

New: 217-20-000453-PLNG
Original PERMIT No. 217-20-000116-PLNG



FEES: (Conditional Use)

Modification of Conditions "without" Public Hearing: \$400

Modification of Conditions "with" Public Hearing: \$ 825

Crook County Community Development Department
Planning Division

300 NE 3rd Street, Room 12, Prineville Oregon 97754

Phone: 541-447-8156 / Fax: 541-416-3905

Email: plan@co.crook.or.us / Website: www.co.crook.or.us

BY: _____

MODIFICATION REQUEST - CONDITIONAL USE

(Modification of Conditions "with" or "without" Public Hearing)

NOTICE TO ALL APPLICANTS

The Crook County Community Development Department is required to review all applications for accuracy and to determine whether the staff and/or Planning Commission have the information needed to make a decision. County Ordinances allow the County 30 days to determine whether the application is complete. If it is determined that your application is incomplete, you will be requested, in writing, to provide the necessary missing information, and a decision on your application will be postponed until the information is received. State Law requires that information to support an application be available for public inspection at our office 20-days before a public hearing. Any information submitted after this date may require a postponement of the hearing date if necessary. **Please make sure your application is complete. The burden of proof lies with the applicant.**

PROPERTY OWNER INFORMATION

Last Name: Cooper First Name: Melvin
Mailing Address: 9395 SE Paulina Hwy
City: Prineville State: OR Zip: 97754
Day-time phone: (503) 803-1778 Cell Phone: () - -

Email (Please print clearly): Kristycoleencooper@gmail.com

AGENT/REPRESENTATIVE

Last Name: N/A First Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Day-time phone: () - - Cell Phone: () - -

Email (Please print clearly): _____

Tax Map # 15170000-00810

State what the original ^{hearing} ~~approval~~ was for:
conditional use permit for a personal
use airport

Explain your request for the modification: what, where, why:
Relocate airstrip to mitigate concerns
See Attached Explanation

Please attach any exhibits to better explain your reasons of modification.

SIGNATURES

I agree to meet the standards governing the laws for "Site Plan Reviews" as outlined in the State of Oregon's OAR, ORS, Crook County Code, and Crook County - Prineville Comprehensive Plan. I agree that all the information contained in this application is true to the best of my knowledge.

Property Owner Signature: [Signature] Date 5/4/20
Print name clearly: Melvin R. Cooper

Property Owner Signature: [Signature] Date 5/4/20
Print name clearly: Kristy C. Cooper

Agent/Representative Signature: _____ Date _____
Print name
clearly: _____

(Note: If an agent/representative is submitting your application on behalf of the property owner, the "Authorization Form" must be completed and attached to this application.

May 5, 2020

MODIFICATION REQUEST #217-20-000116

The purpose of this modification request is to mitigate any and all concerns brought up in both hearings and as described in the final decision.

I have attached exhibit 6 as it appears that the Planning Commission may have been missing this document during the initial hearing.

Quote from the hearing:

Mike W – The only question I had I know Hanna said we have sent out another exhibit which I believe is 4. Ok there wasn't any more after that. That was it?

Katie – No

Mike W – I just want to make sure we have everything.

Katie – Correct. Everything should be there in front of you.

We feel we can mitigate the concerns by moving the airstrip to the opposite end of the property, taking off to the East and landing from the East, over bare land. Please see the google earth map for orientation.

Katie has resolved the questions surrounding ODFW, airstrip relationship to Ag, and the airstrip owner inviting guests so I will not address these again.

GRAZING CATTLE

Cattle simply are not afraid of noise especially those that live on a Hwy. Log trucks, dump trucks, jake brakes, cattle trucks, etc. do not spook cattle. Recently Russ drove a loaded dump truck by the Morgan cows on the Hwy. Russ laid on the jake brake and the cows didn't even look up. Russ also flew over the cows and once again they didn't even look up. Taking off and landing on Tailwheel Airstrip which is one mile from the edge of town on the Paulina Hwy puts you immediately and directly over cows and calves which demonstrates cows are not afraid.

