

GRANT COUNTY PLANNING DEPARTMENT

Minutes of January 24, 2019

Draft – not approved by Planning Commission

Vice Chairperson Ron Burnette opened the meeting at 5:00 p.m. The meeting was held at the John Day Fire Hall, 316 S. Canyon Blvd., John Day, Oregon.

Planning Commission members present were: Pat Holliday, Rod Kuhn, Ron Burnette and Sue Kelly. Steve Parsons entered at 5:02.

Commission members absent were: Hailey Boethin, Rick Henslee, Dan Driscoll, Marge Walton and Tanner Elliott.

Staff members present were: Planning Director Hilary McNary and Secretary Shannon Springer.

The following people signed the attendance sheet: Bill & Sandy Johnson, Mary Walker, Millie Beaver, Greg Burns, Mike Moore, Jan Pierce, Mike Pierce, Richard Courschesne, Tom Kelso, Richard & Jacki Friese, Norman & Diane Strasser, Geoff & Rita & Tyler Witmer, Garland & Roberta Gilmore, Jim Pope, Sue Stovall, Julie Smith, Tad Houpt, Mike & Marsha Christensen, Ron Taynton, Mark Cearny, Betsy Koncerak, Gregg Starr, Jerry Bird, Will Brown, Kay Cotham, Jennifer Barker, Margy McCrary, Eugene Curry, Deborah Baker, Amanda Rigney, Bill Wilcox, Charlotte Dougharity, Nancy Falk, Carl Swank.

Vice Chairperson Burnette opened the hearing at 5:00 and skipped to item 5 on the agenda since a quorum of the Planning Commission was not yet present.

Planning Director Hilary McNary read the letter of interest in becoming a Planning Commission member from Steven Baldwin. She indicated that Zach Williams is no longer on the Planning Commission.

Commissioner Kelly asked if anyone knew him. No one indicated that they did.

Vice Chair Burnette indicated he sounded like a good addition.

Commissioner Holliday stated that he has a good variety of experience.

Planning Director McNary recommended that Pat Holliday be moved from the alternate position to the position vacated by Zach Williams and have Steven Baldwin fill the alternate position. She commented that Pat Holliday has attended more Planning Commission meetings than Tanner Elliot and felt she was more experienced with the Planning Commission.

Steve Parson entered the meeting at 5:02 pm.

Vice Chair Burnette moved to agenda item #3 the proposed meeting dates for 2019.

Planning Director McNary indicated that meetings would be scheduled the 4th Thursday of each month with a couple of exceptions. She verified that there would not be a meeting on Thanksgiving or the day after Christmas and if an application needed to be before the Planning Commission we would schedule a meeting in mid-December.

Vice Chairperson Burnette said he had no problem with the schedule and asked for a motion to approve the meeting schedule.

Commissioner Holliday moved to adopt the 4th Thursday as normal Planning Commission meeting dates. Commissioner Kelly seconded the motion. Votes in favor were Commissioner's Holliday, Kuhn, Burnette, Kelly and Parsons.

Vice Chair Burnette opened nominations for Chairperson and nominated Marge Walton. He asked if there were any other nominations. None were presented. Commissioner Holliday seconded the nomination. Votes in favor were Commissioner's Holliday, Kuhn, Burnette, Kelly and Parsons.

Nominations were opened for Vice Chair.

Commissioner Parsons nominated Ron Burnette. No other nominations were presented. Commissioner Holliday seconded the nomination. Votes in favor were Commissioner's Holliday, Kuhn, Burnette, Kelly and Parsons.

Vice Chair Burnette asked for review and approval of the minutes from the December 13, 2018 meeting.

Commissioner Holliday moved to approve the December 13, 2018 meeting minutes as presented. Commissioner Parsons seconded the motion. Votes in favor were Commissioner's Holliday, Kuhn, Burnette, Kelly and Parsons.

Vice Chair Burnette indicated they would move to agenda item 6.

Planning Director McNary indicated that she would run the meeting.

She established that there was a quorum present.

She asked if any Planning Commission member wished to abstain. None indicated.

She asked if there were any ex-parte contacts to declare. None were expressed.

She asked if there were any conflicts of interest. None were expressed.

She asked if there was any objection to the Planning Commission's jurisdiction to hear the matter. No objections were expressed.

Planning Director McNary provided a summary of the model code project and the proposed changes. The summary is included with the minutes.

Planning Director McNary reviewed the order of testimony procedures then turned the meeting over to Vice Chair Burnette to recognize people to provide testimony.

