

CROOK COUNTY PLANNING COMMISSION MEETING

February 24, 2021

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 6:01 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, and Gary Bedortha. Commissioners George Ponte, Laquita Stec, and Bob Lundquist attended via phone/webex. Commissioner Linda Manning was absent. The following County staff was present at the meeting: Ann Beier, Hannah Elliott, and Assistant County Counsel Jon Eisler; Katie McDonald participated via webex.

Participating via phone WebEx:

No other parties were present

ITEMS NOT ON THE AGENDA

- NA

APPROVAL OF MINUTES

- January 27, 2022; Chair Warren asked if there were any comments on the minutes which were included in the packet. Commissioner Lundquist said he had not seen the minutes. Staff responded that they were in the packet which was mailed to him, that he did not receive. Commissioner Hermreck asked that the approval of minutes change the order of motion and second then record the vote. Commissioner Hermreck moves to approve the minutes with the change as presented. Commissioner Pont seconds the motion.

No Discussion

Commission Hermreck - aye

Commission Bedortha - aye

Commissioner Stec - aye

Commissioner Ponte - aye

Commissioner Lundquist -

Chair Warren - aye

Motion Passes 5 -0 -0

PUBLIC HEARING

Chair Warren called the Public Hearing to order.

Chair Warren read the opening statements and introduced the item for consideration. **Crook County File Number 217-21-000030-PLNG** –This is a request from the County Planning Department to amend the Crook County Code to edit code language that is incorrect, remove references to outdated or removed sections, to bring the code into compliance with current State statutes and administrative rules and to clarify intent of code language.

The Planning Commission will be evaluating the request against the following applicable criteria:
Crook County Code, Title 18 - Zoning, Chapter 18.168 – Legislative

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

Commission Hermreck -no

Commission Bedortha - no

Commissioner Stec - no

Commissioner Ponte - no

Commissioner Lundquist - no

Chair Warren responded - no

Chair Warren asked if any member of the Planning Commission had any ex-parte or contact: - Commissioners have had discussions with staff outside of meeting.

Commission Hermreck - no

Commission Bedortha - no

Commissioner Stec - no

Commissioner Ponte - no

Commissioner Lundquist - no

Chair Warren responded - no

The Chair then asked if any member of the public, including those participating by phone, wished to challenge any member of the Commission. Staff identified another call in user on the line, but that user chose not to identify. No members of the public stated a challenge.

Chair Warren asked to hear from staff.

Ann Beier, Crook County Community Development Director, stated that the County is the applicant and occasionally staff will bring code changes to the Planning Commission about twice a year and they will address, updates to state law, references that are outdated, and issue that come up while we administer. If there is more substantial changes we would do a work-session first, the changes proposed with this update are rather minor.

Beier then stated that the Department of Land Conservation and Development was provided notice; as a plan amendment, they do require notice if any of the state wide planning goals are affected. The proposed changes do not directly affect Goal 3 or 4 but probably affect Goal 1 which is citizen participation. The changes are designed to make it easier for the public to understand and participate in the process. Anytime we can make the code language clearer it helps the public.

Beier then went through proposed code changes outlined in the staff report. First change is an outdated reference to sections that are no longer in the code. Next is a change to the Temporary Hardship Dwelling section in Supplementary Provisions, clarifying that a temp hardship dwelling is allowed in any zone. Also a clarification to what "use table" was being referenced. Thirdly, a proposed change to the Variance section, by adding language which would allow either the planning commission or community development department to grant variances where there are special circumstances. Typically the variances we see are property line setbacks.

Beier then identified an additional sheet of paper that was provided to the Planning Commission, it added that the Planning Commission or the Community Development Department may add a conditional of approval. These changes are reflective of the current practice.

Chair Warren stated that he wanted to hear some examples. Beier then provided an example of a property line setback that could not be met because topography of the parcel. She also stated that notice is provided to neighboring property owners of the variance and if there is an appeal it would then come to the Planning Commission. The next changes outlined in the staff report are improper reference clean up.

Beier continued to walk through the staff report and in section 18.172.100 the Revocation or modification of a permit, presented a bit of a struggle. There are a couple of options that try to get to the matter. When a Conditional Use permit is issued at some point it may come back in to modify it. If it is a permit that the commission approves, then it comes back to you for the modification. So the question then becomes, what law do we apply? In some cases the law has changed to allow more (solar example) and in others the law has been changed to be more restrictive. The situation may arise where a conditional use is approved and when they come in for a modification the rules have changed, would it be allowed to be modified if it still complied with the rules in place when it was approved. Beier then asked Assistant County Counsel for assistance in explaining.

Jon Eisler, Assistant County Counsel, then directed Commissioners to the proposed changes. He stated that he didn't find any particular rules or language that regarded revocations and modifications. He and Beier had reworked it and then came back to it as it had still felt bulky and cumbersome. The next iteration is included on the single page handout as number 3 then reworked with a sentence broken out and shown below as option 4.

