

CROOK COUNTY PLANNING COMMISSION MEETING

September 9, 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 6:00 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, Susan Hermreck, Laquita Stec and Commissioner Pro Tem Lawrence Weberg. Commissioners Bob Lundquist, Gary Bedortha, Linda Manning and George Ponte were not present. The following County staff was present at the meeting: Ann Beier, Hannah Elliott, Katie McDonald (participated on the phone).

Participating via phone Webex:

Merissa Moeller, Stoel Rives LLP on behalf of West Prineville Solar Farm

Marie Barlow, West Prineville Solar Farm

Paul Stern, New Sun

ITEMS NOT ON THE AGENDA

Ann Beier, Planning Director, stated for the record that an email had been sent to the Planning Commissioners asking them to consider a possible modification to a condition to a Conditional Use permit, to be discussed after the hearing.

Commissioner Hermerck made a motion to consider the Knife River modification at the end of the current agenda. Commissioner Stec seconded – 4-0. Motion approved

APPROVAL OF MINUTES

- Planning Commissioners have the minutes from the August 26, 2020 hearing before them. However, there was not a quorum of those attending the August 26th meeting and will postpone consideration of the minutes.

ITEMS OF CONSIDERATION

Final Plat review of Grandview Subdivision Phase I – Beier stated that this the Final Plat Phase 1 of a 20 lot subdivision which was approved in February/March of 2020, with a site visit. Katie McDonald (Planner), stated that the plat is the first phase of the subdivision, water is now provided from Avion, the roads are up to County standards, the physical plat is with the County Surveyor, and Crook County Fire and Rescue has submitted a letter approving hydrants for fire suppression. The applicant has met the conditions of approval.

Chair Warren asked for questions,

Commissioner Hermreck asked about the visibility at the access onto Shumway and if bank had been cut back.

McDonald responded that she has not confirmed the access widening had happened, the Roadmaster called and emailed that the roads were up to standard.

Commissioner Stec asked if the location of hydrants were shown on the mylar.

Beier stated that staff would check with surveyor, that the hydrants will be added to the mylar.

Commissioner Pro Tem Weberg asked to revisit the access question from Commissioner Hermerck. McDonald stated the widening of the access was not a condition of approval. The Commissioners discussed if the widening of the access was a condition of approval. McDonald read the Conditions of Approval from the March Final Decision and in the hearing discussion the applicant indicated that the banks would be cut back for improved visibility. McDonald asked staff to pull up the decision for the Commissioners to view. In the public hearing comments in the decision, the applicant stated that the bank would be cut back. Beier stated that staff would ask the Roadmaster to determine if the banks had been addressed and if needed remind the applicant that they had agreed to do that. Beier then asked the Commissioners if they would be agreeable, pending the successful completion of the two items that Chair Warren could sign the plat out of a meeting. Commissioner Hermreck moved to approve the Grandview Subdivision Final Plat Phase 1, once locations of fire hydrants have been identified on the plat map and confirmation that the banks adjacent to the access onto Shumway was completed, for the Chair's signature. Commissioner Stec seconded. Motion passed 4-0.¹

PUBLIC HEARING

Chair Warren called the Public Hearing to order.

Chair Warren stated that the legislative nature of this application does not require a decision from the Planning Commission, but a recommendation to forward the Plan Amendment to County Court for additional public hearings.

Crook County File Number 217-20-000720-PLNG – This is a request for a comprehensive plan amendment to document the findings of fact and statement of reasons in support of an exception to Statewide Planning Goal 3 (agricultural lands) for a commercial solar facility approved by the Planning Commission on June 2, 2020 (File number 217-20-000375-PLNG). The property is identified as Township 15S, Range 15E WM, Tax lots 2900 and 3000.

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

He then 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. He added other than the original hearings and site visit which was stated at the hearing.

Commission Hermreck responded no

Commissioner Stec responded no

Commissioner Pro Tem Weberg responded no

Chair Warren responded no.

