook County’s inventory of Significant Mineral and Aggregate Sites (“Aggregate Inventory”). Concurrently, the Applicant requests that operations for mining, crushing, and/or stockpiling of aggregate and other mineral and/or subsurface resources be permitted. The property is identified as 1716000001900; there is no known situs address. The property is located approximately between mile posts 24 and 25 along Highway 27 (Crooked River Hwy) and is approximately 15 miles south of the City of Prineville. The property is zoned Exclusive Farm Use (EFU-1).

Chair Warren read the specific criteria for review into the record.

Chair Warren asked if any Commissioner has any bias, prejudice, personal interest, or conflicts of interest to disclose?

- George Ponte -No
- Susan Hermreck - No
- Gary Bedortha stated that he owns and operates an aggregate pit, but it would not influence his decision.
- Laquita Stec - No
- Bob Lundquist – No
- Mike Warren - No

Chair Warren asked if any Commissioner has had any Ex Parte Contact with the Appellant or any Member of the Public regarding this matter?

- George Ponte – No
- Susan Hermreck - No
- Gary Bedortha - no
- Laquita Stec - No
- Bob Lundquist – No
- Mike Warren - No

The Chair asked if any member of the public, including those participating by phone, wished to challenge any member of the Commission. No members of the public stated a challenge.

Chair asked staff to present the staff report.

Will Van Vactor, Community Development Director, provided a summary of the comprehensive plan proposal and specific criteria, via PowerPoint presentation.

Commissioners asked clarifying questions.

Staff responded.

Van Vactor reviewed the proposed Program to Achieve.

Van Vactor continued the presentation to review the conditional use proposal and specific criteria.

Commissioners asked clarifying questions.

Staff responded.

Van Vactor then provided a summary of the proposed conditions of approval.

Chair asked for testimony from any federal, state, or local agencies.

Greg Jackle, District Biologist for Oregon Department of Fish and Wildlife in Prineville provided testimony.

Commissioners asked questions for Jackle.

Jackle responded.

No other federal, state, or local agencies provided testimony.

Chair asked for testimony from the applicant.

Nathan Becker, Owner/Applicant and Kenneth Katzaroff, Attorney, provided testimony regarding the proposal.

Commissioners asked clarifying questions.

Applicant team responded.

Commissioners discussed the specific conditions and other concerns.

Staff provided clarification regarding a specific condition.

Commissioners asked additional clarifying questions.

Becker responded to additional questions.

Chair asked for testimony from the anyone in a neutral position of the proposal.

None

Chair asked for testimony from the anyone in opposition of the proposal.

None

Chair asked Jackle to speak regarding a condition.

Jackle provided testimony regarding the condition and history.

Commissioners discussed the condition.

Chair asked for the Applicant for rebuttal testimony.

Katzaroff provided testimony.

Chair asked for further comment from Staff.

Van Vactor provided additional comments.

Chair asked the Applicant if they would like to waive their 7-day final argument.  
Applicant so moved.

Commissioner Hermreck moved to close the public hearing.

Commissioner Stec seconded.

- George Ponte – Aye
- Susan Hermreck - Aye
- Gary Bedortha - Aye
- Laquita Stec - Aye
- Bob Lundquist – Aye
- Mike Warren – Aye

Motion passes 6-0-0

Commissioner Stec moved to start deliberation on the Comprehensive Plan Amendment.

Commissioner Hermerck seconded the motion.

- George Ponte – Aye
- Susan Hermreck - Aye
- Gary Bedortha - Aye
- Laquita Stec - Aye
- Bob Lundquist – Aye
- Mike Warren – Aye

Motion passes 6-0-0

Commissioner discussed the comprehensive plan amendment.

Commissioner Stec moved to send the recommendation to the County Court for the final approval of this comprehensive plan amendment, to include the subject property as a 3C site to include the ESEE analysis and Program to Achieve above and that be forwarded to the Court for adoption to the comprehensive plan, with the changes discussed tonight. Which are: that under wildlife, to protect the wildlife resource the applicant shall develop a mitigation plan that minimizes impact to deer, between November 1 and April 30 of each year and under fire protection, the applicant shall maintain a minimum of on site of a 5,000 gallon water holding tank for wildfire protection.

Commissioner Hermreck seconds the motion.

- George Ponte – Aye
- Susan Hermreck - Aye
- Gary Bedortha - Aye
- Laquita Stec - Aye
- Bob Lundquist – Aye
- Mike Warren – Aye

Motion passes 6-0-0

Commissioner Lundquist noted that the file number getting approved for recommendation is 217-22-000777-PLNG for the Comprehensive Plan.

Commissioners then moved to deliberations for the conditional use proposal.

Commissioner Stec moved to approve the Conditional Use application 217-22-000778-PLNG, includes to remove proposed condition number 3 and add a condition possibly number 16 on wildlife mitigation, that on any operational day no crushing be allowed on site the snow depth at the access point on Highway 27 is 4 or more inches at 7 a.m. or the temperature at the Prineville Airport weather station is 20 degrees or less at 7 a.m., that proposed condition number 15, hours of operation, (b) November 1st through May 31st: 7:00 a.m. to 6:00 p.m., and Saturday 8:00 a.m. to 5:00 p.m. And then the Applicant maintain a minimum of 12,000 gallons of water on site for dust and/or fire. And direct staff to update the findings to reflect the conditions as modified. Commissioner Ponte seconded the motion.

Chair Called for discussion.

Commissioner Bedortha said on the record he agrees with the Oregon Department of Fish and Game regarding the wildlife protections.

Commissioner Lundquist agreed with Commissioner Bedortha adding that enforcement is an issue.

Commissioner Ponte agreed with Commissioners Bedortha and Lundquist, adding that perhaps it is time to look at the Comprehensive Plan.

Chair Warren asked a clarifying question regarding disturbing 10 acres at a time, Commissioner Bedortha and Staff addressed his question.

- George Ponte - Aye
- Susan Hermreck - Aye
- Gary Bedortha – Aye
- Laquita Stec – Aye
- Bob Lundquist – Aye
- Mike Warren - Aye

The motion passes 6-0-0

Commissioner Hermreck made a motion directing staff to bring back the CUP back for signing.

Commissioner Bedortha seconded the motion.

Chair Called for discussion, hearing none he called for the vote.

- George Ponte - Aye
- Susan Hermreck - Aye
- Gary Bedortha – Aye
- Laquita Stec – Aye
- Bob Lundquist – Aye

- Mike Warren - Aye

The motion passes 6-0-0

Commissioner Bedortha asked if staff could revisit conversations with ODFW and Comprehensive Plan updates. Commissioners all agreed that they would like to see this topic addressed.

McDonald asked Commissioners to volunteer for a review of the RRM-5 zone and to look at the wildlife policies.

Commissioners Bedortha, Hermreck and Ponte asked to be apart of the Wildlife discussion

Commissioners Stec, Ponte, and Warren asked to be apart of the RRM-5 zone

Staff said they would bring back the initial discussions to the Commissioners for work session and allow an opportunity for all Commissioners to participate.

Staff provided Community Development updates and upcoming hearings.

Commissioner Hermreck moved to adjourn. Commissioner Ponte seconded.

Chair asked for the vote.

- George Ponte - Aye
- Susan Hermreck - Aye
- Gary Bedortha – Aye
- Laquita Stec – Aye
- Bob Lundquist – Aye
- Mike Warren - Aye

The motion passes 6-0-0