

CROOK COUNTY PLANNING COMMISSION MEETING

April 8, 2019

Crook County Planning Commission Chairperson Michael Warren II called the meeting to order at 6:00 p.m. The meeting was conducted by WebEx, a call in service. Commissioners joining by phone, in addition to Chair Warren were Linda Manning, George Ponte, Susan Hermreck, Gary Bedortha, and Laquita Stec. Commissioner Bob Lundquist was not present and did not participate. County staff Katie McDonald, Hannah Elliott, Eric Blaine and Ann Beier were also on the phone. Chair Warren asked if there were any public agencies on the phone. No one responded. Chair Warren then asked if any members of the public were on the phone call. Kristy Cooper and Russ Cooper stated that they were on the line and provided their address. Darlene Hanson stated that she was on the line and provided her address. John Morgan stated that he was on the line and provided his address.

PUBLIC HEARING

This is a continuation of the hearing held on March 11, 2020, for Planning Commission deliberation on the following conditional use request:

Melvin (Russ) & Kristy Cooper (owners) – (Record number 217-20-000116-PLNG) are requesting conditional use approval to construct a personal use airstrip. Personal use airstrips are defined in Crook County code 18.08 (definitions) and are allowed as conditional uses under Crook County Code 18.16.015, and 18.16.020 (Exclusive Farm Use Zone), 18.160 (Conditional Uses), and ORS 215.283 (Oregon Revised Statute) and OAR 660-033-130(5) and (7) (Oregon Administrative Rules). The property is identified as 15S, 17E, Tax lot 810 and is located at 9395 SE Paulina Highway, Prineville, Oregon 97754.

The Planning Commission members considered the application at their March 11, hearing and continued the hearing until April 8, 2020. They kept the record open for seven days for new testimony, until March 18th, for rebuttal testimony, until March 25th, and until April 1st, for the Applicant to offer a final argument. All testimony received during this period was provided to the Planning Commission and made available to the public on the County's website. This testimony was entered into the record during the April 8 deliberations. No new testimony was taken at the April 8th meeting.

Commissioner Warren asked if any of the Planning Commission members had a conflict of interest. The members were polled and all responded that they had no conflicts. The Chair then asked if anyone had had ex parte contact with the Applicant or any member of the public. The Planning Commission members were polled and all responded that they had no ex parte contact with the Applicant or any member of the public. Chair Warren asked if any member of

the public on the phone wished to challenge any member of the Commission. Staff un-muted the phone but no member of the public raised any challenges.

The Chair asked staff if they had any comments. Katie McDonald, Planner, provided an overview of the process to date. At the March 11 hearing, the Commission requested clarification regarding a proposed condition of approval from Oregon Department of Fish and Wildlife (ODFW) regarding limiting operations to mitigate impacts on mapped big game habitat, clarification of the definition of “guest use” as it relates to the use of private airstrips and clarification on whether or not a private airstrip sited on property zoned for exclusive farm use had to be “in conjunction with farm use.” Ms. McDonald replied that the March 18 staff report addendum addressed the issues. Specifically, ODFW specified that conditions for big game habitat for the private airstrip should be consistent with the conditional use language for the neighboring aggregate operation. She stated that the County’s definition of private airstrips in 18.08 referred to “guest use” as guests who used the airstrip at the invitation of the owner. She stated that the requirement that the airstrip be used in conjunction with agriculture only applied in situations where the airstrip would be used for commercial purposes.

The Chair called on each Commissioner for questions of staff.

Commissioner Manning requested clarification of when an applicant would need to demonstrate that the use of the airstrip was in conjunction with farm use. Ms. McDonald clarified that the definition of private airstrips allowed use by the property owner, use by the owner’s invited guests and, if the airstrip was used for commercial activities, an applicant would need to demonstrate that those activities were in conjunction with farm use. This application is not requesting any commercial use and thus does not need to demonstrate that use of the airstrip will be in conjunction with farm use.

Commissioners Ponte and Hermreck had no questions of staff.

Commissioner Bedortha asked whether the general conditional use criteria in Crook County code 18.160.020 apply to the application and whether these criteria should be used to balance concerns of agricultural land uses in making a decisions. Ms. McDonald responded that the application is for a conditional use and the criteria in the 18.160 does apply.

Commissioners Stec and Chair Warren had no questions.

Commissioner Manning had a follow up questions regarding the mapped big game habitat on the property. Ms. McDonald responded that the area is mapped as general deer winter range.

Chair Warren asked if there were further questions. Hearing none, he requested a motion regarding the application.

Commissioner Ponte made a motion to approve the application. Commissioner Stec seconded the motion. Chair Warren asked for discussion and asked each Commissioner for their comments.

