

# CROOK COUNTY PLANNING COMMISSION

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**October 17, 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, and Commissioner Pro Tem Lawrence Weberg. Commissioner Bob Lundquist was not present.

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.

As public testimony was not being received, opening statements were omitted.

## **APPROVAL OF MINUTES**

Hermreck moved that review of the draft minutes for the October 10, 2018 meeting be postponed to the next meeting, as the draft minutes were lengthy and the Commissioners had not had sufficient time to review them.

Ponte seconded.

The Commissioners present approved the motion by a vote of 6-0.

## **APPROVAL OF DECISION**

**Craig and Lucy Woodward (owners) and Knife River Corporation (applicant) – Record Number 217-18-000347-PLNG** requested modifications of the conditional use approval authorizing mining and extraction of sand and gravel on the subject property (**217-15-0001-15-PLNG**) approved by the Crook County Planning Commission on September 24, 2015. The specific request was to modify Condition #9 which limits the operation to no more than 80 truck trips per day to and from the site. The applicant requested approval to increase the limit to no more than 160 trips per day to meet the demand for concrete in Crook County and Central Oregon. Aggregate sites are subject to the requirements of CCC 18.144, and transportation impacts are subject to review under CCC 18.180. The property has been designated as a significant aggregate site in the Crook County Comprehensive Plan and is identified

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as T 14 S R 15 EWM TL 702, 703 at the corner of Stahancyk and Elliott Lane, Prineville, Oregon. The Planning Commission approved the application on October 10, 2018.

Warren stated that the draft final decision had been received from staff.

Stec moved for approval.

Hermreck seconded.

The Commissioners present approved the motion by a vote of 6-0.

### CONTINUATION OF PUBLIC HEARING

The Crook County Court voted unanimously to remand the decision of the Crook County Planning Commission denying conditional use approval for a residential care facility in the Suburban Residential SR-1 zone, finding that the Planning Commission's decision was based on a misinterpretation of applicable law. The Court found that the Commission erred in limiting its analysis to the impact of the proposed use on the neighborhood as it currently exists, rather than the impact of the proposed use compared to outright permitted uses which could be established on the property, as required by Crook County Code (CCC) 18.160.020(2).

**Deborah Roe (owner) submitted a conditional use application to operate a residential home facility at 3391 NW Knob Hill Way, Prineville, Oregon – Record Number 217-18-000096-PLNG.**

Roe is presently operating a residential home (up to 5 residents) in an existing duplex unit. She requested conditional use approval to convert the entire existing structure into a single residential unit to be occupied by a residential care facility for up to 15 residents, subject to the licensing requirements of the Oregon Department of Human Resources. A residential care facility is permitted as a conditional use in an SR-1 zone, under CCC 18.48.020(14), and is reviewed under CCC 18.160 (conditional uses). The property is identified as T 14 S R 16 EWM, Sec. 30A TL 3509.

The Commission conducted a public hearing on October 10, 2018, which was continued to the present meeting. No public testimony was to be received.

Beier said that some proposed conditions were received on the present evening, and that changes were recommended to Conditions 2, 3, 8, and 12. She said the changes aimed for greater clarity. She said that the proposed septic system modifications met the approval of the Crook County Sanitarian. She said that transferability was addressed by Condition 8, and deliveries by Condition 12.

County Attorney Jeff Wilson said that violations of conditions would be handled by the Circuit Court.

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Ponte asked about the status of the duplex unit which is not being used by the existing residential home on the property.

Beier said that both units are to be combined into a single residential unit, with a single kitchen.

Hermreck asked why the sentence concerning the Department of Health and Human Services is needed, if the conditional use is to be void on transfer of the property.

Beier said that the conditional use permit might be modified rather than revoked if the use is continued by family members of the applicant.

Wilson said that state licensing is a different issue than conditional use.

Beier said that there could be two separate conditions.

Hermreck said that would be better.

Bedortha commented that the Commissioners did not know what the state might require.

Hermreck said the sentence should be left the way it was written.

Will Van Vactor, the applicant's representative, asked to speak on the matter.

Wilson recommended that Van Vactor be permitted to speak.

Van Vactor said that if the applicant passes away and her daughter takes over operation of the facility, the conditional use permit should not become void, but that the daughter should be permitted to apply for a modification.

Wilson commented that this is a valid concern.

Bedortha said that the permit could allow for transfer to a family member.

Wilson said that language could be added to allow for transfer by operation of law, by deed or by formation of a limited liability corporation, trust, or estate planning. He said this would not allow for transfer by sale to family members, except through a trust.

Stec said that modification of the permit should be permitted.

Wilson said that there are many ways for the operation to be transferred to the applicant's children, depending on the intent. He said transfer to a third party should not be permitted, but that transfer to a corporation in which family members hold a majority interest could be permitted.

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Weberg commented that the language regarding modification appeared to be satisfactory.

Hermreck proposed making this Condition 17.

Beier said that there could be separate conditions, numbered 17 and 18.

Weberg commented that some applicants have ignored conditions. He said he was not referring to the present applicant.

Beier said that the Compliance Officer is very effective.

Warren requested a motion concerning the draft conditions.

Beier said that the motion should direct staff to make changes, to be reviewed by the Commission.

Hermreck said that she had a problem with voting for approval.

Wilson said that the application had already been approved, and that the vote would only concern conditions.

Stec moved that the conditions be accepted as discussed.

Hermreck seconded.

The Commissioners present approved the motion by a vote of 6-0.

Stec asked what would be voted on at the next meeting.

Beier said that the vote would be on the final written product.

Beier discussed the upcoming site visit. She said that it was important that the Commissioners see the property.

Beier said that an application had been received for an asphalt batch plant at the Breese aggregate site.

Bedortha asked if there would be a quorum if he recused himself from voting on the Woodward aggregate site, due to a possible conflict of interest.

Warren indicated that it appeared that there would be a quorum.

Stec moved to adjourn the meeting.

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Hermreck seconded.

Warren adjourned the meeting at 6:45 p.m.