

# PLANNING COMMISSION MEETING

**January 29, 2020**

Crook County Planning Commission Chairperson Michael Warren II called the meeting to order at 6:00 p.m. Commissioners present in addition to Warren were George Ponte, Bob Lundquist, Gary Bedortha, Laquita Stec, Linda Manning, and Commissioner Pro Tem Lawrence Weberg. Commissioner Susan Hermreck was not present.

Crook County Planning staff present were Planning Director Ann Beier, Planner Katie McDonald, and Technician Hannah Elliott.

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

Warren asked the Commissioners present to identify themselves to the audience.

Warren presented the opening statements.

## APPROVAL OF MINUTES

No minutes were available for review. Lundquist indicated that he would like to review the minutes for December 11, 2019. Beier said that they would be made available as soon as possible.

## PUBLIC HEARING

**Modification – Destination Resort Development Plan Remington Ranch Destination Resort (Full Health, LLC applicant/owner) – Record number 217-000675-PLNG** – is requesting modification of the destination resort development plan approved by the Crook County Planning Commission in 2007 (C-DES-002-06). The specific request is to modify the development plan to reduce the number of dwelling units and overnight lodging units, to modify the types of recreational activities at the site, and to reflect the new owner's vision to create a resort experience with a range of health, wellness, spa services, and recreational amenities in a low-key and natural environment. The Applicant has provided an updated Transportation Impact Analysis to reflect the proposed development and changes in traffic and infrastructure in the vicinity. The proposed modification will be reviewed subject to the requirements of Crook County Code 18.116 (Destination Resort Overlay), 18.160 (Conditional Uses), and 18.180 (Transportation Impact Analysis). The subject property is identified as Township 14 South, Range 14 East Willamette Meridian, Sections 33 and 34, Tax Lots 1800 and 1802, and Township 15 South, Range 14 East Willamette Meridian, Sections 3, 4, 5, 9, and 10, Tax Lots 201, 203, 204, 205, 206, 207, 208, 209, 210, and 211.

Warren asked the Commissioners present to state any conflicts of interest or ex-parte contacts, other than during the site visit. He asked the members of the audience to present any challenges to the Commissioners present.

**Conflicts of Interest** – Bedortha said that he had done business with Christian Radabaugh, but that it would not affect his judgement. Weberg said that he had said hello to Radabaugh.

**Ex-Parte Contacts – None.**

**Challenges – None.**

Beier said that the applicant was requesting a modification to a destination resort which had received vested approval from the Commission in 2006. She said that the proposed modification is in accordance with the Destination Resort Overlay Zone criteria. She said that the conditions of approval are being revisited. She said that the applicants are proposing one golf course rather than three, and facilities which are in accordance with their health and wellness mission. She said they are also proposing some agricultural activities on the property. She said that the previously approved 60 percent open space is being retained, but the number of homesites is being reduced from 800 to 300, and the number of overnight lodging units is being reduced from 400 to 150. She said that the destination resort criteria will continue to be met. She said that the approved mitigation plan for the golden eagle nesting sites in the vicinity of the property is being acknowledged, and protection is to be provided to the quarry on neighboring property in accordance with Goal 5.

Beier said that emergency access provisions for the resort are being clarified. She said that the resort is to be developed in phases.

Bedortha said that Page 6 of the staff report referred to a lot size reduction. He commented that resort development is now proposed to be closer to the golden eagle nesting area.

Lundquist asked if there is a map for the original approval in 2006.

Beier said that there is.

ODFW wildlife biologist Greg Jackle presented testimony. He said that ODFW worked with the original resort developer in 2006. He said that the U.S. Department of Fish and Wildlife has primary jurisdiction on endangered species, including golden eagles. He said that he has not seen the mitigation plan for the eagle nests. He said that he agrees with existing Condition 15 regarding deer and elk winter range, which is within ODFW's jurisdiction. He said that a pair of golden eagles has nested successfully and raised young in the vicinity of the property several times since 2006.

Warren asked about the location of the eagle nests.

Jackle said that the nests are on the rimrock adjacent to the property, and that he has a map showing the locations. He said that there are two or three nests, which are used alternately by a single pair of eagles.

Lundquist referred to the second paragraph of the staff report, which calls for no substantial landscape modifications within one mile of the rimrock. He said that this area has been increased from previous requirements, and that the usual means of protecting nests involve restrictions on timing of activities.