Commissioner Manning stated that she had concern with the wildlife winter range, concern about driver distraction due to the proximity of the airstrip to State Highway 380, and the issue of private need vs. a public need for the airstrip.

Commissioner Ponte noted that he made the motion to get deliberations started.

Commissioner Hermreck stated that she disagreed with the findings on page 3 of the original March 11 staff report. She suggested that the parcel is not suitable for the proposed use considering its size, shape and location. She referred to CCC 18.160.020(2) and suggested that the proposed use would result in significant changes in farm uses of existing operations. She mentioned that parcel was relatively small and contrasted that with an airstrip in her area that was on adjacent ranch of 17,000 acres. She suggested that it would alter the character of the surrounding areas. Other airstrips were further from town. This airstrip would be relatively close to the public airport.

Commissioner Bedortha stated that he concurred with Commissioner Hermreck's concerns regarding 18.160.020(2). He mentioned that he didn't believe that it would be possible to mitigate all the impacts/concerns that were raised by adjacent property owners. He stated that, based on testimony from neighboring property owners, there would be an impact to on-going agricultural operations.

Commissioner Warren stated that he understood the concerns raised by neighboring property owners and asked if there were conditions that could mitigate the impacts.

Commissioner Ponte asked Commissioners Hermreck and Bedortha to describe the impacts on ranching operations resulting from low-flying airplanes. Commissioner Hermreck discussed the impact on cattle during calving season. Low flying airplanes stress the animals and may lead to

heifers abandoning their newborn calves. She described the concerns raised in Mr. Morgan's testimony regarding spring calving. Chair Warren clarified that limits on airstrip operation would occur through the end of April not the first of April.

Commissioner Hermreck expressed concerns about the size of the parcel relative to the proposed use. She suggested that there was no way to mitigate impacts on agricultural operations. She also raised concern regarding highway 380 and potential distraction to drivers related to airplanes.

Commissioner Bedortha concurred with Commissioner Hemrek's comments regarding impacts during calving season. He suggested that neighboring ranchers had intensive grazing operations. He described the impacts of Oregon Department of Fish and Wildlife's deer collaring program on his cattle operations and had to not allow access to them during certain time periods.

Commissioner Ponte asked if aircraft flying over nearby cattle operations might impact profitability of operations and Commissioners Bedortha and Hermreck agreed.

Commissioner Stec noted that the proposed use meets the definition of a personal use airport, which is allowed as a conditional use in the County's EFU zones. She stated that the surrounding farmland was used for seasonal grazing. The proposed use of the airstrip would be limited and during daylight hours only. She understands the concerns of the surrounding ranchers but thinks the proposed use is acceptable.

Commissioner Bedortha stated the need to balance the conditional use under the criteria in CCC 18.160.020(2).

Commissioner Hermreck stated that the proposed use is not an outright use and has to meet the criteria. The use will have a significant impact and increase costs.

Commissioner Manning stated that she had nothing to add but was glad to hear the discussion.

Commissioner Ponte said that he was wrestling with public convenience vs. adverse impacts.

Commissioners Hermreck and Bedortha stated that they had no additional comments.

Commissioner Stec stated that the surrounding lands were used for seasonal grazing and conditions could be imposed to mitigate impacts.

Chair Warren called for a vote on the motion and then Commissioner Ponte withdrew his original motion.

Commissioner Hermreck offered a new motion to not grant approval of the conditional use 217-20-000115-PLNG for a private airstrip due to the proposed use not meeting the requirements of Crook County Code 18.160.020(2) because the use can't be modified due to the location, size and design of the project. Commissioner Manning seconded the motion. Chair Warren, Commissioners Manning, Ponte, Hermreck and Bedortha voted in favor of the motion to deny the application and Commissioner Stec voted against the motion. Commissioner Ponte made a motion to direct staff prepare a final decision and to delegate to Chair Warren the authority to review the report. If the report reflects the decision of the Planning Commission, the Chair is authorized to sign the final decision. The motion was seconded by Commissioner Bedortha and approved by all six commissioners present.

Staff will prepare a final decision within 10 days. The final decision will be subject to a 12 day appeal period.

The Chair closed the hearing.

Staff noted that meetings will continue to be held by phone but materials are available on the website or by emailing: plan@co.crook.or.us.

Staff discussed upcoming calendar items. The April 22 tour will be postponed and rescheduled. A conditional use hearing for a 156 acre solar facility is scheduled for April 29. Staff will send out a map of the proposed site and other approved solar facilities.

There will be a work session scheduled in May for minor code amendments and a conditional use hearing for a commercial activity in conjunction with farm use.

Staff requested that the Commissioners provide suggestions on how to make the phone-in hearings run more efficiently.

Commissioner Bedortha made a motion to adjourn, seconded by Commissioner Stec. The motion was approved by the six members present.