With the takeoff and landing direction on our airstrip to and from the East airplanes will not even come close to the Morgan or Ervin house or property. Mr. Ervin testified he doesn't own any cows and **Mr. Morgan testified that airplanes fly over a lot but he never said the cows were afraid, calving was affected or that he has had to change his farming practices. And he did not provide any proof that our airstrip would increase the cost of farming or force him to change farming practices.** The fact is cattle ranches oftentimes have personal airstrips. If the cows were negatively affected they wouldn't have an airstrip. I am providing a letter from a ranch/lodge that has lots of airplanes flying in and out with cattle directly nearby. This proposed airstrip CANNOT be denied because someone is anticipating the cows will be afraid or someone has had a negative personal experience. This would be like if I hated motorcycles driving down Hwy 380. I go to DMV and ask them not to issue any more motorcycle endorsements because motorcycles are annoying. An airplane taking off and landing a few times a month (gone in one minute) will absolutely not affect the livability that an asphalt plant and recycling center would have.

The Breese's cattle graze on our property and the majority of our property abuts the Breese property. They do not have concerns with their cattle being afraid. Our own horses are not afraid.

Quote from the Tailwheel applicant during the public hearing dated January 26, 1996. "The Morgan's who live only ¼ mile from the site and they have no problems with this and that they really couldn't hear the plane." The relocation of our airstrip puts both Ervin and Morgan well over a mile away.

As far as Mr. Morgan's cattle and calving goes, the relocation of the airstrip and ODFW limitations mitigate this concern.

CONCERNS FROM COMMISSIONER MANNING AND HERMRECK

Linda M – I just I have a concern with the crucial winter range. And a concern about Hwy distraction and the Ag use. And a personal need vs. public need. At this time I would disapprove.

Susan H – And then on a personal thing I am a bit concerned about Hwy 380 and the fact that there will be a plane coming in and I am driving down the road.

Tailwheel airstrip is 230 feet from the Paulina Hwy, runs parallel, and has never had a complaint from Hwy traffic. The crucial winter range is addressed by ODFW. The Ag use is not applicable. And this airstrip is for personal use and is allowed. Relocating the airstrip mitigates any concerns about Hwy 380.

Susan H – One of the things that I find is that it will have significant impact and change farm practices on adjacent properties.

The relocation, distance from Morgan's property, and taking off and landing to the East mitigates this concern.

Susan H – This particular parcel is 175 acres so it is very small and has Ag next to it. The size of the parcel greatly concerns me on its impact.

Susan H – From the Cooper's testimony they have given the indication that there is a lot of air traffic in this area so I don't know that we need to increase that air traffic.

Commissioners Warren, Hermreck, Bedortha, Stec, and Weberg approved an airstrip on 79 acres on May 23, 2018 - #217-18-000142-PLNG. The final decision contains basically the same language as our staff report. There didn't appear to be any issues or misinterpretations with the small tract of land, the grazing cattle, the deer, the adjacent house, invited guests or the non-Ag use. It sort of makes our request and denial seem personal.

Tailwheel airstrip is situated on a 40 acre parcel just **3 nautical miles** from the Prineville Airport - # C-CU-702-93. The Dry Creek airstrip is **6.8 nautical miles** from the Prineville Airport. The relocated strip would be **7.8 nautical miles** from the Prineville Airport.

Federal and State laws govern airport safety. The State of Oregon and the FAA have evaluated the property and state the following:

FAA – Quote from FAA letter submitted to the County on February 3, 2020. “We do not object to the construction described in this proposal. In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects, and know natural objects within the affected area would have on the airport proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground”.

State of Oregon – Quote from Mr. Hankwitz’s site investigation report. “15. Airspace Considerations: None – 16. Noise Considerations: None”

We have spoken with Mr. Hankwitz and he will modify his investigative report as soon as he is able to make a site visit. This will be after his travel restrictions are lifted.

