

CROOK COUNTY PLANNING COMMISSION MEETING

July 22, 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 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, Laquita Stec, Susan Hermreck and Gary Bedortha. George Ponte attended the meeting via WebEx. Commissioner Bob Lundquist and Linda Manning were not present. The following County staff was present at the meeting: Ann Beier, Hannah Elliott, while Katie McDonald participated on the phone.

No other parties participated by phone.

APPROVAL OF MINUTES

June 24, 2020 – Commissioner Hermreck made a motion to approve the minutes as presented. Commissioner Stec seconded the motion. The motion was approved 5-0

Crook County File Number 217-20-000550-PLNG - Young's Blue Mountain Ranch (owner) and Marcus Rossi (agent) are requesting a conditional use permit to operate a hunting preserve for upland game birds on a portion of Young's Blue Mountain Ranch. Private parks, including hunting preserves, are allowed as conditional uses under Crook County Code 18.16.015 (23), (24) and (26) and Oregon Revised Statutes (ORS 215.283(2)) and are subject to review under Crook County Code 18.160 (Conditional Uses). The property that will be used for the hunting preserve is identified as portions of Township 16S, Range 23E WM, tax lots 100 and 1700 and Township 16S, Range 24E WM, tax lot 1200. No new structures are proposed.

Chair Warren then read onto the record the applicable criteria that the application would be weighed.

Chair Warren asked if any of the Planning Commission members had a conflict of interest or if anyone had any ex parte contact with the Applicants or any member of the public.

The Commissioner Stec responded no.

Commission Bedortha stated on the record that he does business with the property owner (Young's Blue Mountain Ranch), he neighbors the applicant (Marcus Rossi) on two sides, and Matt Smith from Exhibit 1 is also a neighbor and have done business with them. This will not bias a decision on the matter before them.

Commission Hermreck requests to be recused from application 217-20-000550-PLNG because of a personal relationship with the applicant. She requests to leave her Planning Commission position and assume role as a member of the public and as a neighbor on two sides.

Chair Warren recused Commissioner Hermreck from this application.

Ann Beier stated that County Counsel was consulted about Commissioner Hermreck's request to be recused and will ask that Commissioner Hermreck is invited back to her position on Commission after this hearing.

The Commissioner Ponte stated no conflicts or ex parte contact.

Chair Warren asked if anyone had any ex parte contact with the Applicants or any member of the public.

Chair Warren stated that no site visit had been conducted.

The Chair then asked if a member of the public, including those participating by phone, wished to challenge any member of the Commission. No members of the public were in attendance.

Commissioner Stec pointed out a couple of typos on the Staff report.

Ann Beier, Community Development Director, described the request and criteria for a conditional use of a ranch property for a game bird hunting preserve. There are no structures involved, the Applicant is working with the property owner and in communications with the property owners to avoid conflicts with ongoing ranch operations, hunting activities are proposed to be during the fall and winter when lesser ranching activity is happening.

Beier stated that there are limited criteria and little to no guidance for hunting preserves in state law, so it leaves the general criteria from the Conditional Use section which looks at increase costs and impacts. Impacts are low, as there are proposed to be limited numbers of people at one time and the Department of Land Conservation and Development stated no lodges would be allowed as part of this application, that would be a different process.

She added that this use is supported by the Comprehensive Plan, which mentions other economic opportunities and activities in conjunction with Agriculture.

Beier stated that the general criteria associated with the Conditional Use section looks at the impacts for livability of the area and if there are any mitigation paths to address impacts. The applicant has offered conditions, limiting numbers of people, hunting during certain times of the year, time of day, and not parking on roads. The Commission would be looking to balancing impact with mitigation.

Beier reached out to Oregon Department of Fish and Wildlife, in that they identified an area within 2 miles of a Lek and asked the applicant to avoid that area in March, but did not provide further comment.

Beier asked the Commission to consider a condition of approval that a minor modification of the conditions of approval could be handled by Planning Department instead of going back to the Planning Commission for another hearing.

Commissioner Bedortha asked if Jon Jinnings with DLCD had any comments. Beier said she reached out to Jon and indicated there was limited guidance out there, could not do a hunting lodge, but did not submit comments.

Commissioners Stec and Ponte had no questions for staff.

Chair Warren asked what a Lek is. Ann Beier explained that it is an established area for male dancing for mating Sage Grouse.

Chair Warren also asked about noticing distance. Beier answered that the notice is measured 750ft from the property boundaries.

Commissioner Bedortha had questions regarding how the application was noticed. Beier responded that the property with the activity is the property or properties that are noticed.

Chair Warren explained the process for the hearing and providing testimony. He then asked if there were comments from any State or local agencies. None were present or on the phone.

Chair Warren called on the Applicant, Marcus Rossi, for testimony.

Mr. Rossi testified that he raises birds and people who train dogs or hunters contact him to hunt with a degree of certainty. He is paid for the birds, which he then places in the fields and then guides hunters through the fields. The birds are raised off site with flight pens, from incubation to flight train. Mr. Rossi raises pheasants, chuckers, and quail (three different upland species).

Staff mentioned that ODFW licenses the hunting guide services.

Mr. Rossi stated that they have more specific criteria for guiding, including care for the birds, size of the birds, and releasing of the birds.

Commissioner Bedortha asked if that process was complete. Mr. Rossi responded that the process was not complete as they were awaiting the land use approval.

Commissioner Bedortha asked about the map that was submitted. Staff clarified that one of the maps was intended to be a vicinity map and the hunting area is shown on Attachment B.

The applicant responded that he currently leases the pivot and asked the property owner if he could use the meadow for hunting. He also stated that per ODFW the limit for Eastern Oregon is 1280 acres and it needs to be one continuous line, thus the connection between the larger areas.

Commissioner Stec and Commissioner Ponte had no questions.

Chair Warren asked if anyone wanted to speak in support.

Susan Hermreck spoke in favor of the application, she agrees with and mirrors the comments from Exhibit 1 submitted from the GI Ranch, especially broadening the economic base of the ranching community.

Chair Warren asked if anyone wanted to speak in opposition. None

Chair Warren asked for any rebuttal testimony. None

Commissioner Bedortha asked about adding a number 5 condition of approval for minor modifications. Staff responded that the Commission could add a condition with language that states, a minor modification of these conditions of approval can be handled administratively.

Commissioners discussed specific language around a proposed condition of approval.

Beier stated that there is a condition of approval that is dependent on Oregon Department of Fish and Wildlife licensing. If the application is approved, then Mr. Rossi could move forward with licensing from ODFW.

Chair Warren asked for a waiver of the 7 day final argument.

The applicant waived their 7 day final argument.

Chair Warren called for the motion.

Commissioner Stec moved to approve 217-20-000550-PLNG for a hunting preserve with the conditions as stated in the staff report, with the addition of if minor modification to these conditions of approval in the staff report need to be made, they would be handled administratively by staff.

Commissioner Bedortha seconded the motion.

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

Staff clarified remaining process for a final decision and appeal period.

Commissioner Warren closed the meeting @ 6:38 p.m.