Commissioner Ponte then asked for clarification on either sub 3 or number 4. The single page had just been sent out prior to the meeting and he hadn't had time to digest the information. Eisler confirmed.

Commissioner Warren then confirmed they were reviewing the correct number 3. Eisler confirmed and Beier explained the multiple options in trying to cover for all situations and make it clear for people applying what standards would apply.

Commissioner Bedortha then asked for clarification on the formatting and if it was language to be removed or added.

Eisler said it would be new language. Beier agreed.

Commissioner Bedortha said he liked number 3 on the single page. He added that it may be more wordy but clearer.

Chair Warren agreed. He asked if one of the options would protect the County better.

Eisler deferred to Beier, who provided an example of recent solar cases where the state law had changed and allows for an applicant to apply to County for more acreage. In cases where the state is getting more restrictive the language provides that option. The County has followed state language as it is generally clearer. Beier stated that considering the scenarios of an applicant asking for a modification, she liked the clearer language in the first number 3 on the single page handout.

Eisler identified that he added to either should be red as well.

Commissioner Hermreck agreed with the number on the single sheet

Commissioner Steq agreed

Commissioner Ponte asked for clarification on the second number 3 and number 4 if that is the current language.

Beier reviewed the current language. If a use is modified to allow more activity then they couldn't modify a permit to take advantage of that. One option would be to restart the permitting process and she didn't think that was the intent.

Ponte then asked if this was opening up to folks coming in and saying things have gotten opened up and now want to do more stuff.

Beier responded that is what we are seeing with the solar folks. The state allowed for local government to approve up to 320 acres and then it changed the criteria and is allowing for up to 1100 acres and that there is still the additional findings associated with the new process. But allowing the applicants to go through the modification process rather than starting over.

Eisler agreed with Beier and said the word "to" was there he only added the word "either" that should be red.

Chair Warren then asked Commissioner Lundquist for comment.

Commissioner Lundquist said he didn't have any of the material and only received single sheet at 4:15. He couldn't even follow along with the conversation.

Beier said she was aware that the mail system was a little slow and that staff would work with him offline to come up with a solution as email was not preferred.

Commissioner Lundquist responded that he did receive the one page agenda through email on his phone but there were no attachments.

Beier stated that Commissioner Lundquist had requested staff to mail the material and that is what they did.

Hannah Elliot stated that she had both emailed him along with all of the Commissioners the agenda with a link to the packet and mailed him a hardcopy.

Commissioner Lundquist was unaware that there was a link to the website where the material was in the email. He didn't realize he needed to click on a link.

Beier responded that it has been the process for a while now.

Beier returned to the discussion and stated that we don't see many modifications for conditional uses and those will still come to the Planning Commission, but we do not want to put people in a gotcha sort of situation.

Chair Warren clarified the 'either', mentioned by Eisler cleared up the situation for him.

Commissioner Bedortha then said it provides certainty and it isn't just the current commission that would be reading this. The intent can sometimes get lost and the clearer language and transitions would make it easier for interpretation in the future.

Chair Warren agreed and that for him having 'either' made it clearer.

Commissioner Bedortha then said that when having an original staff report with findings to start with allows for certainty. A County can be more restrictive than the state.

Beier concluded that the changes were thought provoking and thanked everyone including County Counsel.

Chair Warren asked Commissioner Ponte if he had received enough information for his earlier question.

Commissioner Ponte then stated he was still wrestling with his thoughts, stemming from something that was allowed in the past but not being allowed now. The applicant being allowed to do what was permitted in the past. He then asked Beier if that was the way it operates.

Beier confirmed that is the current practice.

Beier then said procedurally this would be recommendation to County Court.

Elliot reminded everyone that there is a call in number on the web ex that had not been identified.

Chair Warren asked if any member of the public had any questions or comments to go ahead.
No answer.

Beier stated that she did have requests from 1000 Friends of Oregon and a representative of a housing organization. She sent the representative the material, briefed the board and had no issue.

Commissioner Stec asked for clarification of which number 3 was the one being considered.
Chair Warren then clarified that it was the first number 3 on handout.

Beier apologized for the late page, but sometimes it takes a bit more thought.

Commissioner Bedortha then moved to recommend the Zoning Code Amendment 217-21-000030-PLNG to the County Court with the changes as discussed in the Public Hearing today with the selection of the suggested modification on the single sheet of the first number 3 for 18.172.100.

Commissioner Stec seconded the motion.

Commission Hermreck - aye

Commission Bedortha - aye

Commissioner Stec - aye

Commissioner Ponte - aye

Commissioner Lundquist - abstain

Chair Warren - aye

Passes 5-0-1.

Commissioner Hermreck made a motion to adjourn the public portion of the meeting, Commissioner Bedortha seconded the motion.

Commission Hermreck - aye

Commission Bedortha - aye

Commissioner Stec - aye

Commissioner Ponte - aye

Commissioner Lundquist - aye

Chair Warren - aye

Passes 6-0-0.

Chair Warren closed the meeting @ 6:44 p.m.

The Planning Commission then went into a Work session.