Ryan Falk asked if there were changes in zones other than the farm and forest zones and if the proposed ordinance was available on the website.

Planning Director McNary indicated that the county has hired a contractor to build a website where each department will be able to add content without going through a third party. The website is not live yet. In the future we will post changes to the website.

Ryan Falk asked if the ordinance would be available on the website before the County Court Hearing.

Planning Director McNary indicated it was unlikely. She said we can email the ordinance if people want to review the document before the County Court hearing. She indicated that there were no changes to the Rural Residential or Suburban Residential zones. The definitions, temporary uses and home occupation sections could apply to property in any zone. That is why we sent the notification to all property owners in the County's jurisdiction. The process for temporary mass gatherings was moved to the farm and forest sections of the code. A mass gathering is like the music festivals held in Crook County.

Dave Rose asked how he would know if he is in a farm or forest zone.

Planning Director McNary said that farm zones are Exclusive Farm Use and Multiple Use Range and the forest zone is Primary Forest. She clarified that farm uses are allowed in most all zones within the County.

Mike Moore asked for clarification that the listed uses are added to uses already included in the Land Development Code.

Planning Director McNary indicated that there are only new uses added to the code none were removed.

Mike Moore asked for clarification that this is not taking away any uses that are currently allowed.

Planning Director McNary verified that uses allowed in our Land Development Code today are unaltered.

Kay Cotham asked if they are bad additions.

Planning Director McNary indicated that there is a list on the back of the letter that was mailed out. It is a personal opinion whether they are good or bad. Most of the added uses would result in a mailed notice if someone wanted to seek approval for them. The agricultural building is the only one that would not have a notice mailed to neighboring property owners, otherwise neighbors would have an opportunity to participate.

Kay Cotham indicated that there is nothing about timber products.

Planning Director McNary agreed with her comment.

Bill Wilcox asked if someone could put in a windmill to power a water pump.

Planning Director McNary asked if he was talking about personal or commercial use.

Bill Wilcox said it was a small farm.

Planning Director McNary said it would be allowed as an accessory use now. In the area around the airport we would check with the airport manager to ensure there was no conflict with airport operations.

Bill Wilcox asked what the elevation or height limitations were.

Planning Director McNary indicated that we would send an applicant to speak with Haley Walker the airport manager. She is the expert about what would have an effect on airport operations.

Julie Smith asked about criteria for airstrip. Do you have to have permission to have an airstrip?

Planning Director McNary said there are two sections that might apply. One addresses airstrips for model aircraft and the other is for personal use airstrips. There are provisions for personal airstrips now. It has always been a Conditional Use in the County.

Secretary Springer commented that the current provisions are for airstrip associated with agricultural uses.

Julie Smith asked if someone wanted to build an 1100 foot airstrip would it require a permit.

Planning Director McNary yes it would require notice to neighbors and FAA as part of the application.

Marsha Christensen asked about the rules for Bed and Breakfasts in the Primary Forest Zone.

Planning Director McNary indicated it is currently allowed as a home occupation in the Forest Zone. She read the provisions from the current code that are applicable to Bed and Breakfast requests in any zone. A request for a B & B is processed under a type II application that requires notification to neighboring property owners.

Marsha Christensen asked if this was a new rule.

Planning Director McNary said that the B & B rules have been in the code for a long time. The new rules are for B & B associated with a winery or cider business. They add the ability to provide meals. The use must be conducted in the dwelling of the operator.

Marsha Christensen asked how long the B & B rules have been in the Code. It is the first she had heard about it.

Planning Director McNary said they have been in the code since before she started working for the county in 2001. She could not tell them when it was originally allowed.

Mike Christensen stated that he objected to new uses in the Forest Zone. The area they live is part of the Firewise program and it is a hazardous area. There is one way in and one way out. New uses will increase the hazard. They live in a wildland urban interface (WUI). He wants to go on record to oppose the new uses.

Richard Friese wanted to know what his property is zoned.

Secretary Springer indicated his property is in the Primary Forest Zone.

Richard Friese asked if wind and photovoltaic systems are allowed now.

Planning Director McNary indicated that the standards are available in statute to allow the uses now. What this code change does is to integrate the standards into the County Land Development Code instead of finding the requirements in the Statute.

Richard Friese indicated that he is already using solar power.

Planning Director McNary indicated that for personal use we have allowed those systems as accessory to residential use on the property. These provisions are for large scale commercial developments.

