

CROOK COUNTY PLANNING COMMISSION MEETING

January 5, 2022

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 called the meeting to order at 4:01 p.m. The meeting was conducted by WebEx (a call-in service) and in-person at the Crook County meeting room. Commissioner Laquita Stec attended the meeting in person. Commissioners Gary Bedortha, Susan Hermreck, and Bob Lundquist participated via WebEx. Commissioner George Ponte and Commissioner Pro Tem Lawrence Weberg were absent. The following County staff was present at the meeting: Community Development Director, Will Van Vactor; Planning Manager, Brent Bybee; Planner, Katie McDonald and Senior Permit Tech, Hannah Elliott. Planning Permit Tech, Jennifer Orozco participated via WebEx.

Parties in Attendance:

See sign in sheet

Participating via phone WebEx:

No members of the public

MINUTES:

Minutes from October 13, 2021 were presented.

Commissioner Stec moved to approve the minutes of October 13th as presented. Commissioner Hermreck seconded the motion. No Discussion

- Chair Warren - Aye
- Commissioner Bedortha – Aye
- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Abstain

The motion passed 4-0-1

Minutes from December 8, 2021 were presented.

Commissioner Stec moved to approve the minutes of December 8, 2021 as presented. Commissioner Hermreck seconded the motion.

- Chair Warren - Aye
- Commissioner Bedortha – Aye
- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Abstain

The motion passed 4-0-1

PUBLIC HEARING

- **Text Amendment, record number 217-21-000909-PLNG**, Amendments to Crook County Code to reflect scribes' errors, including citations, remove incorrect information and better align with Oregon Revised Statutes.

Chair Warren read the opening statements and asked the commissioners if they had any Ex Parte Contact, Conflict of Interest, Bias:

Commissioner Bedortha – no

Commissioner Hermreck – no

Commissioner Stec – no

Commissioner Lundquist –no

Chair Warren - no

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

Chair Warren then asked to hear from staff.

Katie McDonald presented the proposed changes for Agri-Tourism. McDonald stated that in order to provide a clear path for applicants, the proposed changes are consistent with the Oregon Revised Statutes (ORS). Other changes include removing links to criteria and replace it with the language from section. Section 8 is proposed to be removed completely. This language is not in ORS and can be considered for individual applications. McDonald added that the application process would be reviewed to provide a clearer path for applicants. By clarifying the application process and laying out the Burden of Proof criteria, applicants would be able to address how they are meeting the criteria rather than conditioning.

Chair Warren called for questions.

Commissioner Lundquist asked if this was a follow up from a previous Commission meeting.

McDonald responded that there had been a Commission work-session for the upcoming text amendments.

Commissioner Lundquist stated that he was not at the work-session so he was unfamiliar with what was being presented.

Chair Warren asked if all of the strike through text was not in the ORS.

McDonald responded that the strike through text was not in the ORS. During the model code update the language was suggested and at that point it was thought to leave it in as there had not been an Agri-Tourism application submittal.

No further questions from Commissioners.

McDonald then skipped ahead to review the scrivener's error in citation for the Covenant of nonremonstrance. No questions from Commissioners.

Brent Bybee reviewed the Noncommercial energy systems proposed changes. The changes are to encourage noncommercial photovoltaic (solar) installations. Bybee stated that staff responded to the Commissioners input from the work session and would not require land use approval, but require the ground mounted structures be subject to setbacks for the underlying zones.

Will Van Vactor added that it will be ministerial review and have a sign off for the application.

No questions from Commissioners.

McDonald reviewed the addition of specific criteria to the table in the Exclusive Farm Use for Temporary Hardship Dwelling. The table would list the specific code section which is applicable in accordance with the Oregon Administrative Rules (OAR).

Chair Warren asked about the three specific criteria.

McDonald responded that the specific applicable criteria according to the OAR and ORS language are the first two subsections.

No further questions from Commissioners.

Bybee introduced the Validation of a unit of land language as a new chapter in the code. The language in this proposed chapter is from Lane County and is consistent with ORS.

Chair Warren asked about the criteria specific to subsection 2.

Bybee responded by reviewing the criteria of which staff would review for compliance with this section.

Chair Warren asked if this language has always been in play or if it is newer language.

Bybee stated this language is more recent within the last 10 years.

Van Vactor provided clarification regarding different criteria for validating a unit of land.

No further questions from Commissioners.

Bybee stated that staff had been applying the ORS and by adding it to the code the public would not have to look in multiple places.

No further questions from Commissioners.

Bybee continued to the next section of proposed amendment, the rimrock definition. The goal of adding this definition was to include language from the Comprehensive Plan regarding rimrock into the code.

Chair Warren confirmed this language had not been in the code.

Van Vactor stated it had been in the Comp Plan and the definition was being applied from there, but not called out in the code.

Commissioner Bedortha then asked if a variance would be allowed if it came before the Commission.

Bybee responded that the applicant would need to ask for the least variance needed to achieve their development goal.

No further questions from Commissioners.

Bybee moved on to the Nonfarm date clarification and reviewed the addition of language that was not included in the Model Code to clarify the timeframe for the creation of non-farm parcels.

No questions from Commissioners.

Van Vactor summarized the proposed changes for a quasi-judicial amendment section and the proposed language is meant to provide a process for an application to follow. The language proposed links the procedure to the process already laid out in the 18.172, Administrative Provisions.