In summary relocating the airstrip mitigates the following concerns:

1. Taking off or landing over Hwy 380
2. Taking off or landing near or over the Morgan and Ervin property
3. Flying low over cows or calves

Attachments:

Exhibit 6

Drawing of relocated airstrip

Google Earth picture of relocated airstrip

217-18-000142-PLNG Final Decision

Planning Commission Meeting Minutes of 01/26/1994 pg 1 & 2

Letter from Susan Fildes

+ pic 5/4/20 of cows at end of Tailwheel runway and calves

Bruce Cooper
Bruce Cooper

April 1, 2020

RE: Final Rebuttal 217-20-000116-PLNG - Russ and Kristy Cooper

Planning Commission,

The Planner's addendum to the staff report thoroughly clarifies the law as requested by commission staff. Language in the staff report appears to be boiler plate and used in all conditional use applications for a personal use airport. Planning Commissioners approved a personal use airport application # 217-18-000142-PLNG (attached and signed by Michael Warren II) which contains the same language that is used by the Crook County Planner in her staff report regarding our application.

According to John Wilson, Oregon Airport Operations Division, the law doesn't allow restrictions above and beyond those that have been used in past Crook County personal use applications/approvals. Both Don Hankwitz (see report) and the FAA (see report) have determined there are no objections to this proposal as it applies to noise and safety of persons and property on the ground.

On March 18, 2020 Peggy Morgan sent an objection letter to the Planning Commissioners. Despite the fact she was not a participant and is not allowed to enter evidence (#5) per ORS 197.763 (6) (a) we will still address her concerns.

1. This objection has been addressed by Greg Jackle of ODFW and modified as a condition per the staff report addendum.
2. Elk are notorious for laying down fencing regardless of noise. However, their typical movement occurs at or after dusk and before sunrise. They are also desensitized to noise as Hwy 380 is noisy with vehicles/trailers and dump trucks with jake brakes. In addition their typical movement hours are not generally flying hours. No proposed lighting on this airstrip.
3. The Planner's staff report (pg 3 & 4) addresses each of the items, ccc 18.160.020 1 through 5.
4. According to state and county records (attached) the Morgan's built their present home in 1995 just 1680 feet from an existing personal use airstrip. This airstrip is still active today and designated as one way in and one way out with approach and departure directly (within few hundred feet) over grazing cattle (see picture.) The aircraft using our airstrip will be in the air at or before midway down the airstrip which puts the aircraft at over 500 feet in elevation (legal airspace) by the time it reaches our own property line (approx. 3700 feet in distance to climb out.) The picture presented in exhibit 2 and 4 clearly demonstrates that the approach and departure DO NOT go over anyone's house. The closest house is almost a mile away and to the North. The natural path is for the pilot to follow the low lying land to the south of Morgan's property. The google earth picture is not accurate as more trees will be removed from the west end of the airstrip which will allow for a more southerly re-alignment.
5. We are not accusing any particular person of poaching. All we have stated is there is a vast amount of elk bones scattered over combs flat (see attached picture - one of many.) And when we first moved here in 2018 there were no animals. Only recently, the herds have returned.

Consistent with other Crook County personal use airstrip applications/approvals and the Crook County Planner's recommendation (with counsel review) we respectfully request that the Planning Commission approve our application with the conditions as outlined by the Planner.

Sincerely,


Kristy Cooper



Oregon Department of Aviation

APPLICATION FOR PERSONAL-USE AIRPORT/HELIPORT REGISTRATION RENEWAL

2020

Instructions: Please review this form carefully. Cross out any incorrect information and write the correct data next to it. Fill in any blank areas that apply. Sign and date the registration and return in the envelope provided prior to February 1, 2020. ~~NO FEE~~

1. **Facility Name:** Tailwheel AP
2. **Facility Type:** Airport
3. **FAA ID:** 6OR4
4. **Site #:** 19575.1*A
5. **Coordinates:** 44-16.24N, 120-47.37W
6. **Associated City:** Prineville
7. **County:** Crook
8. **First Registration on Record:** 1994
9. **Facility Elevation:** 3,130'
10. **Runway Orientation:** 12-30
11. **Length:** 1,700'
12. **Width:** 100'
13. **Surface Type:** Turf
14. **Surface Condition:** Rough
15. **Sectional Chart:** Klamath Falls
16. **Based Aircraft:** 1
17. **Aircraft Type:** Fixed Wing-Single Engine
18. **Aircraft N #:** ~~N1331T~~ N 98085
19. **Emergency Contact & Phone Number:** ~~Bob Saw (541)447-3259 or David Orr (541)460-8675~~

Owner: Roger Orr

Manager:

Owner Address: 4300 SE Paulina Hwy., Prineville, OR 97754

Home Phone:

Cell Phone: (805)340-4952

Work Phone: (805)340-4953

Email: recborr@prinetime.net

Website:

Owner or authorized agents, please verify the information and sign below.
For additional comments or information please use the back side of this form.