Richard Fries asked if there was any limitation on the number of panels. He asked about irrigation uses and reservoirs.

Planning Director McNary indicated that there is no limit on personal solar systems. Irrigation and reservoirs was not included in our code. Technically only uses in the code are allowed. We have never disallowed it. We try to use common sense.

Mike More asked if all these uses have been allowed since 1998, but they just had not been added to our code.

Planning Director McNary said that is probably not factual. There may be some that are that old, but not all. The photovoltaic requirements were recently developed by the legislature around

2014. That is the reason for the model code project. Each County as their own county code. The legislature set the farm and forest provision, and this project is an attempt to ensure that every one is up to date. We have tried to keep our local code up to date with legislative changes. There were some counties with very out dated codes.

Mike Moore said that is doesn't change what you can do.

Planning Director McNary clarified that it makes it easier for the Planning Staff, Planning Commission and people to use our Land Development Code if all allowed uses are listed in one document rather than having to go look in the Oregon Revised Statutes (ORS).

Jennifer Barker indicated that her understanding was that these rules applied to solar generation at a commercial scale and commented that we could have that here in Grant County. She stated that there is not enough wind here for commercial generation. There is only OTEC to sell power to.

Planning Director McNary agreed that other communities have a broader market.

Jennifer Barker clarified that the state is asking that we codify the rules already in statute.

Planning Director McNary stated that it makes it easier for everyone than trying to follow the statutes.

Jennifer Barker stated that she assumed there was an arable lands analysis and notification to neighbors.

Planning Director McNary stated that when you refer to statute it is not always clear the level of review that is required or appropriate.

Jennifer Barker stated that there is no place in the state where you are limited in the amount of solar for personal use.

Planning Director McNary agreed with that comment. We will do a zoning application for a building that will support the panels, for example a barn or storage shed.

Vice Chair Burnette asked if there were any more questions.

Amanda Ricky indicated that her property is surrounded by National Forest and asked if they would have the opportunity to object if she wanted to place a stock pond on her property.

Planning Director McNary indicated that when we send out notice and if there are responses the matter comes before the Planning Commission and they can try to mitigate concerns.

Bill Wilcox asked about the provision for 7 log truck. He asked what if someone wanted to park 8 log trucks.

Planning Director McNary indicated that we would not be able to allow parking of 8 log trucks.

Vice Chair Burnette explained where that rule came from. There was a situation in Union County where the neighbors complained about the noise and time of log trucks leaving and this rule was the result.

Planning Director McNary indicated that these rules don't apply to Rural Residential zones. She indicated that some of the provisions are surprising, but they were created in response to an issue that happened someplace in the state.

Larry Pierce asked about agricultural buildings.

Planning Director McNary indicated that we have always allowed agricultural buildings as an accessory building. Now there will be a specific provision for them. There is no fee for the Ag Exempt permit through Building Codes and we will fight it if a fee is proposed.

Vice Chair Burnette asked for a show of hands if people are in favor of the changes or opposed.

Jennifer Barker said that she did not see a real change in the rules that it is more a housekeeping process to codify what is already allowed.

Vice Chair Burnette agreed and indicated that was the consensus of the Planning Commission at the work session. There is not a substantial change.

Planning Director McNary indicated that it puts all the rules into one document that is more convenient to work with. There are things that might need to be addressed in a future code revision. They include traffic plans and WUI issues. We have had hearings where concerns were expressed and it can cause a request to be denied.

Bill Wilcox asked why these uses are allowed. We could brainstorm and probably come up with a more uses. For example we already have youth camps, how is this a new use.

Planning Director McNary indicated that these uses are newly allowed by the legislature. The youth camp in the county existed before land use was implemented. It has been allowed by the legislature, but it has been absent from our code. A county can be more restrictive, but not more permissive than the state rules. We can't allow something in Grant County that is not allowed by statute. We could choose to not allow youth camps in Grant County because we don't think that is a good idea and specifically disallow them.

Bill Wilcox asked about other camps.

Planning Director McNary indicated that in the Primary Forest Zone rustic campgrounds are allowed.

Bill Wilcox asked about survival camps.

Planning Director McNary indicated that there are provisions in the code for parks and campgrounds. That could be an accessory use to a campground. That type of application would require notice to neighbors and could go to a hearing with the Planning Commission.

Bill Wilcox indicated that there is a camp out of Seneca where they do an annual rendezvous. He asked if that would require a permit.

Planning Director McNary indicated that it probably should have a permit.

