

Planning Commission Minutes



June 12, 2019

Crook County Planning Commission Chairperson Michael Warren II called the hearing to order at 6:00 p.m. Commissioners present in addition to Warren were Gary Bedortha, Linda Manning, Laquita Stec, Susan Hermreck, and Commissioner Pro Tem Lawrence Weberg. Commissioners George Ponte and Bob Lundquist were not present.

Crook County Planning staff present were Planning Director Ann Beier, Planner Katie McDonald, and Technician Hannah Elliott.

Warren led all persons present in saying the Pledge of Allegiance.

OPENING STATEMENTS

Warren read the opening statements. He called upon the Planning Commissioners to state any conflicts of interest, or ex parte contacts. He asked if any member of the public wished to challenge any Commissioner on any item on the agenda.

Conflicts of Interest – None.

Ex Parte Contacts – None.

Challenges – None.

APPROVAL OF MINUTES

Minutes for the May 8, 2019 meeting.

As a quorum of Commissioners who had been present at the May 8 meeting was not present, Hermreck moved that the minutes be mailed to all Commissioners for review.

Stec seconded the motion.

The Commissioners present approved the motion by a vote of 6-0.

Minutes for the May 22, 2019 meeting.

Hermreck pointed out a correction which needed to be made.

Stec moved for approval of the minutes as corrected.

Hermreck seconded the motion.

The Commissioners present approved the motion by a vote of 6-0.

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FINAL DECISION

Phase 12 Brasada – Final Plat Approval

Beier said that the applicant would file another improvement agreement, and that the Commissioners could approve the final plat in the meantime.

Adam Conway offered testimony on behalf of the applicant. He said that the improvements were underway, but that the applicant was preparing a bond, as they intended to file within the present month to catch the marketing window.

Beier said that a motion for approval was needed.

Manning moved for approval, and Bedortha seconded.

The Commissioners present approved the motion by a vote of 6-0.

Beier told the Commissioners that the Woodward application had been withdrawn.

PUBLIC HEARING

Chuck Hegele (owner) – Record Number 217-18-000241-PLNG (original application) and 217-19-000106-PLNG (modified conditional use request) continuation on modified conditional use request to site 7 recreational vehicle (RV) spaces in conjunction with an approved Living History Museum (217-15-000042-PLNG). A private park is allowed as a conditional use under CCC 18.20.020 (EFU-2), 18.180.050(4) (Recreational Vehicle Park Standards), and ORS 215.283(2) (Private Parks in Exclusive Farm Use Zones). The property is identified as T 14 S R 14 EWS Sec 5 TL 800 and is located at 8455, 8483, and 8517 NW Lone Pine Road, Terrebonne, Oregon 97760.

Commissioner George Ponte participated in the hearing by conference call.

Beier said that the record had been kept open. She said that a comment from Central Oregon Landwatch had been received by email after the record had closed. She said that she was checking with the County Counsel to verify that it could not be considered.

Beier listed the following pivotal questions:

- (1) Significant impact on area farming operations.
- (2) OAR requirements.
- (3) Significant impact on livability and appropriate area land uses.

Beier said that the Commission should determine whether the proposed use is as compatible with the area as the school which was previously located on the site.

Warren asked Ponte if he had seen Exhibit 5.

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Ponte said that he had.

Beier said that the required 30 foot setback for the zone applies to structures, but RVs are not structures. She said that the Commission can impose setbacks on RVs. She said that setbacks are measured from the property line. She said that the City requires 20 foot setbacks for RVs.

Hermreck asked about the museum operating hours.

Beier said they had not been set.

Chuck Hegele and Travis Hegele provided applicant testimony.

Travis Hegele said that they had submitted a revised plot plan with more extensive dimensions.

Chuck Hegele said that he had been informed by the Sheriff that there had been no reports of dogs harassing livestock in the Lone Pine area in the last twenty years. He said that he had submitted the rules for the RV Park. He said that the maximum occupancy for the school had been 360 people. He described the pictures which had been submitted. He said that all people should be treated equally. He said that there were 26 RVs in the City RV Park in less area than his park has. He said that there has been an RV with inadequate sewage disposal on a parcel in his area for the last five years. He said he had recently pulled two dogs out of the irrigation canal, and found no evidence that they had chased cattle. He said that one of his neighbors had an RV located 27 feet from the road. He said that there were no windows within 500 feet that would be affected by headlights in his RV Park. He said that the school had been on the property for about seventy years, and there had been no complaints about headlights there during that time. He said that the County RV Park has only nine feet between hookups.

Warren pointed out that the applicant was comparing areas with different zoning, as well as different land uses, and asked him to address the criteria for the proposed use.

Bedortha said that right to farm is not a concern, as it would be covered by the nonremonstrance agreement. He said that the relevant issues are livability, property values, and appropriate development on adjoining properties. He said the criteria are different from those for the museum and the school.

Stec asked how development of farmland in the area would be affected, and whether the Commission should decide what development is appropriate.

Beier said that the character of the area is changing. She said that the Commission must determine whether the proposal fits the park criteria. She said that the applicant had addressed mitigation.

