

PLANNING COMMISSION HEARING



May 22, 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, George Ponte, Laquita Stec, and Susan Hermreck. Commissioner Pro Tem Lawrence Weberg was present as a substitute for Commissioner Bob Lundquist.

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

There were no minutes to be approved.

PUBLIC HEARING

Chuck Hegele (owner) – Record Number 217-18-000241-PLNG (original application) and 217-19-000106-PLNG (modified conditional use request) has submitted a 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.

Beier said that the RV park application was denied by the Commission in January, 2019. It was appealed to the County Court, which considered it on March 20, 2019. The applicant protested that he had not been given an opportunity to submit certain testimony, and was allowed to submit a modified application.

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Beier said that the setback between the RV spaces and Lone Pine Road is now to be 30 feet. The applicant is applying for 7 RV spaces instead of 10, and rocks are to be placed between the spaces. The applicant has submitted a fencing plan which calls for a four foot woven wire fence on the north, east, and west sides of the property, with trees to be planted adjacent to Lone Pine Road. He would like to be permitted to keep the RV park open when the museum is open, but Beier recommended that the park not be open for special events outside of the usual operating period. She said there are also questions about lighting.

Beier said that no final decision was to be issued on the present night, as the applicant had a seven day period to submit a final argument. She said that the RV spaces are in accordance with the requirements of the County Code, and services are to be clustered. She said that the Commission must determine whether impacts on area agricultural uses will be adequately mitigated, and impacts must be compared to those of uses permitted outright in the zone.

Stec asked if the setback from Lone Pine Road was from the right-of-way or the edge of the pavement.

Beier said that the rule is not clear on this.

Warren said that setbacks are needed from property lines.

Beier said there is a light on the pump house on the property.

Manning asked what kind of woven wire was to be used for fencing. She said that small dogs may be able to get through wire with a larger mesh, and dogs are a danger to livestock on adjoining properties.

Applicant Chuck Hegele and Travis Hegele provided applicant testimony.

Chuck Hegele said that the state must meet its obligation to the federal government, the County must meet its obligation to the state, and the City to the County. He said that he could not find the County policy for utility hookups. He said that he can move the hookup seven feet, but does not want regulations without written rules.

Travis Hegele said that the regulations are vague on whether the setback from the road is to be from the roadway or the right-of-way. He said that use of chain link fencing on the property is negotiable.

Chuck said that it is not his responsibility to keep cattle off his property. He said that he is willing to put up any kind of fencing, but would not want chain link or barbed wire. He said he wants to open the museum of Veteran's Day. He said that he wants to put in more efficient lighting. He said that he submitted a full-sized drawing, but the County reduced it and it is no longer to scale. He said that he intends to keep people off the lawn on his property. He said that he wants clear permits before he starts construction.

Travis said that he can work with the Building Department.

Chuck said that a maximum of 268 people were permitted in the school building when it was first constructed.

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Chuck said that his well was poisoned as a result of a plane crash on the property, and it cost him \$25,000 to correct it. He said that the nonremonstrance agreement applies only to standard farming practices, and he will not put up with nonstandard practices which harm his property.

Chuck said that he would put in rocks and trees to minimize visual impact, and maintain a natural appearance. He said that he would reconfigure his plans to maintain the required setback.

Beier said that the required setbacks are for structures, and RVs are not structures. However, she said that RVs too close to the road can affect sight distances for drivers. She said the issue can be discussed.

Warren said that the Commission needed to determine where the setback is from.

Weberg pointed out that the state does not permit direct hookups.

Travis said that clustered hookups are to be used.

Warren asked about the location of the electrical box.

Chuck said that it is more than thirty feet from the property line. He said that the sewer connections are closer to the line and must be changed. He said that he wants a written procedure to follow. He said that he has the right to put in plug-ins.

Manning said that fencing is an issue. She said that dogs must be kept under control.

Travis said that small-mesh wire can keep dogs on the property.

Manning asked if the park was to be nonsmoking. She said that the rules prohibit outdoor smoking.

Travis said that smoking would be permitted inside vehicles with the windows closed.

Warren asked if the property will be lit at night.

Chuck said that he plans to install LED lights, which will be more efficient than the existing light. He said that they will be controlled by a photocell, and will be turned on at night.

Warren asked if he was cleaning up the electrical permits.

Chuck discussed the permits.

Beier said that the applicant had been cooperative with staff, and was good to work with.

Weberg said that pages 13-16, Item G should be addressed.

Stec asked if there is to be a designated pet area.

Chuck said that there will not be.

Stec said that Condition 2 of the museum approval requires that the restrooms be ADA accessible.

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Chuck said that they are.

Beier said that the Fire Marshal had confirmed that they are ADA accessible.