Signature: X Roger E. Orr

Date: 12-20-2019

CROOK COUNTY PROPERTY INFORMATION

LAND AND STRUCTURES FOR ACCOUNT # 1399

The Crook County Assessor's Office is responsible for the appraisal and assessment of all taxable property within the County. Contact this department if you need additional information or if you have questions.

Account Information

Mailing Name: MORGAN JOHN
Map and Taxlot: 151615A0-00200-01399
Account: 1399
Situs Address: 3040 SE MORGAN BUTTE RD PRINEVILLE, OR 97754
Tax Status: Taxable

Structures Located on this Property

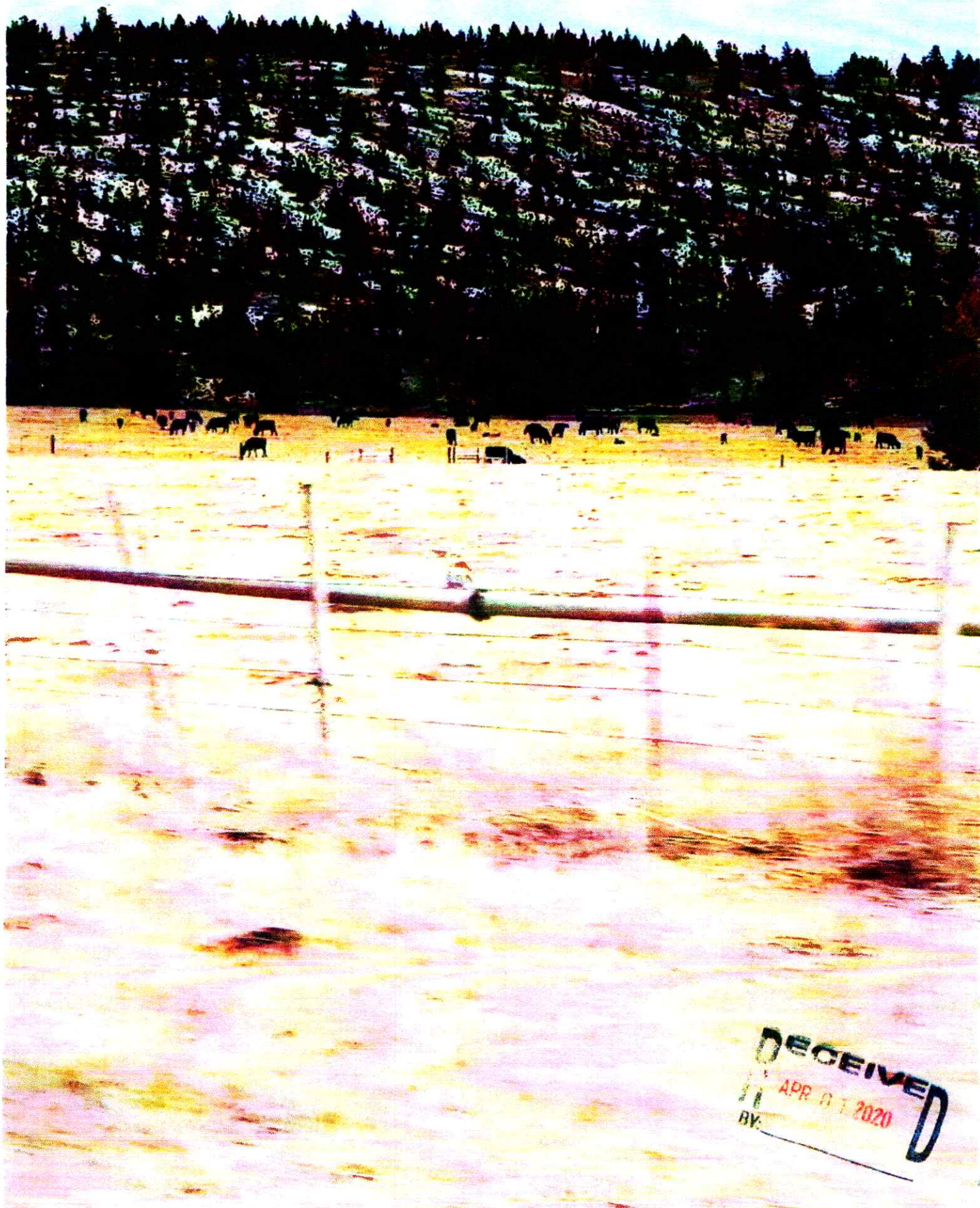
Description	Stat Class	Year Built	SQFT		Sketch
ATTGAR		1995	841.0	View Improvement Report (PDF)	
MISC WDDK		1998	1186.0	View Improvement Report (PDF)	
PAV		0	27275.0	View Improvement Report (PDF)	
MISC CONCP		0	927.0	View Improvement Report (PDF)	
MISC CONCP		0	905.0	View Improvement Report (PDF)	
MISC RFX/		1995	42.0	View Improvement Report (PDF)	
SHEDGP		0	1848.0	View Improvement Report (PDF)	View Sketch
SHEDGP		2006	1152.0	View Improvement Report (PDF)	
DWELL	51 Grade 5	1995	4017.0	View Improvement Report (PDF)	View Sketch