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Ponte said that he believed that the proposed use is not appropriate to surrounding land uses, and that the proposed mitigation is not adequate. He signed off from the conference call.

Manning commented that the proposed use is not an outdoor recreational facility in accordance with the park criteria.

Hermreck said that the museum is an indoor use.

The Commissioners, staff, and applicants discussed the dimensions of the proposed use.

Travis Hegele said that the hookups were proposed, but had not been installed. He said that they wanted an opportunity to mitigate.

Chuck Hegele said that most of the ranchers in the Lone Pine area have sold out to commercial agricultural operations, or have reduced their acreage. He said that the commercial operators have not complained about his activities.

Travis said that some of the hookups on the property will be used for electric vehicle recharging.

Chuck said that there are two exclusive vehicle recharging stations on the property.

Sid Eves provided opposition testimony. He said that his wife's family had owned property in the area before the school was established. He said that the proposed use would affect potential development in the area, and was not associated with a natural outdoor amenity. He said that the proposed layout had been altered. He said that only limited commercial activity is permitted at a living history museum, and must be conducted within the museum itself. He said that the proposed RV Park would be an outdoor commercial activity. He said that under the revised plan, RV spaces would be seventy feet long, and would overlap. He said that the laundry room and showers are not handicapped-accessible. He said that the applicant is planning for long-term occupancy at the facility. He said that vehicle recharging stations are not permitted in agricultural zones.

Hermreck asked Eves how many vehicles came to the applicant's property during the recent memorial service.

Eves said there were no more than four or five vehicles.

Stec asked Eves how the proposed use would affect the livability of his property.

Eves said it would be affected by noise, headlights, dog problems, and unattended children. He said that the County will not be able to adequately enforce conditions, and that residents would have to take the initiative.

Stec asked Eves if it would affect his farming operation.

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Eves said that he had never contended that it would. He said that the proposed use would potentially open up the area to other commercial uses.

Chuck Hegele said that he had submitted a picture of an empty house across the road from Eves' property. He said that he (Hegele) had cleaned it up. He said that a trucking company was operating on another parcel in the area. He said that a barbecue in the area had attracted about 200 people, and there had been no complaints.

Travis Hegele said that the applicant actively farms 300 irrigated acres. He said they would mitigate the concerns.

Warren said that Eves was entitled to rebut the applicant testimony.

Eves waived his right to do so.

Warren closed the public hearing.

Stec asked if the County Court still wanted the Commission to consider the original conditions.

Beier said that the Court wanted findings as to whether the use is appropriate. He said that the County has a single compliance officer, and he cannot deal with this use on a continual basis.

Hermreck commented that farmers make the County operate. She said that the proposed use would have a negative impact on agriculture, and would not be associated with a natural outdoor amenity. She said that she feels strongly about protecting agriculture, and that she could not support approving the proposed use.

Warren said that the Administrative Rules should be reviewed.

The Commissioners and staff discussed the Administrative Rules.

Hermreck commented that the proposed use is not associated with any natural amenity.

Stec said that consistency with the Comprehensive Plan should be addressed.

Bedortha said that the original application had been denied on the basis of inconsistency with the Administrative Rules. He said that although the proposed use is on a small parcel, it would affect the whole community. He said there is presently accessible camping in the area.

Beier said that the state statutes are clear about association with a natural amenity.

Stec asked if there are any natural amenities in the general area.

Beier said that Smith Rock and BLM lands are considered natural amenities.

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Bedortha said that proposals must be considered on a case-by-case basis.

Manning asked how time limits on the use could be monitored.

Beier said that enforcement is an issue.

Warren said that he was worried about setting a precedent. He said that the proposal cannot be made to fit under the Administrative Rules.

Beier said that the applicant has seven days to submit a final written argument.

Bedortha moved that the hearing be continued.

Beier suggested that a five minute recess be called.

Warren did so.

The hearing was reopened.

Beier said the applicant could waive the right to submit a final written argument.

The Commission and staff discussed the issue.

Travis Hegele said that the applicant was waiving the right to submit a final written argument.

Weberg moved that the application be denied on the basis that the proposed use would not be near a natural outdoor amenity, and requirements for water and electricity would not be met.

Bedortha seconded the motion.

The Commissioners present approved the motion by a vote of 5-1. Stec cast the dissenting vote.

OTHER BUSINESS

Beier introduced Bill Krieger, the new Operations Manager for the Community Development Department.

Beier announced that the Oregon Chapter of the American Planning Association (APA) will be holding training sessions for staff and commissioners. She said that the revised Model Code would be reviewed by the County Court on Wednesday, June 19, 2019.

McDonald said that there had been a suggestion from the Paulina area that Residential Homes in existing structures be considered as a conditional use in the EFU-1 zone.

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The Commissioners and staff discussed the issue. It was pointed out that Residential Homes in remote areas would present a problem for emergency services.

Bedortha said that state guidelines would need to be considered.

Hermreck moved that the meeting be adjourned, and Manning seconded.

Warren adjourned the meeting at 8:29 p.m.

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