

CROOK COUNTY PLANNING COMMISSION



November 14, 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.

APPROVAL OF MINUTES

The Commissioners reviewed the draft minutes for the meeting of October 24, 2018.

Bedortha moved for approval of the minutes.

Stec seconded.

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

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: None.

Ex Parte Contacts: Weberg said that the Commissioners had met the applicant for the second item on the agenda during the tour of the property.

Challenges: None.

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PUBLIC HEARING

RMG Destination, LLC (applicant/owner) – Record Number 217-18-000334-PLNG – Continuation of hearing on a request for modification of the development plan approval authorizing development of the subject property as a destination resort (CU-DES-003-06) approved by the Planning Commission in 2007. The specific request is to modify Conditions 5 and 6 to update the list of possible recreational and commercial uses on the property, and Condition 31-33 to update the required transportation improvements based on new transportation data, and transportation policy changes. The proposed modifications are to be reviewed in accordance with the requirements of Crook County Code (CCC) 18.116 (Destination Resort Overlay), 18.160 (Conditional Use), and 18.180 (Transportation Impact Analysis). The subject property is identified as T 16 S R 14 EWM TL 2200, 3900, and 4100, and T 16 S R 15 EWM TL 2100, 3100, and 3200.

Beier stated that the applicant's proposal for modification of Conditions 31-33 included updated Memorandums of Understanding (MOU) and had not fully reflected the comments of the Crook County Roadmaster. She said that a memorandum from the applicant reflecting the discussion between the Roadmaster, applicant, and herself had been received on the present date.

Beier said that the Commission could approve the request subject to approval by the Roadmaster, or could require MOU's between Crook County and the applicant, Deschutes County and the applicant, and the Oregon Department of Transportation and the applicant prior to submission of the final development plan.

Joe Bessman, the applicant's transportation consultant, offered testimony. He said that he had met with staff to discuss changes to Alfalfa Road. He said that there are high traffic speeds on Millican Road, and that the applicant will install a left turn lane, along with a right turn deceleration lane.

Bessman said that pavement overlays are to be done on Millican and Alfalfa Roads and the Powell Butte Highway when the road improvements are completed. He said that the applicant is concerned about providing a methodology to pay for road improvements so that work is not done twice.

Weberg asked about the relationship of road improvements to units for overnight occupancy.

Bessman said that the applicant will provide payments based on the number of units.

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Lundquist asked how construction traffic is to be provided for.

Bessman said that a gateway is to be provided to make the entrance to the resort easy for the public to find during construction.

Beier pointed out that construction is to be phased in over a long period of time, so that there will not be excessive traffic.

Hermreck asked how the cost of road overlays was arrived at.

Bessman said that they used figures developed by Deschutes County. For the intersection of Hwy 125 and the Powell Butte Highway, the applicant is proposing that the acquisition of private land needed for road improvements be done by ODOT. He said that if ODOT is unable to obtain land for improvements, the applicant will make in lieu payments, but ODOT must still provide the improvements. If the applicant has done all they can but ODOT is unable to acquire the right of way, the applicant will not be held up from continuing to construct.

Warren asked if ODOT is open to this.

Bessman said the applicant is covering the full cost of improvements, and ODOT is on board. He said that the connection between Alfalfa and Millican Roads will ideally be begun during the first phase of construction, but probably will not be completed until the second phase.

Ponte asked about the connection with Stearns-Becker Road.

He said that they proposed to use Crook County Road Department and Deschutes County requirements. He said that it is important to move forward.

Bessman said that they want to limit traffic during construction. He said that the site is already gated. He said that they do not want resort patrons to use the access road during construction.

Lundquist said that the gate is presently open.

Dennis Pahlisch said that it is not a public road at this point in time.

Ponte asked if it is a public access road.

Shearer said that the road crosses both private and BLM lands. He said that a permit to cross BLM land had been obtained. He said that the applicant is not out to keep the public from using the road. He said that they have easements for the private parcels which the road will cross. He said that they will address the issue of restricting access

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as traffic on the road increases. He said that they will remove the gate if the Commission wants that done. He said that some of the private property owners have installed gates.

Hermreck said that if neighboring property owners have the right to put in gates, it should be up to the applicant whether to have one. She said that any gate should be designed to enable people to get through it in the event of wildfire.

Ponte said that if the road is to be a public access road, the Roadmaster should probably look at it.

Shearer said that could be required by the final development plan.

Lundquist said that he does not want public lands to be landlocked.

Pahlisch said that they are trying to keep traffic off the unimproved sections of the road.

Beier said that the Commission can accept the proposed changes to Conditions 5 and 6, Conditions 31-33, and accept the 11-14-18 transportation memo. She said that a memo of understanding between Crook County, ODOT, Deschutes County, and the applicant can be signed, to let the project go forward.

Shearer said that if a public agency changes its recommendations, the applicant wants to be able to address that in the final development plan.

Hermreck said that there could be a motion to accept modifications to Conditions 5 and 6, then a second motion regarding Conditions 31-33 and other Transportation related modifications.

Beier said that modifications can be accepted.

Steven Hultberg, the applicant's attorney, said that the applicant submitted additional evidence, and any member of the public could have the opportunity to testify.

Warren asked for additional proponent or opponent testimony. There was none.

Warren closed the public hearing.

The Commissioners discussed the issue.