Stec said that opening the RV park on Veteran's Day would be reasonable if the museum is open.

Travis said that want to have more off-season events.

Stec asked if they would need Planning staff approval.

Beier said that they would. She said that they could be open on Veteran's Day with permission.

Chuck said that they might want to be open on Pearl Harbor Day.

Beier pointed out that the DEQ letter was still valid for 10 RV spaces.

Chuck said that the property has a huge drainfield.

Warren asked if they had done anything to modify the museum restrooms to serve the RV park.

Chuck said it had not been done yet. He said that the outside window must be replaced with a door.

Warren asked if they were reconfiguring the plumbing.

Chuck said that they were not.

Bedortha asked how many days the museum would be open.

Chuck said it would be open three days a week. He said that about 250 people would be visiting the museum for a special event in the near future.

Beier said there is no restriction on when the museum can be open.

Hermreck asked what field on the property is to be used for parking, when the present parking area is inaccessible due to the RV spaces.

Beier said that a letter had been received from Tom Strand concerning the application.

Sid Eves asked if the opponents would have a right to see the argument filed by the applicant during the seven day period.

Beier said that the opponents could see it, but would not be able to respond, due to Oregon land use law.

Eves asked if the applicant could reconfigure his application during the seven day period.

Warren said that the applicant could not. He said that the purpose was to permit him to clarify his statements.

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Eves provided opposition testimony. He said that the fence issue should be clarified. He said that Tom Strand does not want the applicant's fence on his property. He said that the well on the property is a residential well for a maximum of 23 people. He said that he saw the plane crash on the property, which was more of a controlled landing. He said that the crash did not contaminate the well, which was contaminated by nitrates from septic systems. He said that the applicant had not submitted a site plan with dimensions. He said that ADA compliant showers are required in restrooms, but are not shown on the site plan. He said that no revised plans had been submitted for hookups. He said that the applicant is putting in seven individual hookups, and that clustered hookups are not allowed. He said that shared services are different. He said that a park is only allowed in connection with an outdoor amenity, which is not present. He said that there have been problems with dogs in the area. He said that a six-foot sight-obscuring fence surrounding the entire property is required. He said that headlights will shine into his bedroom at night. He said that the applicant had not minimized the impacts of the park.

Eves asked about the size of the RV spaces. He said that no space is provided for pop-ups, and there are no buffers. He said that he wants the application denied. He said that the park would encroach on Lone Pine Road.

Travis Hegele testified in rebuttal. He said that the right-to-farm ordinance makes it difficult for neighbors to stop farming practices. He said that the drainfield on the property is not failing. He said that it is a pressurized injection system, and is well designed.

Chuck Hegele said that sewage is not reaching the end of the drainfield. He said that they are not using half of the drainfield.

Warren said there is a question concerning the dimensions of the park.

Weberg asked about sight-obscuring fencing.

Beier said that it might be considered.

Ponte asked if there is enough room for RVs on the property.

Hermreck asked how close the property is to the nearest public campground.

Travis Hegele said that there is a dry camp two mile away. He said that the nearest KOA campground is twenty miles away.

Warren said that more dimensions are needed.

Beier said that the applicant can be asked to submit them before the next hearing. She said that a question to be asked is whether the park is a good use for that location.

Hermreck commented that the park is to be open only from April 1 to October 31, on Friday, Saturday, and Sunday. She said that she wants clarification of the County Court's thoughts.

Beier said that issue was not discussed by the Court.

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Hermreck asked if the nonremonstrance agreement would apply to campers. She said that if ranchers must take action against dogs which attack their livestock, they could be subjected to nuisance lawsuits regardless of the agreement, which can be a major expense.

Warren said that he was concerned about individual hookups.

Beier said there is not much guidance. She said that the Planning Commission had permitted a campground with clustered hookups in a previous case, but the situation is unclear.

Hermreck said that change of use of the well should be included in the conditions.

Weberg commented that a tent area was not shown on the map.

Beier said that there is no provision for tent camping.

Bedortha moved to continue the hearing to June 12, 2019, with the record to be kept open for seven days from the present date.

Hermreck seconded. She asked if the opponent could present a rebuttal on June 12.

Beier said that he could.

The Commissioners present approved the motion by a vote of 7-0.

OTHER BUSINESS

Beier said that the Commission might have the final plat for Brasada on June 12. She said there could be a discussion of the Code revision, and an update on the Model Code.

The Commissioners and staff discussed the issue.

Warren asked about the time frame on the Woodward appeal.

The Commissioners and staff discussed this issue.

Hermreck moved to adjourn the meeting.

Ponte seconded.

The Commissioners present approved the motion by a vote of 7-0.

Warren adjourned the meeting at 8:25 p.m.

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