Warren said that this is primarily a federal issue. He said that nest buffer areas are being provided.

Beier said that no heavy construction activity is permitted in the impact area during nesting times.

Weberg said that a one mile impact area is more restrictive than a quarter-mile. He asked if agencies have a right to require such measures.

Jackle said that the U.S. Department of Fish and Wildlife can issue take permits, with high mitigation.

Lundquist asked if there are restrictions on permanent structures within the impact area.

Jackle said that could be a consideration.

Manning asked how far apart the nests are.

Jackle said they are all within a quarter-mile area.

Don Morehouse of ODOT provided testimony. He said that he had emailed comments to the Planning Department.

Morehouse said that the Cooperative Improvement Agreement must be revised. He said that access permits had been issued in 2006 and 2007. He said that an access permit will be required for the proposed emergency access to Highway 370.

The Commissioners discussed the number of conditions.

Stec commented that Condition 22 references emergency access.

The Commissioners discussed emergency access.

Beier said that the applicant can apply for an emergency access without a highway turn lane, in consultation with ODOT and the Crook County Roadmaster.

Ponte asked if ODOT was satisfied with the access provisions.

Morehouse said they were.

Tia Lewis, the applicant's attorney, offered testimony. She provided exhibits. She said that the applicant is Full Health, a subsidiary of Coulson and Coulson. She said that they are involved in developing health and wellness-related facilities. She said that they have a large project team, and introduced the team member who were present. She said that the property was purchased as a vested destination resort, which they are modifying. She said that they are at the Conceptual Master Planning phase, and are changing the focus of the resort to health and wellness. She said that acreage, setbacks, and open space are to remain the same. She said they have held an open house, and are committed to working with the neighbors of the property. She said they have access agreements with BLM, and are working with ODFW. They will contact the U.S. Department of Fish and Wildlife. They have worked with the relevant County agencies, including Fire and Rescue.

Lewis said that the density of development is being reduced. She said that the proposal meets all of the minimum standards, and the applicant is seeking Master Plan Approval. They want minor changes to the conditions due to updated information.

Lewis said that setbacks have not been changed, but lot dimensions have been changed. She said that some lots for workforce housing have been reduced in size from 20,000 to 10,000 square feet. She said they want to mitigate impacts on wildlife, and will negotiate concerning reducing the distance between development and the golden eagle nesting area.

Lundquist commented that there is more than one eagle nest.

Lewis said the nests are in a close cluster.

A representative of the applicant's architectural firm said that development can be kept more than one-quarter mile from the eagle nesting area. She said that the impact area will be surveyed. She said that the proposed conference center is to be part of the second phase of development, so there is time to plan for minimizing impact.

Bedortha asked if the applicant can be required to sign a nonremonstrance agreement concerning the rock pit.

Beier said that an agreement to protect the pit can be required as a condition.

Lewis asked about the distance from the rock pit.

Beier said that she would find the rock pit approval under Goal 5.

Lewis said that she had received comments from the Twin Lakes Ranch subdivision concerning emergency access for the subdivision, and pedestrian and equestrian access on the resort property for subdivision residents. She said that the applicant will work with Twin Lakes Ranch on this.

Lewis said that she wanted an opportunity for rebuttal.

Ponte asked if use of Twin Lakes Road had been addressed.

Lewis said that the applicant is not proposing to use Twin Lakes Road, but wants an agreement providing for emergency access by way of the road.

Ponte asked about the proposed amphitheater on the property.

Lewis said the amphitheater is not to be used for public events.

Weberg asked if the applicant would agree with the highlighted language in the staff report.

Lewis said they would.

Manning asked if additional power lines would be constructed.

Lynn Bruno of Dowl Engineering said that they were negotiating with the power company concerning extending power to the well and the lodge on the property.

Manning asked about the distance of the power lines from the eagle nesting area.

Bruno said it would be a minimum of a half-mile.

Warren called a three minute recess at 7:07 p.m.

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

Stec asked about the definition of SEF in Condition 25.

Joe Bessman of Transyht Consulting said that there were different requirements for offsite road improvements in the original approval for the resort. He said that they applicant would agree to pay \$500 per unit to the County Roadmaster for repaving of offsite roads. He said the SEF refers to Seattle Escalation Factor, which is used for calculating increasing costs.

Stec asked if the SEF is based on housing units rather than vehicle trips.