Land Characteristics for this Property

Land Description	Acres	Land Classification
18 - Yard Improvements	0.00	
19 - 1ST OSD	0.00	
13 - Market	46.41	

USER UNDERSTANDS AND AGREES THE INFORMATION AND MAPS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. CROOK COUNTY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. CROOK COUNTY EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. CROOK COUNTY SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. CROOK COUNTY ASSUMES NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THIS INFORMATION OR DATA FURNISHED HEREUNDER.

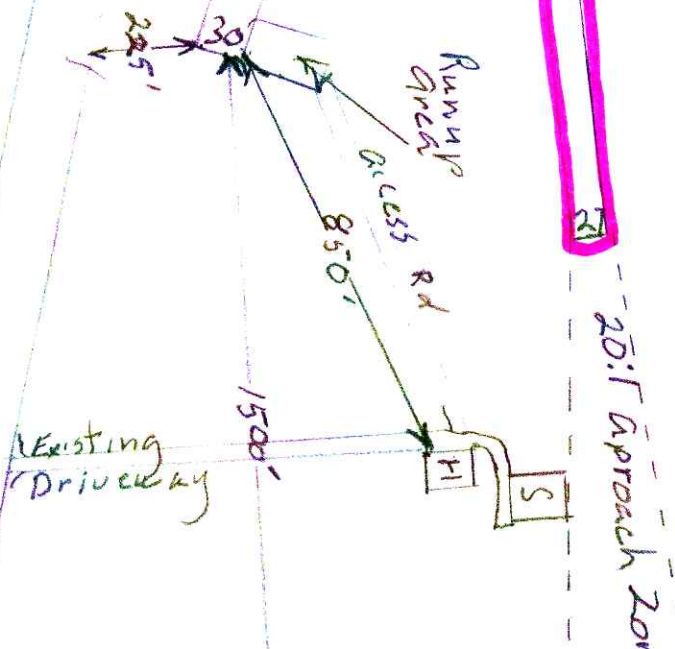
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RECEIVED
APR 01 2020
BY: _____



East



2100 x 80

E.L. 3675 MSL

44° 16' 32.14" N
120° 43' 56.79" W

2105'

201

300

650
450

5393,86'



HWY 380

2
a/a

CROOK COUNTY
BEFORE THE PLANNING COMMISSION

**IN THE MATTER OF AN APPLICATION
FOR CONDITIONAL USE APPROVAL FOR
A PRIVATE AIRSTRIP**

#217-18-000142-PLNG

PROPERTY OWNER: **BRAD & DEBRA PEARSON**
63536 VOGT ROAD
BEND, OREGON 97701

PROPERTY: T17 S, R16 EWM, tax lot 1000
25682 CC DUNHAM ROAD

NOTICE: May 2, 2018

NEWSPAPER NOTICE: May 2, 2018

**PLANNING COMMISSION
MEETING DATE:** May 23, 2018

REQUEST: The applicants propose placing a private airstrip on their property.