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 and none stated from the phone lines.

¹ Katie McDonald contacted Crook County Road Master Bob O'Neal on 9/10/2020. Mr. O'Neal confirmed that the Applicant has cut back the bank to provide for enhanced visibility from the subdivision to Shumway Road.

Ann Beier (Director) stated that this is a Plan Amendment that would formalize the findings that the Commission made in June 2, 2020, approving the West Prineville Solar facility. In that decision the Commission made findings that an exception was necessary to accommodate the size of the solar facility. Anytime there is over 320 acres, Oregon land use law requires an exception to statewide planning goal 3 to tell why you need that acreage. In the June 2nd staff report /final decision and the Planning Commission accepted the findings for why that acreage was needed. She reminded the Commissioners that they were not there to rethink the decision, but rather to formally adopt the goal exception as a plan amendment, even though the underlying zoning was not changed.

Commissioner Pro Tem Weberg had questions regarding specifics of the decision.

Beier stated that this was not a part of the discussion for the goal exception.

Commissioner Pro Tem Weberg then asked about a timeframe and noticing.

Beier responded that this notice was provided to DLCD as a plan amendment and to neighboring property owners.

No further questions from the Commissioners.

Chair Warren asked for public testimony.

At this point the audio for hearing was disconnected. Staff reached out to County IT Director for assistance.

At 6:36 a recess was called due to technical difficulties.

At 6:40 Beier stated on the record that there were continuing technical difficulties with the phone lines, she went onto discuss an email she sent to Planning Commission which included a request from Knife River to have staff review a modification to a Condition of Approval as Administrative decision, rather than going back to Planning Commission for a new hearing. The condition is in relation to the industrial site berm along the berm. Commissioners discussed the condition and the berm.

Beier said the question is if the modification of the condition come to the Planning Commission for a hearing or if it could be handled Administratively.

Commissioners continued to discuss the condition of approval.

Beier summed up the Commissioner's concern as, the condition was put in place for a reason and if the applicant would like to change that condition they need to come before the Planning Commission in a public hearing process.

Beier stated that staff is considering how conditions of approval are written in future decisions and whether conditions would need to be modified by the Planning Commission or could be handled administratively. Staff and the Planning Commission should also consider if the ownership changes how would that impact the Conditional Use.

At 6:52 the phone WebEx was reestablished, and the public testimony resumed for the Public Hearing regarding the Goal Exception.

Merissa Moeller, thanked staff, the Commissioners and IT Director Troy. She then stated that as Ann laid out and the staff report the ask is a narrow and procedural approval to document the findings and reasons the Planning Commission already considered.

Chair Warren asked for questions from Commissioners
Commission Hermreck responded no
Commissioner Stec responded no
Commissioner Pro Tem Weberg responded no
Chair Warren responded no.

Paul deferred to Merissa's comments.

Chair Warren then called for any further Supporting Testimony
Call for Opposition Testimony
Call for Neutral Testimony

No further questions of staff.

Chair Warren closed the public hearing.

Commissioner Hermreck made a motion to recommend a Comprehensive Plan Amendment to document goal 3 exception for West Prineville Solar file number 217-20-0000720-PLNG be approved and recommended to the Crook County Court for their consideration.
Commissioner Stec seconded the motion.

Chair Warren asked for discussion, hearing none, he called for the vote.

Commissioner Hermerck voted Aye
Commissioner Stec voted Aye
Commissioner Pro Tem Weberg voted Aye
Chair Warren voted Aye
Motion passes 4-0

Next Steps, the Amendment will go to County Court on September 16th at 9am for two additional public hearings.

Staff Updates: Incredibly busy, but nothing for Planning Commission for September. Odd questions, regarding Land Use --- e.g. Can we do this with the property? Retreat property, multiple families on the same property, RV parks, partitions.

Commissioner Hermerck made a motion to adjourn the meeting, Commissioner Stec seconded the motion.
Commissioner Warren closed the meeting @ 7:16 p.m.