

CROOK COUNTY PLANNING COMMISSION



October 24, 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. County Attorney Jeff Wilson was also present.

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

Beier stated that a request had been received from applicant Clint Woodward to postpone the public hearing on Record Number 217-18-000341-PLNG to November 28, 2018.

Hermreck moved that the request be approved and Stec seconded.

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

Beier said that written testimony on the above matter would be accepted until November 21, 2018, and that the staff report may be modified prior to the hearing. She said that the applicant could continue to mine the approved aggregate site.

APPROVAL OF MINUTES

Warren moved for approval of the minutes for the meeting of October 8, 2018.

Hermreck seconded

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

Stec moved for approval of the minutes for the meeting of October 17, 2018.

Hermreck seconded.

The Commissioners approved the motion by a vote of 6-0. Lundquist did not vote as he had not been present at the October 17 meeting.

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APPROVAL OF DECISION

Deborah Roe (owner) submitted a conditional use application to operate a residential home facility at 3391 NW Knob Hill Way, Prineville, Oregon – Record Number 217-18-0000096-PLNG.

The Crook County Court voted unanimously to remand the decision of the Planning Commission denying conditional use approval, finding that the Commission's decision was based on a misinterpretation of applicable law.

The Commission approved the application on October 10, 2018, and approved conditions on October 17, 2018.

Beier stated that approval of the draft decision was needed.

Stec moved for approval.

Weberg 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: None.

Challenges: None.

PUBLIC HEARING

RMG Destination, LLC (applicant/owner) – Record Number 217-18-000334-PLNG – The applicant is requesting 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 Condition 5 to update the list of possible commercial uses on the property, and Condition 31-33 to update the transportation improvement requirements 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

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T 16 S R 14 EWM TL 2200, 3900, and 4100, and T 16 S R 15 EWM TL 2100, 3100, and 3200.

Beier commented that the Commissioners had a good site visit earlier on the present date. She said the request was limited to modifying the 2007 approval to change “shall approve” to “may approve”. She said that the requirement for investment in recreation facilities still applies. She said that a new transportation analysis had been submitted by the applicant, and that a new project list was being requested. She said that the applicant had been working with the Crook County Roadmaster, ODOT, and Deschutes County.

Beier said that the applicant had provided a good analysis, and was continuing to meet the requirements. She said that the County requirements had not changed much since the original approval. She said that the ratio of overnight lodging to residential units had been changed to 2.5 to 1.

Weberg recommended that the 2-1 ratio be kept for the first phase of development.

Beier said that the development was initially approved with a 2-1 ratio, but that the applicant can request that it be changed to 2.5-1. She said that the applicant had not made the request to date.

Beier asked County Attorney Jeff Wilson to discuss the Circuit Court case involving the development.

Wilson said that Oregon Land Watch had submitted objections, and had filed a petition asking the Circuit Court to declare the applicant’s permit void. He said the petition was presently under advisement by the Court.

Wilson said there is a question whether the Circuit Court has sole jurisdiction, and said that he believes that the County still has jurisdiction, since there has been no mandamus action. He said that the statute does not come into play in the Circuit Court case.

Lundquist commented that the permit is not valid until a decision by the Circuit Court.

Wilson said that the County had granted a request for an extension, and holds that it is valid.

Bedortha asked if the resort is required to have an “anchor”, such as a golf course.

Beier said that there is a financial threshold for recreational facilities, but the types of facilities are up to the developer.

Bedortha asked if the County was keeping track of development.

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Beier said that it was.

Weberg asked if the bonding requirements had been updated.

Beier said that bonding requirements are established at each phase of development. Hermreck said that Oregon Land Watch has maintained that facilities should be built up front, rather than bonded for.

Beier said that facilities are required to be constructed up front.

Stec said that the applicant is requesting flexibility in constructing residential facilities, but is meeting the investment requirement.

Stec said that Land Watch has made procedural objections, but that the County still has jurisdiction. She asked where the County stands with regard to the Circuit Court's decision.

Wilson said that the County can file an appeal with the Court of Appeals. He said that if no appeal is filed, the permit will be void.

Dennis Pahlisch, representing the applicant, thanked the Commissioners for their efforts. He said that he would provide background on the situation. He said that the application package was a team effort. He said that the applicant appreciated the staff recommendation for approval.

Pahlisch said that the development was initially approved in 2007, but that implementation was delayed by the recession of 2008, and is now coming back. He said that the applicant began operations in the area in 2001, and has built several facilities since. He said they have a high vision, and want to create something special.

Pahlisch said that the demand for golf courses is lessening, and that the demand for family recreation, including playing fields for youth sports, is increasing. He said that the applicant wants to provide facilities for athletic tournaments for youth in Central Oregon.

Pahlisch said that the site is adjacent to the Millican ATV area. He said that they will exceed the investment requirement for recreational facilities three-fold. He said they understand the County Code, and the Goal 5 criteria, and are paying attention to all of the regulations. He said that Oregon Land Watch had not gone through the correct procedural process. He said that the applicant will appeal an adverse decision.

Joe Floyd offered testimony. He said that the site is adjacent to federal lands, and vacant lands zoned EFU-3. He said they own 900 acres of EFU land which will serve as a buffer. He said that the requested modification is narrow in scope, and the applicant is seeking flexibility. He said that CCC 18 permits modifications, but limits

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the scope of revisions. He said that the County has updated the Code to match statistics. He said that they will request a change in the ratio of transient to resident units after the development plan is completed. He said that the demographics, and the economies of golfing facilities have changed. He said they are also requesting changes to transportation requirements.