THE ABOVE ENTITLED MATTER came before the Crook County Planning Commission for a public hearing on May 23, 2018. After consideration of the staff report, application materials, findings, facts and testimony, the application received 5 votes in favor and 0 votes opposed from the Planning Commission members present.

FINAL DECISION:	Approved subject to conditions	<u> X </u>
	Denied	<u> </u>

The applicants request to place a private airstrip on their property is approved, subject to the following conditions:

1. The applicants shall receive all necessary approvals from the Oregon Department of Aviation and shall provide documentation to the Crook County Community Development Department. These conditions are set forth in Exhibit 1 and are incorporated into this decision by reference.

PROJECT BACKGROUND

BACKGROUND: The subject property consists of 79.4 acres and is located approximately 24 miles south of Prineville off CC Dunham Road. The property consists of non-irrigated rangeland. The applicants were approved for a non-farm dwelling and an accessory structure on February 8, 2018 (217-17-000307-PLNG).

ZONING: The property is zoned EFU-1 (Exclusive Farm Use, Post-Paulina Area).

APPLICABLE CRITERIA: The Planning Commission reviewed the application using the applicable criteria of the Crook County Comprehensive Plan and the criteria in Crook County Code 18.16 (EFU-1 –Post-Paulina Area), and 18.160 (Conditional uses). The Planning Commission also applied criteria in Oregon Revised Statutes 215.283 and 215.296 and Oregon Administrative Rules 660-033.

Oregon Revised Statutes 215.283(2)(h) and 215.296(1)

Oregon Administrative Rules (OAR) 660-033-0130(5) and (7)

Crook County Code, Title 18 Zoning,

Chapter 18.08	Definitions
Chapter 18.16	Exclusive Farm Use Zone, EFU-1 (Post-Paulina Area)
18.16.020	Conditional Uses Permitted
18.16.040	Limitations on Conditional Uses
18.16.081	Wildlife policy applicability
Chapter 18.160	Conditional Uses

Crook County-Prineville Area Comprehensive Plan, Chapter III, Land Use, Agriculture, Pages 40-47, Policies for Agricultural Areas of Crook County. Wildlife Policy #2.

RESPONSE TO CRITERIA:

A detailed analysis of the applicable criteria is in the May 16, 2018 staff report, which is incorporated into this decision by reference. The applicants' burden of proof statement and exhibits were provided to the Planning Commission. These materials are also incorporated by reference to support the Planning Commission's decision.

Specific code, administrative rule or statutory language is in standard font. Findings are in ***bold italics***.

Oregon Revised Statute (ORS) 215.283(2) The following nonfarm uses may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport, as used in this section, means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of

Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

The Planning Commission finds that the proposed airstrip meets the definition of a personal use airport in 215.283(2)(h). The airstrip will be used by the owners and invited guests on an infrequent and occasional basis.

ORS 215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.

(1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:

- (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Personal use airstrips are allowed as conditional uses in exclusive farm use zones under ORS 215.283(2)(h). The applicants stated that the use of the airstrip will not force a significant change in accepted farm or forest practices on surrounding lands nor significantly increase the cost of accepted farm or forest practices.

Surrounding lands devoted to farm use are used for seasonal grazing and the location of the airstrip should have little or no impact on these agricultural activities.

Oregon Administrative Rules (OAR) 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

(5) Approval requires review by the governing body or its designate under ORS 215.296 (Standards for approval of certain uses in exclusive farm use zones). Uses may be approved only where such uses:

- (a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

See the above findings under ORS 215.296.

(7) A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

The proposed airstrip will be used only by the owner and by invited guests.

Crook County Code (CCC) 18.16.020 Conditional uses permitted.

In an EFU-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Chapter 18.160 CCC and in conjunction with any other applicable provisions of this chapter: all uses authorized under ORS 215.283(2), (3) and (4).

Personal use airports (airstrips) are allowed by ORS 215.283(2) and are conditional uses that are allowed by Crook County Code subject to the requirements of chapter 18.160.

CCC 18.160.020 Conditional Uses - General criteria.

