

## CROOK COUNTY PLANNING COMMISSION MEETING

June 24, 2020

Meeting minutes are not a complete representation of discussions at the meeting. An audio recording is available from Crook County Community Development at [plan@co.crook.or.us](mailto:plan@co.crook.or.us) or (541) 447-3211.

Crook County Planning Commission Chair Michael Warren II called the meeting to order at 6:05 p.m. The meeting was conducted by WebEx, a call-in service and at the Crook County meeting room. Commissioners attending the meeting in person were Chair Warren, George Ponte, Laquita Stec, Linda Manning, Susan Hermreck and Gary Bedortha. Commissioner Bob Lundquist was not present. The following County staff were present at the meeting: Ann Beier, Hannah Elliott, Katie McDonald and Assistant County Counsel John Eisler.

John Wilson Jr., Oregon Department of Aviation, Airport and Emergency Operations Manager participated on the phone. Darlene Hanson also participated on the phone call. No other parties participated by phone.

### **APPROVAL OF MINUTES**

**June 10, 2020** – Commissioner Ponte made a motion to approve the minutes as presented. Commissioner Stec seconded the motion. The motion was approved 5-0 with Commissioner Bedortha abstaining since he was not present at the June 10, 2020 meeting.

**Crook County File Number 217-20-000453-PLNG – Applicants Russ and Kristy Cooper** - Conditional Use request to construct a personal use airstrip on the applicants' property. The Applicants' original request (217-20-000116-PLNG) was denied by the Planning Commission. After consultation with Crook County Counsel and Community Development Department, the applicants submitted a new application in lieu of an appeal to County Court. The applicants provided a new application with a revised airstrip layout, a new site plan, supplemental information and a revised burden of proof statement. The Planning Commission applied the following criteria in considering the application: Crook County Code 18.08 – Definitions, Crook County Code 18.16 (Exclusive Farm Use Zone EFU-2 (Prineville Valley – Lone Pine Areas), and Crook County Code 18.160 (Conditional Uses). The property is identified as Township 15 S, Range 17 E WM, tax lot 810; 9395 SE Paulina Highway, Prineville, Oregon

Commissioner Warren asked if any of the Planning Commission members had a conflict of interest. The members responded that they had no conflicts. The Chair then asked if anyone had any ex parte contact with the Applicants or any member of the public. The Planning Commission members responded that they had no ex parte contact with the Applicants. The Chair asked if any member of the public, including those participating by phone, wished to challenge any member of the Commission. Staff unmuted the phone. One of the Applicants, Kristy Cooper, stated that her attorney reviewed the transcript of the hearing on the original application. Based on a review of specific comments during the previous hearing, Mrs. Cooper requested that Commissioner Hermreck recuse herself because of bias. The phones were unmuted, and Darlene Hanson stated that she concurred with Mrs. Cooper's comments. Commissioner Hermreck stated that she did not have a conflict, that she was concerned about the original applications impact on agricultural activities and sought guidance from Assistant County Counsel John Eisler. Mr. Eisler asked if she felt she could make an impartial decision. Commissioner Hermreck stated that she would consider the new evidence and new burden of proof statement and could make an impartial decision on the application. Staff then muted all phone lines.

Chair Warren outlined the order of proceedings. Katie McDonald, County Planner, described the request and criteria for a conditional use for a private airstrip on property zoned for exclusive farm use. She discussed how the new proposal had been changed from the original application. Specifically, she stated that the Applicants propose to realign the runway and to ensure that take-offs and landings are to the east in a manner that will minimize potential impacts to grazing operations to the west of the property. She mentioned that she had received comments from the Oregon Department of Aviation (ODA) after she had finalized the staff report but stated that John Wilson (ODA) was available on the phone to answer any questions. Katie stated that the proposed use met the definition of a personal use airstrip in Crook County Code 18.08. Private airstrips are allowed as conditional uses in the County's exclusive farm use zones, subject to requirements of the County's Conditional use standards (Crook County Code 18.160). Katie mentioned that the Department received no new comments from the Oregon Department of Fish and Wildlife regarding the proposed relocation of the airstrip. She stated that the Applicants have the burden of proof in demonstrating that they meet the required criteria.

Commissioners Hermreck and Ponte had no questions for staff.

