



MINUTES for February 14, 2024
CROOK COUNTY PLANNING COMMISSION MEETING

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

I. Call to Order

Crook County Planning Commission Chairperson Warren called the meeting to order at 4:01 p.m.

The meeting was conducted by Zoom, phone, and in person at the Crook County Annex.

II. Attendance

Commissioners Attending:

In Person	Webex	Commissioner	Excused Absence	Unexcused Absence
X		Calvin Walter		
X		George Ponte		
		Gary Bedortha	X	
		Laquita Stec	X	
X		Les Williamson		
X		Mike Warren		

Staff Attending:

In Person	Webex	Crook County Staff
X		Will Van Vactor
X		Katie McDonald
X		Hannah Elliott
		Jennifer Orozco
		John Eisler

Parties in Attending in Person:

Please see the sign-in sheet.

Parties Participating via Zoom:

Carol Macbeth, Staff Attorney for Oregon LandWatch.
Tami MacLeod, of Lynch Murphy McLane, representing the Orrs.
Adam Smith, of Schwabe, Williamson & Wyatt, representing the Hustons.
Rand Campbell, Attorney, representing the Hustons.

III. Public Comment

None

IV. Minutes

January 10, 2024 – Commissioner Ponte moved to approve the minutes. Commissioner Williamson seconded the motion.

Commissioner	Aye	Nay	Abstain
Calvin Walter	X		
George Ponte	X		
Les Williamson	X		
Mike Warren	X		
Motion carried 4-0-0			

V. Items for Consideration

1. Public Hearing

217-23-001215-PLNG Continued hearing for deliberations only. D. Adam Smith filed a commercial event application on behalf of property owners Gregory and Karen Huston for 18 commercial events to be held on the property annually. The property is identified as map/tax lot 1415200000600.

5:35 The Chair read the applicable criteria for review into the record.

6:45 The Chair asked if any Commissioner had any bias, prejudice, personal interest, or conflicts of interest to disclose.

Commissioner	No	Disclosure
Calvin Walter	X	
George Ponte	X	
Les Williamson	X	
Mike Warren	X	

7:00 The Chair asked if any Commissioner had any Ex Parte Contact with the Applicant or any Member of the Public regarding this matter, noting that Commissioners should disclose if they have visited the site.

Commissioner	No	Disclosure
Calvin Walter	X	
George Ponte	X	
Les Williamson	X	
Mike Warren	X	

7:00 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.

7:00 The Chair noted there would be no opportunity for testimony and the Commission would be entering into deliberations with staff support.

7:00 The Chair asked for a commissioner to make a motion to begin deliberations. Commissioner Ponte moved to begin deliberations. Commissioner Williamson seconded the motion.

Commissioner	Aye	Nay	Abstain
Calvin Walter	X		
George Ponte	X		
Les Williamson	X		
Mike Warren	X		
Motion carried 4-0-0			

- 8:06 The Chair advised that the planning commissioner would now deliberate and after deliberations restate the motion and include specific revisions in the motion if there were any changes in the conditions of approval.
- 8:25 The Chair asked to hear from staff.
- 8:37 Katie McDonald, Senior Planner, outlined the role of staff in supporting the Commission in its deliberations and introduced a presentation outlining the criteria, standards, and definitions that would be used to evaluate the application and support the Commission in making a decision.
- 14:25 Katie McDonald advised the Commission to make a motion to open deliberations.
- 15:55 Commissioner Walter moved to approve application 217-23-001215-PLNG. Commissioner Williamson seconded the motion.
- 16:30 The Chair opened deliberations on the motion.
- 17:30 Commissioners discussed the summation of the criteria to be satisfied to support the application and introduced the definition of a commercial event.
- 20:00 The Chair asked if there were any questions on the definition of a commercial event.
- 20:30 Commissioner Walter questioned how the definition of a commercial event aligns with the requirement for commercial events to be related to and supportive of agriculture.
- 23:30 Will Van Vactor, Community Development Director, provided clarification of allowances for commercial activity of farm property.
- 25:10 The Chair asked if there were any further questions on the topic.
None
- 25:20 The Chair asked if there were any questions on the Use Table portion of the application.
None
- 26:30 Commissioner Williamson opened the discussion on definitions related to agri-tourism and commercial events.
- 27:20 Katie McDonald provided clarification.
- 29:00 Commissioners discussed the agri-tourism and commercial events definition.
- 30:00 Staff provided clarification on the related definitions to be deliberated on.
- 40:00 Commissioners deliberated on the concepts of subordinate income and incidental use.
- 42:15 Staff provided guidance and reference material.
- 51:50 Commissioner Williamson requested a structured presentation from staff outlining the guidance on the item.
- 52:10 Staff provided further guidance.
- 59:25 Commissioners deliberated on the "nature of use" in relation to the application.
- 1:05:10 Commissioners deliberated on "frequency of use" in relation to the application.