No questions from Commissioners.

Van Vactor moved on to section 18.172 Administrative provisions. There were additional materials provided to the Commissioners with suggested changes for section 18.172.020. The intent of the changes is to clarify when an application is submitted and accepted, allowing for clearer timelines.

Commissioner Stec asked about the additional material that was provided.

Van Vactor said it was replacing just section .020.

Chair Warren noted that there were a lot of capitalization changes.

Van Vactor agreed and stated that one of the more substantive changes had to do with extensions and provided a summary of those changes being consistent with ORS.

Commissioner Stec asked about the notice for a public airport.

Van Vactor said he made the change to be more consistent with the State. He continued that on page 38 is where there was a change to the decision date, which would allow staff more time, if needed to get the final decision done and signed at the next Planning Commission meeting.

Chair Warren asked if it was more applicable to state the hearing authority rather than Planning Commission.

Van Vactor stated that in some instances the Planning Commission may not be the hearing body. He then continued to provide a summary of the proposed changes.

Commissioner Lundquist stated that he was unable to see any of the information sent out by staff in a previous email, only the most recent email. So he was behind the eight ball and unable to see the information.

McDonald noted an error to the header on page 22.

No questions on section 18.172.

Van Vactor provided a summary of the Declaratory ruling and no changes had been made from the work session. The new number for the section is 18.174.

No questions from Commissioners.

Van Vactor presented the Destination Resort text amendment and highlighted the change since the work session of 30% to 130%.

No questions from Commissioners.

Chair Warren asked if staff had confirmed the numbering of the code would not interfere with other sections.

Van Vactor replied that there were some open numbers.

Chair Warren called for any questions from the Commissioners.

Commissioner Hermreck commented that she found it interesting that the code referred to 1993 dollar amounts.

Bybee responded that the next sentence directs staff to start at 1993 and adjust it to the consumer price index for 2022.

No further questions from Commissioners.

Chair Warren then read the testimony procedures into the record.

No testimony was presented.

No further comment from staff.

Chair Warren then called for a motion.

Commissioner Bedortha asked if Farm Stands had been put off until criteria could be identified.

McDonald responded that the Farm Stand was not being included in this proposed text amendment.

Commissioner Stec moved to close the public hearing and begin deliberations. Commissioner Hermreck seconded the motion.

- Chair Warren - Aye
- Commissioner Bedortha – Aye
- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Abstain

The motion passed 4-0-1

Commissioner Bedortha asked if the process was a two part hearing.

Bybee stated that if the Commission made the recommendation to the County Court. Then County Court would have two hearings and no further hearings before the Commission.

Chair Warren called for a motion.

Commissioner Stec moved to make a recommendation to the County Court to adopt the proposed text amendments 217-21-000909-PLNG as presented by staff and authorize the Chair to sign outside of a meeting. Commissioner Bedortha seconded the motion.

Chair Warren asked for other comments.

No further discussion.

- Chair Warren - Aye
- Commissioner Bedortha – Aye
- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Abstain

The motion passed 4-0-1

Commissioner Stec moved to close the public hearing.

Commissioner Bedortha seconded the motion.

- Chair Warren - Aye
- Commissioner Bedortha – Aye
- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Aye

The motion passed 5-0-0

Next Agenda Items:

McDonald presented the Decision list for the Planning Commission to approve and fine tune what the Commission would like to hear. She asked the Commission to provide direction on how they would like to process the Agri-Tourism applications.

The Commissioners discussed the different types of Agri-Tourism applications and what they would like to hear.

McDonald said that after hearing the discussion, the Decision List would include the three paths of Agri-Tourism and the 2-6 events would be both an Administrative Decision and Planning Commission based on the information from the application; then on the, up to 16 events would require a hearing.

Chair Warren asked if the Decision List was available to the public.

Staff said they would post it on the Planning Commission's webpage.

Chair Warren asked for any further questions on the Decision List.

Commissioner Bedortha made a motion to approve the Decision List with the changes stated in discussion.

Commissioner Stec seconded the motion.

Commissioner Lundquist confirmed that the motion included the discussion which would allow the Planning Commission discretion regarding allowing flexibility on what would require a hearing.

Chair Warren confirmed that the "discussion" in the motion would reflect that.

- Chair Warren - Aye
- Commissioner Bedortha – Aye
- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Aye

The motion passed 5-0-0

Staff presented the Planning Department 2022 Work Plan, including completed projects, on-going projects, and potential projects.

Van Vactor presented Community Development updates from 2021 for Planning, On-Site, and Building departments.

Planning Commission Elections:

Commissioner Stec nominated Mike Warren to continue as Chair. Commissioner Hermreck seconded the motion.

- Chair Warren- Abstain
- Commissioner Bedortha – Aye
- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Aye

The motion passed 4-0-1

Commissioner Stec nominated Gary Bedortha to continue as Vice Chair. Commissioner Hermreck seconded the motion.

- Chair Warren- Aye
- Commissioner Bedortha – Abstain
- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Aye

The motion passed 4-0-1

Staff provided an update on the Planning Commissioner's term limits. Staff will make a recommendation for the vacant position to County Court on January 19th.

Staff discussed upcoming meetings and timelines.

Commissioner Stec moved to adjourn. Commissioner Bedortha seconded. No discussion. All voted in favor (motion passes 5-0-0).