Bessman said that is the case.

Lewis said that she had looked at the ODOT comments concerning Condition 22 for use of the northern access. She said that the applicant is agreeable to the ODOT language that the access is to be gated when not in use. She said that she had a calculation of water use by the resort.

Weberg asked if 500 gallons per minute was enough.

Lewis said that she had no one present to answer that question.

Weberg asked if the groundwater level would remain the same.

Lewis said that the Department of Water Resources has jurisdiction over groundwater levels. She said the property has groundwater rights.

Manning asked if power lines are to be overhead or underground.

Lewis said they would be overhead to the property line, and underground within the property.

Lundquist asked what the water source is to be.

Bruno said that all of the water rights are for groundwater.

Anthony Cobian said that he had just purchased property adjacent to the resort property, and is building on it. He said that he is concerned about development adjacent to his property, and about groundwater tables.

Warren said that the applicant's representative should address that question.

Christian Radabaugh said that he had submitted a letter to the Commission concerning the application. He said that the rock pit and the eagle nests are located on his property.

Bedortha asked Radabaugh if he wanted an agreement of nonremonstrance for the quarry.

Radabaugh said that he did. He said that there are three nests, but they are not all in use at the same time. He pointed out the locations of the nests on a map. He said that he has seen fifteen eagles on his property at one time. He said that he cannot blast or crush rock while eaglets are in a nest.

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Dennis Turman said that he lives in Twin Lakes Ranch. He said that he is concerned about groundwater. He said that property owners there have had to deepen their wells, or drill new ones. He said that if the resort uses groundwater, it will affect the wells in the subdivision. He said there are about 110 residents in Twin Lakes Ranch. He said that the water table is dropping. He said that new houses are being built. He said that the resort should use water from Avion Water Company.

Stec referred to the staff report.

Turman said that he can see the east fence line on the resort property from his property. He said that lots in Twin Lakes Ranch are being divided into smaller five to ten acre lots. He said there are 80 to 90 homes with lots in the subdivision.

Bruce Mastig said that he lives in Twin Lakes Ranch. He said that there were about 95 homes there two years ago.

Lewis said that she is still working on the water issue with the Oregon Department of Water Resources. She said that the applicant could use Avion. She said that the previous owners planned to use Avion, and the applicant will have less demand than was initially planned for. She said that the vested setbacks have not been changed.

Warren asked if there is just one well on the property.

Bruno said that there are five wells, but only one of them is to be used to supply the resort. He said that the property has 224 acres of groundwater rights.

Lundquist asked about the use of the other wells.

Bruno said that the main existing house on the property is on a separate well.

Stec asked if the agricultural land on the property is currently under irrigation.

Bruno said that it is not. He said that water rights may be transferred.

Stec asked how many gallons will be needed to supply the resort.

Bruno said that is under the jurisdiction of the Department of Water Resources.

Lewis said that the property has more water rights than are needed for the resort.

Stec asked if irrigation water is to be separate from domestic water.

Lewis said that is the case.

Warren asked if the pivot on the property is running.

Bruno said that it has not been used for three years.

Bedortha asked what the water right date is.

Bruno said that he did not have that information.

Stec asked if the golf course is to be irrigated.

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Bruno said that it is.

Bedortha asked if the applicant can get confirmation from state agencies.

Beier said they could.

Weberg asked if the applicant can get Avion water if the groundwater level falls.

Lewis said they are willing to use either Avion or groundwater.

Stec commented that the language concerning Avion in the original conditions had been struck.

Jackle said that he had confirmed the eagle nest locations. He said that he was not sure when the U.S. Department of Fish and Wildlife would sign off on the mitigation. He said that assurance that the nests will be protected is needed.

Turman said that well drillers who had worked in Twin Lakes Ranch should be consulted concerning groundwater levels.

Stec asked if there were any significant changes to the conditions.

Bedortha said that the public hearing should be closed for confirmation of conditions.

Weberg said that staff should rewrite the conditions.

Warren closed the public hearing.

Bedortha moved to continue the hearing to a date and time certain.

Stec seconded the motion.

Beier said that the hearing should be continued to 6:00 p.m. on February 12, 2020.

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

Beier said that no new testimony would be received. She said that a condition of nonremonstrance to the quarry would be added, in accordance with Goal 5. She said that a business meeting would be held on February 12.

Warren adjourned the meeting at 8:00 p.m.