

# CROOK COUNTY PLANNING COMMISSION

---



**December 19, 2018**

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 Laquita Stec, George Ponte, Susan Hermreck, Gary Bedortha, Bob Lundquist, and Commissioner Pro Tem Lawrence Weberg.

Crook County Planning staff present were Planning Director Ann Beier and Planner Katie McDonald.

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

## **OPENING STATEMENTS**

Warren explained the Commission procedures. He called upon the Planning Commissioners present to state any conflicts of interest or ex parte contacts. He asked if any member of the public wished to challenge any of the Commissioners concerning any item on the agenda.

**Conflicts of Interest:** Bedortha indicated that he would recuse himself from the Woodward hearing due to a possible conflict of interest. Stec indicated that she would recuse herself from the Woodward hearing because she had not been present at the previous hearing on the matter and had not reviewed the material. Weberg indicated that he had owned a rock pit in the past, but that it would not affect his judgement. Hermreck stated that she had not been present at the previous Woodward hearing, but had reviewed all testimony and felt that she was qualified to participate in the present deliberations.

**Ex Parte Contacts:** None.

**Challenges:** None.

## **APPROVAL OF MINUTES**

The Commissioners reviewed the draft minutes for the meeting of November 28, 2018. Warren indicated that the names of two persons who participated had been misspelled.

Beier said that staff would correct the errors.

## CROOK COUNTY PLANNING COMMISSION

---

Ponte moved for approval of the minutes as amended.

Warren seconded.

The Commissioners approved the motion by a vote of 4-0. Stec, Hermreck, and Bedortha abstained because they had not been present at the November 28 meeting.

### PUBLIC HEARINGS

**FNF NV Brasada, LLC (Owner/Applicant) Ron Hand, DOWL (Agent) Record Number 217-18-00042-PLNG:** The applicant requests approval for the tentative plan for Phase 12 of Brasada Ranch. The proposed plan is for a six (6) lot non-residential area within the Brasada Ranch Destination Resort. The application is subject to the criteria in Crook County Code 18.116 (Destination Resort Overlay Zone). The property is identified as portions of T 16 S R 14 EWM Sec 28 TL 100, 111; and T 16 S R 14 EWM TL 2801.

Beier said that the phases of development are based on the master plan adopted in 2004. She said that this phase is not like the others, in that it is to consist of nonresidential lots, for utilities, a drainfield, and open space, and golf course lots. She said that the Subdivision Review Committee members had been notified, but they had decided that no Committee meeting was necessary. She said that one letter had been received from a property owner in Brasada, who wants the hearing postponed until an environmental impact review has been conducted, because the proposed lots are adjacent to a designated BLM Natural Area. Beier said that there is no need for delay, because no new development is proposed, and environmental review has already been conducted for the area.

The applicant, Ron Hand, testified in support of the proposal. He said that he had received two telephone calls with questions about the proposal, which he had answered. He said that there are to be three utilities lots, a drainfield lot, and golf lots. He said that the purpose of the golf lots is to outline the golf course. He said that the entity which is to run the wastewater treatment plan wants to control the acreage involved. He said there is an existing trail on the open space lot. He said that an access road connects the utility lots to Brasada Ranch Road. He said that the Brasada Master Plan was approved in 2004. He said that he had met with BLM, and that fencing was provided to protect the Natural Area. He said that the proposal is in compliance with the final development plan, and is essentially a housekeeping action.

Warren asked if there is to be a drainfield on the open space lot.

Hand said that there will not be.

Weberg asked if the road work had been done.

Hand said that it had recently been completed.

Beier said that there should be a condition requiring road naming protocol to be followed

## CROOK COUNTY PLANNING COMMISSION

---

for the access road, and that an irrigation district signoff should be obtained.

Hermreck asked if the access road is paved or graveled.

Hand said that it is paved.

Warren asked for additional public comments. There were none.

Warren closed the public hearing.

Bedortha moved for approval of the proposal.

Ponte seconded.

Hermreck suggested that the motion be amended to provide for a road naming condition.

Bedortha amended the motion accordingly.

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

Beier said that she would finalize the draft decision and add the required condition.

Beier informed the Commissioners that the Crook County Court had extended the terms for those Commissioners whose terms were expiring for another four years.

**Clint Woodward (owner/applicant) – Record Number 217-18-000341-PLNG**

continuation of hearing on a request for modification of the conditional use approval authorizing mining and extraction of sand and gravel on the subject property (C-CU-776-95) approved by the Crook County Planning Commission on February 22, 1995. The specific request is to modify the existing conditional use permit to explicitly allow placement of a mobile asphalt plant on the site, and to allow processing of clean concrete, asphalt, and other rock material from off-site on the subject property. Aggregate sites are subject to the requirements of CCC 18.144. The property has been designated as a significant aggregate site in the Crook County Comprehensive Plan (C-P (M-23-95) and is identified as T 15 S R 17 EWM TL 812, located on the north side of the Post-Paulina Highway.

Bedortha and Stec stepped down.

Hermreck referred to two documents which had just been submitted to the Commission, and requested a few minutes to review them.

Beier said that one of the documents was an amendment to the staff report, and suggested that it be set aside until after testimony was received. She said that the other document was a summary of a meeting between Planning staff and the Department of Environmental Quality (DEQ) and the Department of Geology (DOGAMI) and that copies were available to the public.

## CROOK COUNTY PLANNING COMMISSION

---

Weberg asked about asphalt recycling.

Beier said that the asphalt plant had been approved in 1995. She said that recycling is included under processing.

Warren called for a pause for the Commissioners to look over the two documents at 6:32 p.m. Warren resumed the hearing at 6:40 p.m.