Pahlisch said that the applicant is ready to go. He said that they need to line up capital, which will require secure entitlements.

Beier handed out the applicant's memo, with recommended changes marked up.

Joe Bessmen, the applicant's transportation consultant, offered testimony. He said that Stearns-Becker Road is to provide access to the facility. He said that a 40-50 year buildout is proposed. He said that there have been changes to transportation policy since 2007, when Highway 126 was projected to become an expressway. He said that there have been changes to ODOT policies, and that revision of the applicant's transportation study was begun one year ago. He said that assumptions concerning trip generation had been changed, based partially on the experience of Brasada. He said that guests at destination resorts tend to stay in the area during their visits. He said that the highway system in the Tri-County area needs improvement, and that improvements to Highway 126 are needed. He said that summer left-turn volumes are double those in winter, and delays now average 45 seconds.

Bessmen said that the intersection of Highway 126 and the Powell Butte Highway is not presently safe. He said that the applicant wants to fix the intersection early. He said that either a roundabout, or turn lanes with associated signs are needed. He said that a pavement overlay is needed on Alfalfa Road. He said that the applicant wants to get rock for road improvements onsite.

Beier commented that many transportation projects have been completed in the area since 2007, and Deschutes County has completed a number of roundabouts.

Bessmen proposed changes to the transportation requirements. He said that Condition 30 regarding stop signs should not be changed, and Condition 31 regarding culverts should be deleted, since they are not needed. He said that the applicant wants flexibility to permit construction of a roundabout rather than turn lanes, but that turn lanes are needed on Millican Road. He referred to conditions for pavement overlays, and said that conditions for quarry sites did not need to be changed.

Lundquist said that Shumway Road is not an official access for the development, and that Alfalfa Road is supposed to be used.

Bessmen said that Shumway Road is a County road, and can be used for access.

Beier said that signs had been posted on Alfalfa Road, but that people will find shortcuts.

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Weberg asked if the transportation proposals had been reviewed by the Roadmaster.

Bessmen said that they had been. He said that they were looking at revisions to County standards for roads within the resort, to better provide for nonmotorized transportation.

Bedortha asked if the Roadmaster would make recommendations.

Beier said that he would. She said that non-standard internal roads had been permitted at Brasada to encourage walking. She said that improvements to Stearns-Becker Road are planned.

Hermreck asked about allocation of funds for transportation improvements.

Pahlisch said that would be calculated on the basis of the percentage built.

Hermreck asked if inflation costs were built in.

Beier said that they were.

Warren asked about the locations of quarry sites.

Floyd said that use of quarry sites on the property would require a road overlay.

Pahlisch said that 85 percent of the rock used was proposed to be quarried onsite.

Weberg asked if they could talk about schools.

Beier said that demand for schools would depend on the type of housing, and on the ration of transients to year-round residents.

Floyd said that destination resorts do not increase demand for schools, as residents tend to be retirees, and many residences are second homes.

Linda Swearingen said that older retired people predominate, and only about 17 to 24 percent of home are occupied by full-time residents. She said that destination resorts bring in jobs, and create few demands on public services.

Weberg commented that many older people are now raising grandchildren.

Steven Holborn, the applicant's attorney, said that the question of extension of the permit was not before the Commission, and the validity of the Court order was not part of the application. He said that the applicant was not expecting a decision at the present meeting. He requested a continuation to November 14, 2018.

Beier said that the County has the authority to interpret local codes.

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Holborn said that the applicant just wants to know what they have to do. Hermreck commented that the resort will have far more recreational development than is required by state law.

Beier said that few overall changes to the resort plan are proposed. Holborn said that the state statutes have been brought into the County Code. He said that the applicant intends to comply with the state statutes.

Lundquist said that potential commercial uses within the resort will impact water and sewage. He commented that the applicant appears to be planning a small city.

Holborn said that the original plan provides for adequate water and sewage facilities. He said that water is to be provided by Avion. He said that many of the potential uses listed will not actually be present. He said that the 50 percent open space requirement will ensure that the development cannot turn into a city.

Pahlisch said that all possible uses had been listed, but not all will be implemented. He said that the commercial uses are intended to serve guests, so that they will not have to leave the resort.

Weberg commented that Goal 8 limits the uses which can be present.

Stec commented that a museum could be present.

Holborn said that there are no plans for that.

Steven White testified in support of the proposal. He said that he owns land adjacent to the site. He said that the resort consists of separate sections which are not visible from each other. He said that it will not impact anyone. He said that there will not be much light impact, as lights will be suppressed. He said that the light impact of the Redmond Airport is much greater.

Warren asked for opposition or neutral testimony. There was none.

Stec moved that the hearing be continued to November 14, 2018, and that the record be kept open.

Beier said that meeting would be for deliberation only.

Bedortha asked if they could get comments from relevant agencies.

Beier said that staff would try.

Ponte seconded the motion.

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Weberg asked if the Commissioners would be able to question the applicant and staff at the November 14 hearing.

Warren said that they would.

The Commissioners approved the motion by a vote of 7-0.
Beier said that she would be at the November 14 meeting.

Warren adjourned the meeting at 7:55 p.m.