

# PLANNING COMMISSION HEARING

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**April 3, 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, and Laquita Stec. Commissioners George Ponte, Susan Hermreck, and Bob Lundquist were not present.

Crook County Planning staff present were Planning Director Ann Beier and Planner Katie McDonald. Assistant County Counsel Eric Blaine and Fire Marshal Russ DeBoodt were also present.

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.

## APPROVAL OF MINUTES

No minutes were scheduled for approval.

## PUBLIC HEARING

**217-19-000058-PLNG** Brasada Ranch Development LLC (applicant) requests approval for the thirteenth phase of development of the Brasada Ranch destination resort. Phase 13 is the ninth single-family residential phase and includes one open space lot and 27 residential lots.

Beier said that the Brasada Ranch destination resort was approved in 2004. She said this phase includes residential lots, with no overnight lodging units. She said that infrastructure is to be in place before residential construction begins, so bonding is not required. She said that the criteria for the resort requires a ratio of 2.5 residences to 1.0 overnight lodging unit, with a maximum of 608 residences. She said there are presently 559 residential lots. The present phase is to be accessed by an extension of Spirit Rock Drive ending in a cul-de-sac. She said that a minimum of 50 percent open space must be maintained for the entire development; there is presently 47 percent open space, not including presently undeveloped areas.

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Water and sewage lines from Avion Water Company and the community sewage plant are presently in place in Phase 13, as well as electrical and gas lines. There are no irrigation water rights. Road standards for Brasada call for 20 foot wide road rights-of-way with maximum 12 percent grades, in accordance with Fire and Rescue requirements. The cul-de-sac is to have an adequate turning radius for emergency vehicles.

Beier said that she was recommending a few conditions of approval, including filing of a final plat for Phase 13 within two years, verification that infrastructure is in, adherence to the conditions of the original approval for the destination resort, and maintenance of the required ratio of residences to overnight lodging units.

Bedortha asked if the requirements for improvements to Alfalfa Road had been met.

Eric Blaine said that they had been taken care of. He said that there were two bonds outstanding, one for the replat of Phase 1, and one involving irrigation.

Alan Cornelius presented testimony as a representative of Brasada Ranch Development. He said that the applicant is proposing that the extension of Spirit Rock Road be moved ten feet to the south to improve access, and conform to lot lines. Adam Conway from DOWL, displayed a map of the proposed alteration to the road alignment to the Commissioners.

Manning asked if the density ratio was similar that of other developments.

Cornelius said that it was.

Beier said that the applicants would enter the new maps in the record.

Warren asked if the cul-de-sac dimensions were shown.

Cornelius said that they were not, as they had not been changed.

Warren asked for opposition testimony. There was none.

There was no rebuttal.

Warren closed the public hearing.

Bedortha and Manning said they had no problem with the changes.

Stec moved for approval with the conditions proposed by Beier.

Bedortha seconded the motion.

The Commissioners present approved the motion by a vote of 4-0.

Beier explained the final plat.

### **OTHER BUSINESS**

Beier informed the Commissioners that the County Court had remanded the Cooper appeal of the Woodward decision approving a portable asphalt plant to the Commission, with instructions to consider only the issues raised in the appeal.

She said that the Court had given Hegele fourteen days to modify his application.

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Stec and Bedortha asked if they should continue to recuse themselves regarding the Woodward decision

Blaine gave what he said was a tentative answer, and said that he would research the issue. He said that if they had recused themselves due to perceived bias they should continue to recuse themselves. He said that if they had recused themselves due to absence from the deliberations, they could bring themselves up to date on the issue and need not recuse themselves.

Stec asked if the appeal was on procedural or substantive issues.

Blaine said it was primarily on procedural issues, but some substantive issues were involved.

Bedortha asked if the decision would bypass the County Court.

Blaine said that it would not, but that the Court's decision could be appealed.

Bedortha asked if the applicant could continue to operate.

Beier said that he could continue to mine, but could not operate the asphalt plant.

Blaine said that the revision period for Hegele would be for fourteen days from the following day. He said that the Court decision could be appealed to LUBA.

### **WORK SESSION**

McDonald said that she had received two or three calls a day regarding the upcoming public hearing on the Code changes.

The Commissioners and staff discussed the rules for hearings.

Blaine said that the Commission may be more flexible than the County Court. He said that Commission could provide equal time for testimony on both sides of an issue, regardless of the number of people wishing to testify on each side. He said that most members of the public are understanding about this.

Bedortha said he was concerned that three Commissioners were not at the present meeting.

McDonald suggested that another session would be available for other Commissioners.

The Commissioners and staff discussed the issue of closing the record or leaving it open, and circumstances under which testimony can be received after the record is closed. They also discussed when the Commissioners must review written testimony submitted during a public hearing.

They also discussed when a hearing can be reopened. Blaine advised that this be done sparingly.

The Commissioners and staff discussed how late hearings can run. A continuation of a hearing after 10:00 p.m. requires a unanimous decision by the members of a hearing body, and that the hearing can only be continued for thirty minutes at a time, for a maximum of two hours. The Commissioners discussed whether the hour of termination should be changed from to 9:00 p.m. when the starting time is 6:00 p.m.

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The Commissioners and staff discussed rebuttals.

Bedortha moved to close the meeting, and Manning seconded.

Warren closed the meeting at 8:45 p.m.