- 1:15:00 Commissioners deliberated on whether the application requires a new structure to be built in connection with the proposed agri-tourism or other commercial events or activities.
- 1:16:45 Commissioners deliberated on whether the activities included in the application would force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- 1:25:00 Staff presented a table identifying properties surrounding the applicant's property that were devoted to farm use.
- 1:31:00 Commissioners deliberated on whether the activities included in the application would change accepted farm practices of surrounding lands, or increase the cost of accepted farm practices on surrounding lands devoted to farm use.
- 1:41:30 Commissioners deliberated on whether the activities included in the application would materially alter the stability of the land use pattern in the area.
- 1:46:00 Commissioners deliberated on whether the activities included in the application comply with the types of agri-tourism or other commercial events or activities that are authorized during each calendar year, and if the location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism.
- 1:57:00 Commissioners deliberated on whether the activities included in the application comply with the location of access and egress and parking facilities to be used in connection with the agri-tourism; traffic management, including the projected number of vehicles and anticipated use of public roads; and sanitation and solid waste.
- 2:06:00 Commissioners deliberated on whether the activities included in the application will occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size, and do not exceed eighteen events or activities in a calendar year.
- 2:08:00 Commissioners deliberated on whether temporary structures established in connection with agri-tourism would be removed at the end of the event or would require grading, filling, or paving.
- 2:15:00 Commissioners reviewed the conditions for approval of the application.
- 2:15:35 Commissioner Ponte asked for clarification of Condition 4.
- 2:16:00 Staff advised that the conditions can be made more specific.
- 2:17:00 Commissioner Walter suggested an amendment to Condition 4 to remove the words "backing onto or."
- 2:18:00 Commissioners agreed to the amendment.
- 2:23:30 The Commission recessed for 5 minutes.
- 2:24:00 The Commission resumed deliberations.
- 2:24:30 Katie McDonald raised items that might be clarified in Condition 6.
- 2:19:00 Commissioners discussed Condition 6.
- 2:30:30 Kaite McDonald suggested replacing the text in Condition 6 with, "The applicants shall install a sign at the entrance to the 2.4-acre event site."
- 2:30 45 Commissioners agreed to the amendment.
- 2:31:00 Katie McDonald presented guidance on deciding on the transferability of the approval.
- 2:40:30 Commissioners reviewed the guidance and determined that the approval would be transferrable to new property owners.
- 2:41:00 Katie McDonald noted a concern from the testimony about the impact of live events on golden eagles.
- 2:43:00 Commissioners stated that it is the responsibility of Fish and Wildlife to enforce Fish and Wildlife regulations.

- 2:44:00 Katie McDonald asked the Commission to determine if the application was for events that are necessary to support the commercial farm uses of the commercial agricultural enterprises in the area.
- 2:55:30 Will Van Vactor provided an opinion from the Oregon Land Use Board of Appeals (LUBA) on the interpretation of the "necessary to support" requirement.
- 3:14:30 Commissioner Walter reviewed a list of conditions the applicants noted they were willing to meet to support the application.
- 3:16:15 Katie McDonald summarized the Commission's deliberations with a proposed finding for 4A, reading "The Planning Committee finds that the proposed events are incidental and supportive of the commercial farm use on the tract through a holistic analysis of economic, frequency, size, and nature of the use supported with materials in the records. However, the applicant has not met the burden of proof to show how those proposed events are essential to maintain the commercial farm uses through the lack of specificity provided with financial information, testimony and the applicant's willingness to reduce the proposed events by 40% as stated in Exhibit W, page 2."
- 3:17:30 The Commission agreed that the proposed finding represented the Planning Commission's conclusions.
- 3:18:55 Commissioner Walter withdrew the motion on the floor.
- 3:20:55 The Commission agreed to withdraw the motion.
- 3:20:55 Staff provided procedural support.
- 3:22:45 Commissioner Ponte moved to deny application 217-23-001215-PLNG, on the basis that the applicant failed to meet the burden of proof required under 18.16.055 subsection (4)(a) that the use is necessary to support the commercial farm uses or the commercial agricultural enterprises in the area, and to direct staff to prepare a final decision document to be signed based on the deliberations at this hearing. Commissioner Williamson seconded the motion.
- 3:26:30 The Chair asked if there was any further discussion on the motion.
None.

Commissioner	Aye	Nay	Abstain
Calvin Walter	X		
George Ponte	X		
Les Williamson	X		
Mike Warren	X		
Motion carried 4-0-0			

- 3:28:00 Commissioner Walter moved to close the hearing. Commissioner Ponte seconded the motion.

Commissioner	Aye	Nay	Abstain
Calvin Walter	X		
George Ponte	X		
Les Williamson	X		
Mike Warren	X		
Motion carried 4-0-0			

VI. Staff Updates/Planning Commission Comments

- 3:28:30 Staff discussed items for the next meeting agenda and provided an update on planning applications.
- 3:32:00 Will Van Vactor provided the staff update.
- 3:34:00 Katie McDonald reviewed the upcoming meeting schedule.

3:28:30 Commissioner Williamson moved to adjourn the meeting. Commissioner Walter seconded the motion.

Commissioner	Aye
Calvin Walter	X
George Ponte	X
Les Williamson	X
Mike Warren	X
Motion carried 4-0-0	

DRAFT