Hermreck moved for approval of the changes subject to Roadmaster approval, and a memo of understanding between Crook County and the applicant, Deschutes County

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and the applicant, and ODOT and the applicant at the time of the final development plan.

Beier said that Condition 7 should be accepted subject to the memo of understanding.

Hultberg said that additional findings should be permitted if ODOT requirements are changed.

Warren reopened the public hearing to hear Hultberg's suggestions for the motion.

Warren closed the public hearing

Beier recommended that the motion be amended to reflect that.

Hermreck moved to accept the motion as amended.

Bedortha seconded the motion.

The Commissioners approved the motion by a vote of 6-1.

Warren called a five minute break at 7:05 p.m.

Warren reopened the meeting at 7:10 p.m.

Chuck Hegele (owner) – Record Number (217-18-000241-PLNG) is requesting conditional use approval to site 10 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 applicant previously withdrew the application and resubmitted it. She said that the water system on the property will require DEQ approval. She said that state law prohibits the provision of individual electrical, water, or sewer hookups for RV spaces. She said that the Commission must find that the proposed use will not impact the livability of other properties, or property values in the area. The Commission must weigh the proposed conditional use against other outright allowed uses. She said that some impacts can be mitigated, and some cannot be. She said that landscaping is required.

Bedortha asked if the Commission must establish need for the facility.

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Beier said that is not required.

Weberg asked if hookups can be used if they are approved by the DEQ.

Beier said that while hookups must be approved by the DEQ, state law prohibits them from being installed for individual RV spaces.

Beier pointed out that the RV spaces concerned had been put in without land use approval.

Travis Hegele, the applicant's son, offered testimony in support of the proposal. He said that he purchased the property in 1998. He said that his family has owned a business installing fire suppression systems since 1975. He said that they initially intended to operate a private school in the former public school building on the property where they are presently operating a museum. He said that the septic system on the property has two to four times the capacity needed for the proposed RV spaces. He said that many visitors to the museum come from long distances away, and need RV spaces for overnight stays. He said that a campground is located two miles from the property, but that it has primitive facilities and is not ADA accessible. He said that he will limit stays at his RV sites to seven days. He said that dogs will be required to be kept on leashes, and that quiet hours between 10:00 p.m. and 6:00 a.m. will be enforced.

Chuck Hegele said that the Commission may be misinterpreting the Oregon Administrative Rules (OARs) concerning RV hookups. He said that the rules are intended for RV parks within city limits with connections to city sewers.

Stec asked about the relevant OARs.

Beier explained. She asked Hegele if it was to be a year-round operation.

Hegele said there would be less use during the winter. He said that RV campers could use the restrooms in the museum when it is open, but that a comfort station on the property is available for year-round use.

Sid Eves presented opposition testimony. He said that he has a background as a building superintendent in construction. He said that when the DEQ evaluated the septic system on the applicant's property, they considered the capacity, but did not consider the impact on water quality. He said that the requirements for a detailed plot plan had not been met. He said that the RV spaces are too small to meet requirements. He said that the applicant's property is not in compliance with County ordinances. He said that he has no problem with a museum on the property as such.

Beier stated that the present hearing was not concerned with compliance issues.

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Eves said that nothing had been done to enforce compliance. He said that four addresses were listed for the property. He said that approval had been issued for a storage building. He said that the comfort station on the property is not large enough, and is not ADA compliant. He said that there is no dressing area.

Stec asked if the RV spaces were separate from the museum.

Beier said this had not been stated by the applicant.

Eves said that the RV spaces would affect the livability of the area.

Ponte asked Eves how large his property is.

Eves said that it measures 38.9 acres.

Tom Strand presented opposition testimony. He said that the application should not be approved. He said that a barbed wire fence is needed between the applicant's property and his property. He said that he has cattle, and is concerned about attacks from dogs belonging to campers on the applicant's property. He said that a survey is needed to establish the property line. He said that an existing campground is located within one mile of the applicant's property.

Bedortha commented that the Commission cannot require a survey.

Beier said that it sounds like there could be a conflict with agricultural operations in the area. She said that an agreement of nonremonstrance with farm operations would be required. She said that there is insufficient area for RV spaces of the required size. She said there is a question whether the applicant can mitigate adverse impacts and meet Building Code requirements.

Weberg said there is a question of parking on the property.

Travis Hegele offered testimony in support of the proposal. He said that County Code enforcement is limited, and there are many illegal RV spaces in the County. He said that the well water on the property is tested on a regular basis. He said that he does not think that year-round restrooms are needed, but that the applicant can provide them if required.

Weberg asked the applicant if he would agree to install a chain link fence adjacent to Strand's property.

Chuck Hegele said that he is willing to erect a fence. He said that there is no record of dog attacks on livestock in the area.

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Weberg asked if conditions could be developed for the RV facilities.

Beier said that the applicant's property is small for the intended use, and there is a question whether adequate amenities can be provided. She said that there are other issues.

Bedortha asked if the use is permitted outright.

Beier said that it is a conditional use. She said that the impacts must be compared with those of uses permitted outright on the property.

Hermreck commented that the applicant's neighbor is providing a fence, and the applicant is not providing any buffer for the proposed facilities.

Beier said that the hearing should be continued to the meeting of November 28.

Weberg said that the Commissioners should review the testimony.

Stec moved to continue the hearing to November 28, 2018.

Hermreck seconded the motion.

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

Stec moved for adjournment.

Bedortha seconded.

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

Warren adjourned the meeting at 9:20 p.m.

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