

CROOK COUNTY PLANNING COMMISSION MEETING

December 15, 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 called the meeting to order at 4:02 p.m. The meeting was conducted by WebEx (a call-in service) and in-person at the Crook County meeting room. Chair Warren, and Commissioner Pro Tem Lawrence Weberg and attended the meeting in person. Commissioners, Laquita Stec, Susan Hermreck, and Bob Lundquist participated via WebEx. Commissioners George Ponte and Gary Bedortha 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.

Unexcused absences

None

Parties in Attendance:

See sign in sheet

Participating via phone WebEx:

No members of the public

PUBLIC HEARING

- **217-21-000865-PLNG, 6000 Reif, LLC (owner), & Andy High (applicant)**, filed a Conditional Use Application seeking approval for Commercial Activity in Conjunction with Farm Use; use of the existing structure for Irrigation equipment sales. The property is identified as Township 15 South, Range 14 East, WM, Section 26, tax lot 600. The property is zoned Exclusive Farm Use Zone, EFU-3 (Powell Butte Area). The situs address is 6000 SW Reif Rd, Powell Butte, 97753.

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

Commissioner Hermreck – no

Commissioner Stec – no

Commissioner Lundquist – Stated he has done business with the applicant, and it would not affect his decision
Pro Tem Weberg – 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 highlights of the proposed use, as well as the applicable criteria. There was also a missed finding that staff addressed and asked that the Planning Commission accept that revision. She also presented the conditions of approval.

McDonald then asked if the commissioners had any questions.

Chair Warren asked if the condition related to hours was a suggestion from the applicant, or something within statute.

McDonald responded stating that the date timeframes for that condition were intended to reflect the times of the year that irrigation occurs.

Commissioner Hermreck then asked if a motion needs to include the missing finding staff presented, and McDonald responded that it would.

Commissioner Lundquist said that in his opinion the first condition related to the transfer of ownership should be amended to state that the land use approval would become void if the land use is transferred to a different entity other than Thompson Pump. He also brought up traffic concerns regarding the intersection at Hwy 126 and asked if the roadmaster needed to approve the use.

McDonald responded stating that she contacted the County Road Master, and that the access for the proposed use would be off a county road, Reif Rd. She stated that the Road Master did not have concerns, ODOT did not comment, and the Central Oregon Irrigation District did not comment.

Commissioner Lundquist then stated it was a moot point.

Commissioner Stec stated she had the same questions Commissioner Hermreck had regarding the missing finding and verified the section number.

McDonald asked Planning Manager, Brent Bybee if the finding needed to be added as a condition of approval. Bybee stated yes, and that it would link directly to the code language.

Pro Tem Weberg asked if condition number four could be handled by staff, or if it needed to come back to the Planning Commission. He stated that staff could handle it faster.

Chair Warren pointed out that the condition is worded so that minor variations are handled by staff and that only significant modifications would require the use to come back to the Planning Commission.

The Commissioners stated they were good with the condition as is.

McDonald suggested the Applicant clarify during testimony the affiliations with both 6000 Reif LLC and Thompson Pump and Irrigation for the record and their intent for use of the building regarding CCC 18.160.020(3).

Commissioner Lundquist asked if the first condition related to ownership transfer was addressed as he asked or if that needed to be addressed in the motion.

Chair Warren stated that he would like to hear testimony from the applicant prior to making that change and Lundquist agreed.

Chair Warren then directed the Applicant to provide testimony.

The Applicant Andy High introduced himself as the owner of 6000 Reif LLC and Thompson Pump. He stated that he purchased Thompson Pump and Irrigation seven years ago and he is the third owner. His CPA recommended setting up a separate tax entity to protect themselves. They are owners/members of the Reif LLC.

High provided his background, stating he is a grange member and that with the building's history as a grange, he hopes to revitalize the structure and keep it from further decay. He stated the business need as a natural fit with the location and the business primarily sells to agricultural uses. He stated the irrigation uses that he serves and that the structure would not necessarily be a storefront. His intention is to have it as a hub so that folks don't have to drive to Madras, Redmond, or Bend. Fabrication will only occur at their other locations, the structure will primarily serve as storage for common parts that tend to break, or as a relay point for farmers. It would also help save money on fuel for farmers.

High then addressed Commissioner Lundquist's question about traffic, and stated that ODOT requested they put a fence back up along Hwy 126, which would force people to use the access on Reif Rd.

High then spoke about the remodels currently happening with the building, and the installation of parking and septic.

Chair Warren asked clarifying questions about placement of the septic: and High stated it may change due to unknown irrigation right issues.

McDonald then went back to the conditions of approval, and Warren asked the applicant about the conditioned hours of operation.

High stated the hours were acceptable.