Commissioner Bedortha had questions regarding how the application was noticed. Staff replied that notice of the new application was sent to property owners within 750' of the Applicants' property line. (There was some confusion because the Applicants were provided with an application for a permit modification rather than a new application for the proposed airstrip relocation). Assistant County Counsel, John Eisler confirmed that the intent was to treat the revised airstrip application as a new application. Commissioners discussed the requirement to send notice to properties within 750' of the Applicants' property. Katie reminded Commissioners that the 750' was established by state statute. Commissioner Ponte asked where the 750' was measured from. Staff responded that notice is sent to properties within 750' of the Applicant's property lines.

Commissioner Bedortha asked if there were required property line setbacks for the airstrip. Katie responded that the setback requirements in the County's EFU zone applied only to structures. Setbacks for safety purposes are required by Oregon Department of Aviation (ODA).

Chair Warren then asked if there were comments from any State or local agencies. John Wilson, ODA offered testimony. He stated that at the field inspection, he had walked the entire site. The only change in the project is the change of the location and the orientation of the runway. Based on the field observations, the proposed runway meets ODAs' safety and feasibility requirements and a "provisional approval" had been granted. He stated that a full report wasn't done because it had been prepared for the earlier application and those findings apply to the proposed change in runway orientation. He stated that 125' on each side of the centerline of the runway is a setback for safety purposes. A 20:1 safety measurement is for the approach zone on the ends of the runway applies and a 7:1 safety area applies on the sides. ODA and the Federal Aviation Administration each require that an airstrip be 2,100 feet long and 60 feet wide. This airstrip meets the length requirements and has a proposed width of 80 feet.

Chair Warren asked for clarification on the 20:1 approach area and what that meant in terms of vegetation. Mr. Wilson used an example of a cell tower and stated that for every 20 feet there could be 1 foot height of obstruction.

Commissioner Hermreck asked about the relationship of the new runway orientation to Highway 380. Mr. Wilson stated that by having planes depart to the east, it takes aircraft further from the highway.

Commissioners Stec and Manning had no questions.

Chair Warren called on the Applicants, Kristy and Russ Cooper, for their testimony. The Coopers described how the new proposal addressed the concerns of the Planning Commission regarding the prior application. Mrs. Cooper stated that the distance to the fence on the east property line from the east end of the airstrip is 500 feet. The flight path is intended to go between the reservoir and the aggregate pit. The property under the flight path is used for seasonal grazing on property owned by the Breese family. She noted that the Breese family has not submitted comments on the proposed airstrip. Mrs. Cooper discussed how the runway had been re-oriented to avoid agricultural activities to the west. The Coopers stated that having takeoffs and landings to the east should address concerns regarding agricultural use and calving areas to the west of the subject property. She stated that she had talked to other property owners who had airstrips in conjunction with their ranches and that there were no conflicts. She mentioned a letter from Susan at Sunrise Valley Ranch stating that there were no conflicts between ranching and the private airstrip at that ranch. She said that there should be no conflict with calving in April because they aren't allowed to fly until the end of April due to big-game habitat protections. Mrs. Cooper stated that the airstrip will not be visible from Highway 380. She testified that the old logging road mentioned in testimony on the prior application was not a safe landing area, even in an emergency. She stated that they agreed with the conditions as identified in the staff report.

Planning Commissioners asked for confirmation that take-offs and landings would always be to the east and the Coopers affirmed that. Commissioner Bedortha asked for clarification on what property line setbacks applied to the airstrip. Staff stated that County Code applied only to structures, but Mr. Wilson stated that the 20:1 safety area at the end of the runway and 125' from the center line of the runway were sufficient for ODA safety requirements. The applicants stated that an area 500 feet from the east property line would be cleared.

Commissioner Manning asked about the frequency of guests using the airstrip. The Applicants stated that they expected a few guests once or twice a month. She also asked the applicants to confirm that they were not requesting any new structures at this time. Mrs. Cooper confirmed that they were not currently applying for any structures.

Commissioner Warren asked about the relationship of the airstrip to the house and shop. Mr. Cooper replied that the property was 2000' wide at that end of the property.

Martin Kimberling offered testimony in support of the Cooper's airstrip. He testified about his experience with a family owned airstrip in Richland, Oregon on a 20-acre parcel and how it was compatible with the family's agricultural activities. Commissioner Hermreck asked what the intended use for the airstrip was when it was put in thirty years ago. Mr. Kimberling stated that it was used in conjunction with farming operations. Commissioner Bedortha asked Mr. Kimberling to clarify how they dealt with landing when there were cattle on the airstrip and Mr. Kimberling said they would do a low pass to get cattle to move off the runway.