In judging whether or not a conditional use proposal shall be approved or denied, the planning director or planning commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

(1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies and regulations of the county.

Private airstrips are allowed as conditional uses in the County's exclusive farm use zone.

(2) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

The proposed location is in an area zoned for exclusive farm use. Although there are several smaller (40 acre) parcels, most parcels are 80 acres or more and there are few dwellings or other structures on adjoining properties. Use of the private airstrip will be primarily limited to the applicants' use, use by their guests, and use for emergency purposes. The nature of the use will minimize impacts to adjacent property owners.

(3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.

The applicants have approval (217-17-000307-PLNG) to build a non-farm dwelling and hangar/shop and structures will meet the criteria in (3).

(4) The proposal will preserve assets of particular interest to the county.

This proposal is unlikely to directly affect specific assets of interest to the county.

(5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

The applicants have the ability to create a dirt airstrip on their property. The applicants have demonstrated the intent and capability to develop the property as requested.

18.160.030 General conditions.

In addition to the standards and conditions set forth in a specific zone, this chapter, and other applicable regulations, in permitting a new conditional use or the alteration of an existing conditional use, the planning director or planning commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the county as a whole. These conditions may include the following:

(1) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

The applicants are not proposing lights so use of the airstrip will be limited to daylight hours. (2) Establishing a special yard or other open space or lot area or dimension.

(3) Limiting the height, size or location of a building or other structure.

(4) Designating the size, number, location and nature of vehicle access points.

(5) Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

(6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.

(7) Limiting or otherwise designating the number, size, location, height and lighting of signs.

(8) Limiting the location and intensity of outdoor lighting and requiring its shielding.

(9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

(10) Designating the size, height, location and materials for a fence.

(11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

The applicants are proposing to set the proposed airstrip back from the west property line by 50 to 100 feet. CC Dunham Road is an unmaintained County Road. No modifications to access and no changes to adjacent road ways are required as a result of this request. There will be no additional parking on site and no screening or fencing will be required. The applicant is not proposing outdoor lighting and will not be posting any signs. There are no significant natural resources on the site. The property is in a mapped winter deer habitat area. The Department has provided Oregon Department of Fish and Wildlife with a copy of this application. They did not submit formal comments on the proposed airstrip.

(12) Other conditions necessary to permit the development of the county in conformity with the intent and purpose of this title and the policies of the comprehensive plan.

CCC 18.160.040 Permit and improvements assurance.

The commission may require an applicant to furnish the county with an agreement and security in accordance with CCC 17.40.080 and 17.40.090 that the planning director or planning commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

The applicants will need to demonstrate that they have met the requirements of the Oregon Department of Aviation (Exhibit 1) prior to issuance of any building permits and prior to operation of the private use airport. The applicants have demonstrated they are working with Don Hankwitz, Airport Operations & Safety Inspector for the Oregon Department of Aviation.

CCC 18.160.050 Standards governing conditional uses.

A conditional use shall comply with the standards of the zones in which it is located and with the standards and conditions set forth in this section.

- (1) Airports, Aircraft Landing Fields, Aircraft Charter, Rental, Service and Maintenance Facilities Not Located in an Aircraft Approach Zone. The planning director or planning commission shall find that the location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, and that the location will not unnecessarily restrict existing and future development of surrounding lands as designated by the comprehensive plan.

The proposed landing strip will not be hazardous to the safety and general welfare of surrounding properties. The applicant has proposed a landing strip from the southeast side to the northwest corner, of the property. Adjacent properties are zoned for Exclusive farm use and development is limited in the area. The future or existing development on adjacent properties will not be unnecessarily restricted by the development of an airstrip on the subject property.

COMMENTS

The Planning Division received correspondence from the Oregon Department of Aviation (Exhibit 1). These will be included as conditions of approval.

Brad and Debra Pearson, testified in support of the proposal. Brad Pearson said that most parcels in the area of the property measure 80 acres or more, except for one 40 acre nonfarm residential parcel. He said that the

area is less populated for this reason. He displayed a map showing that a large proportion of the area is BLM land. He said that he can make an approach to his runway from either direction while crossing only one of two privately owned parcels, whose owners have no objections. He said that his airplane, and one which he plans to acquire, require only 30 percent of his runway length for takeoffs and landings, which gives him options. He said that there are no power lines in the area, and few livestock, as water is scarce.