Beier said that Exhibit 17 of the staff report was the site plan, and Exhibit 18 was the area map. She said that Exhibit 19 was the minutes of the meeting between her and McDonald, and DEQ and DOGAMI staff. She said that she had been directed to look into possible conflicts with specialized agricultural operations.

McDonald pointed out that the site plan shows the batch plant area, and the area map shows the locations of organic farming operations. She said that the Oregon Department of Agriculture is the certifying agency for organic farming operations, and maintains a list of certified operations. She said that some smaller operations do not apply for certification, but can request testing by the Department of Agriculture. She said that some certified operations are located adjacent to highways.

Warren commented that some organic farming operations are close to the batch plant located in Juniper Canyon.

The staff and Commissioners discussed the issue.

Beier said that she and McDonald had met with the DEQ and DOGAMI stormwater group. She said that the batch plant to be placed on the site is a mobile plant which has previously received approval from DEQ. She said that the filtering bags must be tested by July, 2019. She said that annual reports are based on production.

Beier said that chemicals are discharged by the batch plant at low levels, and there are no health concerns, and odor is not a serious problem. She said that mining does produce dust, and that DEQ recommends keeping a water truck onsite, a berm, and paved access roads. She said that excess asphalt produced onsite can be used for paving. She said that steam plumes are occasionally produced.

With regard to stormwater, Beier said that DOGAMI does the fieldwork, but DEQ issues the permits. She said that there are no designated wetlands on or near the property, and no Army Corps of Engineers jurisdiction.

Hermreck asked if recycling is covered by the original approval for the batch plant.

Beier said that a finding is needed that recycling constitutes processing.

## CROOK COUNTY PLANNING COMMISSION

---

Weberg complimented Beier and McDonald for their work.

Lundquist said they appear to be working toward the Department's goals.

Warren asked if the proposed operation can be monitored.

Beier said there could be annual monitoring.

Ponte said he was concerned about dust and water availability. He said that he was also concerned about lighting for night operations and security. He said that lighting impact should be minimized, and that downward shielding is not enough.

Beier said that the conditions should be explicit about lighting, and about Dark Sky provisions. She said that LED lighting is energy efficient, but may be excessively bright.

Ponte said that the applicant should be asked about lighting.

The applicant, Clint Woodward, said that there is presently no power to the property, and that generators are being used. He said that there has been no night work until the present, and that generators will be used in that event. He said that the plat shows four-point lighting. He said that the lighting should not keep anyone awake.

Ponte commented that the site should not look like an industrial plant at night.

Woodward said that he has no plans to extend power to the property, which would be prohibitively expensive. He said that there will be no crushing at night.

Beier said that the County Counsel has indicated that opponents should be provided an opportunity for rebuttal.

Kristy Cooper said that she had not been given an opportunity for rebuttal. She said that she wanted to place a written rebuttal in the record.

Beier said that a written rebuttal could not be accepted on the advice of the County Counsel.

Cooper said that lighting, noise, and odor from the operation are problems. She said that it should be required to be in an industrial zone. She said that the water supply is inadequate. She said that her organic gardening operation sells less than \$5000 of product annually, and does not require certification. She said that the federal Environmental Protection Agency requires a stormwater pollution plan. She said that the Juniper Canyon batch plant produced less than 2000 pounds of material. She said that all concerns had not been taken into consideration, as telephone

## CROOK COUNTY PLANNING COMMISSION

---

complaints were not counted. She said there had been no response to concerns expressed about impacts on hemp farming.

Weberg said that the language concerning recycling was confusing.

Beier said that mining is explicitly permitted in EFU zones by state law.

Weberg commented that mining has priority over agriculture.

Hermreck said that the public hearing should be closed.

Warren said it had never been opened.

Beier said that a water source is necessary to fill the water truck for dust control, but does not have to be onsite. She said that DEQ requires a water truck. She said that DEQ had suggested a berm to buffer dust, odor, and noise impacts. She said that the height of the berm could be specified.

Ponte commented that it would be difficult to prescribe a specific height.

Hermreck said that lighting should not be excessively restricted due to safety concerns for night operations.

Beier said that demand for asphalt for night paving is addressed in Condition 7. She said that night operations should be exceptions, but may be necessary to fill contracts with federal, state, and local governments for paving materials. She said that large paving jobs must often be done at night to avoid disrupting traffic. She said that night operations should not be permitted to supply small, private paving jobs.

Beier said that language on blasting had been added, in Condition 12. She said that the applicant is to be permitted to blast three times per year. She said that notification of neighbors within 2000 feet is required, along with notification to the County, and a notice posted at the entrance to the mining operation.

Warren called for review of the conditions.

Beier said that Condition 1 is unchanged from the original conditions. She said that Condition 2 addresses mining, storage, and crushing.

Beier said that the County should be notified if the asphalt plant is moved or replaced.

Hermreck said that the plant should be required to have a DEQ permit.

Beier said that Condition 10 addresses weed control.

## CROOK COUNTY PLANNING COMMISSION

---

Ponte said that berm should be required to minimize light pollution.

Beier said that Condition 7 addresses air quality.

Ponte moved that the application be approved with the proposed changes to conditions.

Hermreck seconded the motion.

The Commissioners participating in the hearing approved the motion by a vote of 5-0.

### **OTHER BUSINESS**

The Commissioners and staff discussed the Forest Zone. Beier pointed out that some permitted uses are subject to local option, and can be permitted, or not.

The Commissioners and staff discussed accessory housing units in the UGB.

Hermreck moved for adjournment.

Ponte seconded.

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

Warren adjourned the meeting at 8:05 p.m.

## CROOK COUNTY PLANNING COMMISSION

---