Erik Cook spoke in support of the airstrip. He noted the importance of small, private airstrips in close proximity to public airports as providing areas for emergency landings. He and several other pilots volunteer for nonprofit

organizations and having small emergency landing strips available is valuable. He said that you can land on roads in an emergency, but cars and power lines make that dangerous. Chair Warren asked about the proximity of an emergency landing strip to a public airport. Mr. Cook stated that he uses the Madras airport and there are private airstrips within 8 to 9 miles – about the same distance as the Cooper’s strip is from the Prineville airport. Engine failures and weather are main concerns. Mr. Cook stated that potential engine failure can occur when changing speed and this often happens at takeoff or landing when it is too far to turn back to the public airport on take off or too far to reach the public airport when landing.

Darlene Hanson, participating by phone, concurred with the testimony that had been offered in support of the proposed airstrip.

Chair Warren asked if anyone wanted to speak in opposition to the proposed airstrip. Clint Woodward, operator of the aggregate site to the east of the subject property, testified in opposition to the proposed use. He had two main concerns. First, he stated that it was not needed due to the proximity of the property to the Prineville Airport. Second, he was concerned about the proposal to take off into the east with the wind. Mr. Woodward stated that he is a pilot and it is generally recommended to take off into the wind for safety purposes. He stated that if there were problems on take-off, the plane was likely to end up on his property.

Commissioner Hermreck asked Mr. Woodward if he felt comfortable with a condition for non-remonstrance for the aggregate site. He responded that he felt the non-remonstrance was necessary. He also asked whether there was a need for a wildlife fence to keep animals off the airstrip. Commissioner Manning asked where the fence should be located, and Mr. Woodward replied that it should be outside the 125-foot area from the centerline of the airstrip and 8 feet tall to keep animals out.

Chair Warren asked if the Coopers had any rebuttal testimony. Mrs. Cooper responded to issues of proximity, the need for fencing (not required by ODA or ODFW) and stated that ODA required a windsock to help pilots evaluate concerns regarding wind and takeoff. She stated that the airport was within the Crook County Fire and Rescue District and that the airstrip would be indicated on a nautical map to demonstrate that the area was available for emergency landings.

Chair Warren asked Mr. Wilson if there was a re-inspection process after a private airstrip had been approved by ODA. Mr. Wilson stated that, while public airports are reviewed every three years, private airstrips are not re-inspected.

Commissioner Manning asked Mr. Wilson about housing the National Fire Service at a private airstrip. He said that an agreement between the private property owner and the National Forest Service would have to be negotiated. The Coopers stated that they had considered this. Mr. Cooper said that he had cleared a 2-3-acre area for helicopter landings.

The Commissioners asked several final questions prior to closing the hearing. Commissioner Warren asked the applicants if they were willing to waive their seven-day period for final argument. Mrs. Cooper stated that they were willing to waive the seven-day period. Chair Warren then asked for a motion.

Commissioner Stec moved to approve application 217-20-000453-PLNG for a private airstrip based on a revised site plan subject to the conditions of approval including a new condition 6, requiring the site plan and setbacks described in the hearing. The proposed airstrip shall be positioned as shown on the submitted site plan.

Subject to the conditions of approval including a new condition #6 and reflected in the finding for number 2 under the general conditions to incorporate the submitted site plan to show the location of the proposed airstrip.

Commissioner Ponte seconded the motion.

Commissioner Hermreck stated that the application addressed her concerns regarding protection of on-going agricultural activities.

Commissioner Bedortha asked to have the submitted site plan entered into the record as a condition of approval to reflect the location of the airstrip. Setback 450 feet and 1100 feet to the south and 500 feet to the east.

The Commissioners discussed the proposed non-remonstrance statement related to the adjacent Goal 5 aggregate site. The site was approved as a Goal 5 significant site (ordinance 98) for 180 acres. The intent is for the non-remonstrance to apply to both the continuing operation of the site and any expansion to the area mapped as a significant site.

Commissioner Warren called the question. Six commissioners approved; none opposed. Commissioner Warren directed staff to make the changes approved in the hearing and prepare for signature outside the hearing.

Staff discussed upcoming planning commission meetings. July 8 would be a work session to discuss issues related to agricultural processing and commercial activities in conjunction with agriculture. July 22 will be a public hearing on a proposed private park - hunting preserve in the County's EFU-1 zone.

Commissioner Warren closed the meeting.