

CROOK COUNTY PLANNING COMMISSION MEETING

7/13/2022

The following minutes are an overview of the discussions that occurred at the meeting. An audio recording which is included as part of the record is available from Crook County Community Development by contacting plan@co.crook.or.us or (541) 447-3211.

Crook County Planning Commission Chairperson Warren, called the meeting to order at 4:10 p.m. The meeting was conducted by WebEx (a call-in service) and in-person at the Crook County meeting room. Commissioners attending the meeting in person were Gary Bedortha, Laquita Stec, Bob Lundquist, Les Williamson, George Ponte, and Susan Hermreck. No Commissioners attended via WebEx. The following County staff were present at the meeting: Permit Tech Jennifer Orozco; Community Development Director, Will Van Vactor; Assistant County Counsel John Eisler; and Planner, Katie McDonald. Planning Manager, Brent Bybee joined via Webex.

Excused Absences

Commissioner Pro Tem Lawrence Weberg

Un-Excused Absences

Parties in Attendance:

See sign in sheet

Participating via phone WebEx:

See sign in sheet

Items for Consideration

MINUTES

• **May 11, 2022**

Commissioner Stec made a motion to approve the minutes as corrected from May 11, 2022.

Commissioner Williamson seconded the motion.

- ☐ George Ponte – Abstain
- ☐ Susan Hermreck - Aye
- ☐ Gary Bedortha – Abstain
- ☐ Laquita Stec - Aye
- ☐ Bob Lundquist – Aye
- ☐ Les Williamson – Aye
- ☐ Mike Warren - Abstain

The motion passed 4-0-2

PUBLIC HEARING

Record Number: 217-21-000438-PLNG, a request for conditional use approval to construct and operate a photovoltaic solar power generating facility on up to 320 acres. As part of this request, Applicant requests approval for alternative associated transmission lines (the gen-tie line from the solar facility to a utility substation).

The proposed solar power generating facility (the Project) is within T16S, R15E, tax lots 800 & 1900 and 3000. It is located west of SW George Millican Rd, approximately 6.5 miles south of its intersection with SW Hwy 126.

Chair Warren read the specific criteria for review into the record.

Chair Warren asked if any Commissioner has any bias, prejudgment, personal interest, or conflicts of interest to disclose?

Commissioner Bedortha stated that he sits on the board of Crook River Watershed Council, which has been named in the application and staff report. His decision will not be influenced by his involvement with the CRWC.

Commissioner Ponte stated that he sits on the Board Crook County Fire and Rescue that his wife sits on the Deschutes Land Trust board. Both organizations are mentioned in the application and the staff report. His decision will not be impacted from the involvement on the boards.

- ☐ George Ponte – No
- ☐ Susan Hermreck - No
- ☐ Gary Bedortha – No
- ☐ Laquita Stec - No
- ☐ Bob Lundquist – No
- ☐ Les Williamson – No
- ☐ Mike Warren - No

Chair Warren asked if any Commissioner has had any Ex Parte Contact with the Appellant or any Member of the Public regarding this matter?

- ☐ George Ponte – No
- ☐ Susan Hermreck - No
- ☐ Gary Bedortha – No
- ☐ Laquita Stec - No
- ☐ Bob Lundquist – No
- ☐ Les Williamson – No
- ☐ Mike Warren - No

The Chair 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 asked for any comment from public, none were stated.

Assistant County Counsel John Eisler presented information regarding the requirements when making findings regarding the mitigation plan for wildlife.

Commissioners Ponte and Williamson had clarifying questions.

Chair Warren asked for questions for Counsel, none at this time.

Planning Manager Brent Bybee presented the staff report and responses to comments received.

Commissioners Williamson and Bedortha had clarifying questions.

Chair Warren asked for questions for staff, Commissioners were polled and none at this time.

No further questions from Commissions.

Chair Warren asked for testimony from Agency representatives.

Greg Jackle, District Biologist for Oregon Department of Fish and Wildlife, presented testimony.

Commissioner Stec asked clarifying questions.

Bybee and Jackle provided a response.

Commissioners Ponte, Lundquist, Bedortha, and Chair Warren asked clarifying questions.

Jackle and Commissioners discussed agency responses.

Jackle submitted Exhibits 12, 13 and 14.

Jackle provided further comment.

Chair Warren asked for questions for Jackle, Commissioners were polled and none at this time.

Russ DeBoodt, Fire Marshall with Crook County Fire and Rescue offered to answer any questions.

Chair polled Commissioners for questions of Deboodt, none at this time.

Chair Warren then asked for testimony from the Applicant with a 30 minute time limit.

Jake Stephens CEO of New Sun Energy provided testimony.

Max Yoklic, Counsel for New Sun provided testimony addressing questions posed previously from the Commissioners.

Chair polled Commissioners for questions of the Applicant.

Commissioner Ponte asked a clarifying question which Stephens answered.

Commissioner Lundquist asked a clarifying question, Stephens responded.

Commissioner Stec asked a clarifying question, Stephens responded.

Chair asked for testimony from the anyone in support of the proposal.

Don Coats provided testimony in support of the proposal and renewable energy.

Chair polled Commissioners for questions.

No further questions.

Chair asked for testimony from anyone in a neutral position of the proposal.

Michael Robinson, Pahlisch Homes provided testimony.

Chair polled Commissioners for questions.

No further questions.

Chair asked for testimony from the anyone in opposition of the proposal.

Eric Hill provided testimony in opposition.

Chair polled Commissioners for questions.

Commissioner Lundquist asked a clarifying question.

Hill responded.

No further questions.

Chair Warren asked for rebuttal from the Applicant.

Stephens and Yoklic, provided rebuttal testimony.

Chair called for any further comments from Staff.

Will Van Vactor acknowledged the request for a continuance and asked if there was anything further from Bybee.

Bybee spoke to the legal criteria presented earlier that is applicable within Crook County code and the Oregon Land Use system pertaining to this proposal.

Chair Warren asked for a summary of Eisler's presentation.

Van Vactor and Bybee then provided potential next steps for the hearing.

Chair called on the Applicant to come up and provide comment on the continuance request.

Van Vactor, Community Development Director, provided an explanation regarding the process for leaving the record open.

Commissioner Ponte moved to close the public hearing; leave the written record open for additional written testimony until 4pm, July 20th; and then for rebuttal submitted by 4pm on July 27th; then final written argument by 4pm on August 3rd and then September 14th at 4pm at the same location for deliberations.

Commissioner Williamson seconded the motion.

Chair asked for discussion.

Chair asked for the vote.

- ☐ George Ponte – Aye
- ☐ Gary Bedortha – Aye
- ☐ Laquita Stec – Aye
- ☐ Susan Hermreck - Aye
- ☐ Bob Lundquist - Abstain
- ☐ Les Williamson – Aye
- ☐ Mike Warren - Aye

The motion passes 7-0-0

Staff provided updates on Community Development activity and upcoming hearing information. Van Vactor stated that the upcoming hearing the applicant has asked for a continuance and asked the Commissioners to review their schedule for the upcoming month. Discussion and staff will send a Doodle Poll to check for availability.

Commissioner Ponte moved to adjourn. Commissioner Lundquist seconded. No discussion. All voted in favor (motion passes 7-0-0).

DRAFT