Chair Warren also asked about the operation and stated the report addressed that equipment would be contained within the structure without any components stored outside. High stated that some components may be outside.

McDonald clarified that if components are stored outside screening may need to be addressed.

High clarified that it would only be a one-off instance where someone from a distant part of the county needed anything it would be brought to the property that night for them to pick it up.

Chair Warren didn't want the conditions to be too restrictive, but the proposed use sounds as if it will meet that condition. Warren then asked the commissioners if they had any other questions for the applicant.

Commissioner Lundquist asked the applicant about the transfer of ownership condition amendment he proposed.

High responded stating that it would most likely be 20+ years down the road and is not anticipated. High wanted assurance that if the business is sold to an employee for example that he could still do that if the business entity has not transferred ownership to another business.

Commissioner Lundquist clarified that it's mainly the concern that the use will change with the transfer.

McDonald stated that if the use changes from what is approved, it will need to be approved by the Planning Commission.

Commissioner Lundquist then retracted his proposed amendment based on that information.

Pro Tem Weberg asked if the past trailer sales that had been approved for the property would be continued with the proposed use.

High stated no: and that it wasn't an approved use. He also stated that he's comfortable with the condition related to storing equipment outside, and commended staff for their help.

Chair Warren then asked if any other folks wanted to provide testimony. One of the callers identified as High's wife and did not wish to testify.

Chair Warren then covered conduct for public hearings. He acknowledged that no other individuals were present to speak neutrally or in opposition of the application. He then asked staff if they had anything else to add. Staff responded no. He then asked if the Applicant was willing to waive their 7-day open record period and they responded yes.

Commissioner Hermreck again touched on procedure for adopting the missing finding. Hermreck said she would make a motion to add it to the conditions if needed.

Chair Warren stated that he thought it needed to be both added to the staff report and added as a condition.

McDonald confirmed that would be acceptable.

Commissioner Hermreck made a motion to accept the missing finding into the staff report.

Commissioner Lundquist asked for Commissioner Hermreck to repeat the motion she made, which she did. Commissioner Lundquist then seconded the motion.

The commissioners then voted:

- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Aye
- Pro Tem Weberg – Aye
- Chair Warren – Aye

Motion passed 5-0-0

Pro Tem Weberg moved to close the public hearing and begin deliberations. Commissioner Hermreck seconded the motion.

- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Aye
- Pro Tem Weberg – Aye
- Chair Warren – Aye

Motion passed 5-0-0

Commissioner Hermreck moved to approve 217-21-000865-PLNG as presented by staff with the additional condition related to the missing finding.

Commissioner Lundquist seconded the motion.

Chair Warren asked for other comments.

Commissioner Hermreck brought up condition 4 related to the timeframe the use is approved for, and that the dates shouldn't be included.

Commissioner Lundquist said the concern is moot since irrigation doesn't occur outside of those dates.

Chair Warren asked for clarification and Commissioner Hermreck stated it should just have the times listed not the dates. Chair Warren polled the commissioners and they agreed that would be acceptable.

The motion was then amended by Hermreck to remove the time of year reference in condition 4.

Commissioner Stec seconded the motion.

- Commissioner Hermreck – Aye

- Commissioner Stec – Aye
- Commissioner Lundquist – Aye
- Pro Tem Weberg – Aye
- Chair Warren – Aye

Motion passed 5-0-0

Commissioner Lundquist then stated for the record that he is pleased with the work the applicant is doing to restore and retain the historic grange hall structure.

Chair Warren then clarified the process for signing the decision outside of the meeting, and the commission directed staff to do so.

Commissioner Hermreck then motioned to close the public hearing for this item.

Commissioner Stec seconded the motion

- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Aye
- Pro Tem Weberg – Aye
- Chair Warren – Aye

Motion passed 5-0-0

ITEMS FOR CONSIDERATION

- **Grandridge Phase 2**

Will Van Vactor then joined the meeting in person and stated the plat was in compliance with the approved conditions of approval and Title 17.

Chair Warren polled the commissioners for any questions.

Commissioner Lundquist abstained.

Commissioner Hermreck then motioned to approve the final plat.

Commissioner Stec seconded the motion

- Commissioner Hermreck – Aye
- Commissioner Stec – Aye
- Commissioner Lundquist – Abstain
- Pro Tem Weberg – Aye
- Chair Warren – Aye

Motion passed 4-0-1

Staff provided an update on upcoming hearings and timelines. They also discussed the potential candidates for the open Planning Commissioner position. Staff also stated that Phase 15 was received for Brasada, and an anticipated modification for a solar facility has been proposed. Staff also mentioned Crossing Trails would be submitting a modification to the approved destination resort.

The Commissioners wished everyone a merry Christmas

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

DRAFT