

# PLANNING COMMISSION HEARING

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**April 10, 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, George Ponte, Susan Hermreck, and Bob Lundquist. Commissioner Pro Tem Lawrence Weberg was also 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 other than during the site visit. 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.

Warren stated that he knew, and had done business with, a number of people in the audience, but said it would not affect his judgement.

## **APPROVAL OF MINUTES**

No minutes were scheduled for approval.

## **PUBLIC HEARING**

**Crook County (applicant) – Record Number 217-19-000062-PLNG** is requesting a Text Amendment to amend Crook County Code Title 18 Zoning Chapter 18.08 Definitions, Chapter 18.16 Exclusive Farm Use Zone EFU-1 (Post-Paulina Area), Chapter 18.20 Exclusive Farm Use Zone EFU-2 (Prineville Valley-Lone Pine Areas), Chapter 18.24 Exclusive Farm Use Zone EFU-3 (Powell Butte Area), and Chapter 18.28 Forest Zone F-1.

## PLANNING COMMISSION HEARING

---

Beier explained that Crook County is the applicant for the Text Amendment.

C.J. Doxsee explained that he is a consultant and team member in the development of the Text Amendment. He explained the State Model Code background and issues. He said that the Model Code had been developed with the help of regional teams from Eastern Oregon, Western Oregon, and the Willamette Valley. He said that the Text Amendment is proposed to include changes to non-mandated provisions of the Code.

McDonald said that the development process for the Text Amendment started about one year ago. She said that the required notices had been sent out, which were written in state-mandated language which could be confusing. She said that the draft Code changes would go to the County Court no earlier than May 15, 2019. She described the tables which were being added.

Beier said that no rezoning is involved. She said that everything which is currently allowed is being set out in a useful form, with the criteria laid out.

Warren asked if any county, state, or federal agency representatives were present. There were none. He said that the Commission was not able to answer questions dealing with specific properties at the present meeting.

Warren asked for testimony in favor.

Tom Wolverton gave testimony which he said was neither in favor or against. He said that he and his wife own a 6500 acre ranch in the Post area next to the Riverside subdivision. He said that he is against anything which makes ranching more difficult, and does not want more housing in the area. He said that the highway serving the area is about worn out.

Matthew Rich gave testimony which he said was neither in favor or against. He said that he owns property on Mackay Creek Road. He said that he did not understand the language of the notice, and asked if the intent is to make the County Code easier to interpret.

Warren said that it was.

Rich asked if the development process had been advertised.

Warren said that it was on the Crook County website.

Beier said that there had been a newspaper article two weeks ago. She said that the language of the hearing notice was scary because of state requirements.

Rich said that it was important that people have “eighteenth chances” to make fresh starts in rural areas.

Ponte asked Beier to define Text Amendments as opposed to other kinds of amendments.

Beier explained that the Code language is being changed to implement the state’s language. She explained the relevant Statewide Planning Goals.

## PLANNING COMMISSION HEARING

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Warren asked for additional testimony in favor. There was none. He asked for testimony in opposition.

Rory Isabelle, staff attorney for Central Oregon Land Watch, offered opposition testimony. He said that his organization appreciated the County's efforts to simplify and update the Code. He said they were concerned about potential policy changes, and that some discretionary uses which the County presently does not allow could be allowed. He said that online documents indicated that consultants were recommending allowing additional use. He said his organization was recommending a strike-through copy of the Code showing uses which are to be added or eliminated. He said that new uses were being recommended in the Forest Zone which should not be part of the Code. He said that it appears that conditional use standards were being removed for forest residences and outdoor mass gatherings which should be retained. He said that it is hard to identify changes.

Warren asked if all of Oregon Land Watch's concerns were stated in the letter submitted by Isabelle.

Isabelle said that they were.

Jim Cordell said that he was offering neutral testimony. He said that he is a landowner, and is against new regulations. He said that the Green New Deal is against cattle grazing. He said that he wants to keep his property rights, and is against nitpicking regulations. He said that complexity of regulations is a real threat. He said that the science is changing on deer, and that humans are creating additional deer habitat. He said there is a need to change the Wildlife Overlay for deer. He asked the Commission to protect property rights.

Edie Riley testified that she lives in the Riverside subdivision. She said that she wants changes to the County Code to be addressed as a separate issue. She said that she wants a better conversation.

Beier stated that no uses are going away, except those pointed out. She said that uses are being put in a table, and another table will be developed to show current state law.

Warren suggested that interested persons attend the workshops which are to be held.

Kristy Cooper stated that changes need to be addressed separately. She said that she agreed with Oregon Land Watch's comments.

Beier said that discretionary uses listed in the state statutes are not required to be permitted. She said that the County does not want landfills, but may need transfer stations. Both are discretionary uses.

Trent Smith said that he is not for or against the Text Amendment. He said that he is concerned about zoning amendments. He asked if they will be discussed in the workshops.

## PLANNING COMMISSION HEARING

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Beier said that staff will try to respond to the exhibits. She said that DLCD has done a preliminary review and their comments are in Exhibit 1. She said that the comments raised by Oregon Land Watch will be in Exhibit 2.

Tim DeBoodt said that he owns property on Grizzly Mountain. He said that he is presently the Natural Resource Coordinator for Crook County, and previously spent thirty-five years as an Extension Agent. He said he would advise a broad approach to land use and use the Conditional Use process to provide sideboards and guidance. He said that opportunities for new kinds of farm operations should not be reduced. He said that hemp is a new crop, which could be severely affected by changes in regulations. He said that guest ranches provide an economic boost, and should not be eliminated unless it is required by state statutes.

Bedortha said that guest ranches were proposed to be eliminated from EFU1 as a permitted use because the state regulations are not clear.

Hermreck said that the Commissioners want to let the state finish clarifying the issues.

Kristen Lilienthal said that she owns a small property. She said that she is in favor of simplifying the Code. She said that she has had tax problems related to agricultural income. She said that she raises goats. She said that she wants a simpler, cross-referenced document which spells out penalties.

Richard Nolan asked if the state is forcing counties to take away the rights of Commissioners to keep areas rural.

Warren said that this has nothing to do with the application process. He said that the ability of the Commission to make decisions is not being restricted.

Nolan said that he wants to keep rural areas rural.

Hermreck said that she agree with that.

Beier said that more information would be put on the website and made available as printouts. She asked interested persons to talk to planning staff. She said they want to hear the public's concerns before the Text Amendment goes to the County Court.

Hermreck said that she wants to review the exhibits.

Warren asked interested persons to attend the workshops.

Warren adjourned the meeting at 7:35 p.m.