Pearson said that the location of his proposed hangar will result in most of his engine run-up noise impacting the 400 acre neighboring parcel. He said that the imposition of setbacks would not impact the safety of his aircraft operation.

Beier said that the setbacks in the County Code only apply to structures, and not to roads or runways. She said that setbacks for runways are set by state and federal aviation agencies.

Bedortha said that he wanted to make it a matter of record that the issue of setbacks was discussed.

Pearson said that a 2700 foot runway would be more than long enough.

Bedortha moved for approval of the application, with the conditions recommended in the staff report.

Stec seconded the motion.

The Commissioners present approved the motion by a vote of 5-0.

FINDINGS AND SUPPORTING EVIDENCE

The applicants provided a burden of proof statement describing the proposed use of the property. The information provided by the applicant, the staff report and findings demonstrate that the applicable criteria of the Crook County Comprehensive Plan, the Crook County Code, the Oregon Revised Statutes and the Oregon Administrative Rules, have been met.

DATED THIS 29th DAY OF MAY, 2018



Michael Warren II, Chair, Crook County Planning Commission



Ann Beier, Director, Community Development Department

APPEAL

This approval may be appealed to the Crook County Court no later than 4:00 p.m. on June 11th 2018. The written appeal must be submitted together with the appeal fee of \$1,850 plus 20% of the application fee to the Crook County Community Development Department. The Crook County Community Development Department is located in the County Courthouse at 300 NE Third Street, Room 12, Prineville, Oregon 97754.

Attachment A – Site Map

Exhibit 1 – Oregon Department of Aviation Letter

MINUTES

JANUARY 26, 1994

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PROPONENT:

Jim Curtis- applicant passed around photographs of the types of planes he has and will be used at the proposed site. This airport is for personal use only and that there would not be any changes in the land use. He clarified that all land use allows this as permitted and this is well below noise limitations. He went on to say that he spoke with his neighbors especially the Morgans who live only 1/4 mile from the site and they have no problems with this and that they really couldn't hear the plane. He also said that the UGB cannot be extended to the vicinity of his property because of the presence of high value farmland and flood hazards in the area. He stated that if the UGB does reach his property, he is willing to discontinue use of the proposed airport. He said that he does not want to use the Prineville Airport because his airplane was designed to operate from turf strips and would undergo excessive wear if operated from a paved runway.

Mel Bony- has a little plane and he has also talked to Division Aeronautics and they said that we need more of these smaller airports. He is in favor of approving this application.

OPPONENT:

None

PUBLIC HEARING CLOSED

Lawrence asked about the UGB and it's future.

Alan said City will have more information on this and will let Commission members know as they come in.

Discussion on the UGB and how this proposal would be handled if UGB gets out there.

Commission members studied the map on the proposed area for expansion for UGB.

Phil asked applicant how often has he used the proposed airport.

Jim Curtis said approximately 10 or 15 flights per month.

Phil asked why not use Prineville Airport.

May 2, 2020

Crook County Planning Dept

Prineville, OR 97754

Dear Sirs:

Kristy has ask me to share our experience with a turf air strip and cattle. We have a registered air strip on the edge of our meadow that is used in conjunction with our lodge which is 1 mile away. Last year we were running 50-70 head of yearling heifers on the meadow. We had multiple planes fly in and land at the same time and never once did any of our cattle spook or even trot off from a plane landing. We also had mother cows with calves on the other side of the fence with the same response from the planes landing and taking off. They simply were not affected. These are range cattle, not urban cattle used to noise. The only problem we had were the heifers wanting to come onto the airstrip to see the plane. We finally fenced the airstrip to keep them off. They were curious, but in no way afraid.

In the fall of 2019 after we gathered our cattle off the BLM we were missing several. A pilot who flies into our facility offered to take my grandson up in a plane to look for the missing cattle. Obviously, they were flying low so they could see the cows. They flew over a small clearing and found the cows. The next day we went up and brought them home. They were in the exact same place that the plane flew over, so the plane did not upset them at all.

If you have any questions, please feel free to contact me at 541 477-3711.

Regards,

Susan Fildes