Vice Chair Burnette indicated that our enforcement policy is complaint driven.

Planning Director McNary stated that if we receive a written complaint about a use we try to get the property owner into compliance.

Mike Christensen asked if these uses are already allowed, why are they shown in the letter as new uses.

Planning Director McNary indicated was probably a bad choice of words for the mailed notification.

Mike Christensen asked what a forest management research facility is. He asked if he could put a fence around his property and get a grant to study gophers?

Planning Director McNary indicated that he would need approval from the Planning Department before we could sign off on a grant application.

Richard Friese asked about the statement in the letter that the changes could change property value.

Planning Director McNary indicated that she has spoken with the assessor about the changes. He indicated that having more potential uses allowed on your property would not change the value. If you take advantage of one of the newly allowed uses and build something or start a use that was not there previously that would likely increase property value.

Richard Friese clarified that if the property uses stay as they are then there will not likely be any property value changes.

Planning Director McNary said if we were limiting uses it would be more likely to adversely affect the property value.

Richard Friese confirmed that if there is no change in use then there should be no change in value.

Planning Director McNary indicated that she could not say property values would not increase at some point, but the inclusion of these uses in the code should not have an effect.

Marsha Christensen asked if a neighbor got approval for a B & B would that affect her property value.

Planning Director McNary indicated that she can't answer assessment questions. Those would need to be directed the Assessor's office.

Marsha Christensen said if a neighbor was approved for a B & B it could increase property taxes. If they were the only ones opposed then they would be stuck.

Sue Kelly indicated that is how the rules are now. There is no change to that use or process. If an application is submitted then you would have the opportunity to express your concerns.

Bill Wilcox said there was a B & B established next to his property. The opponents had a list of 6 things they were concerned about. Both sides had the opportunity to voice their concerns and it ended up being allowed.

Marsha Christensen said that Mr. Wilcox didn't get a say in the matter.

Bill Wilcox corrected her and said he got his say, but he didn't get his way. It has worked out ok. He was concerned, but it is allowed and it was approved.

Commissioner Parsons asked if the B & B affected the Wilcox's water.

Bill Wilcox indicated that he hauled 10,000 gallons of water to his property recently. He did not think the B & B caused the water problem.

There was some discussion about water in Mr. Wilcox area.

Vice Chair Burnette asked to get back on track.

Tom Kelso indicated that there is new funding for sidewalks in John Day. He wanted to know where the funding came from.

Planning Director McNary stated that she didn't know and it would be best to direct his questions to the John Day City Council.

Commissioner Holliday stated that she heard the sidewalks were funded by ODOT.

Planning Director McNary said to call the John Day City hall with questions about the city. Nick Green would be able to answer questions about funding and annexation.

Vice Chair Burnette said he would open the hearing to questions from the Planning Commission members.

Commissioner Holliday said she thought it was a housekeeping process.

Larry Pierce asked about a residential care home. There is a new one on Harper Creek Road.

Planning Director McNary indicated that a home occupation is approved under a different provision. Christie Timko operates a law office from her home as a Home Occupation.

Larry Pierce said that his wife worked from their home for an employer for some time.

Planning Director McNary indicated that is not an activity that would require a home occupation approval. A home occupation would be for a use where people are coming and going that could affect the neighbors.

Larry Pierce said it sounds like housekeeping. Someone could do things that could affect the property value. His only concern is the guy that parks 7 marijuana trucks next to his property. It may not change his taxes, but it could change the value of his property if he wants to sell it.

There was discussion about whether there was a grow site nearby and the affect that could have on property resale value.

Larry Pierce said that maybe he didn't have to get a permit for that use.

Planning Director McNary asked when they started the grow. If it was started before our rules were approved it could be grandfathered. Since rules have been adopted there will now be a process for commercial marijuana production. When they need to renew their OLCC license and they will have to go through a process with the Planning Department.

There was discussion about whether the property owner had a license or not.

Larry Pierce indicated that there have been many complaints submitted.

Planning Director McNary said that we learned through the process of implementing marijuana time, place and manner rules that if a grower is asked they have to provide their OLCC license. OLCC has teeth to deal with issues related to marijuana production.

Commission Parsons indicated that there are parameters for commercial grow facilities.

Planning Director McNary indicated that there are requirements on the OLCC website. Our rules refer to the site so we don't have to change our code if the requirements change.

Commissioner Kelly said that there do not seem to be any new uses and she saw no reason not to recommend that the County Court approve the update.

Commissioner Parsons said that the addition of agricultural buildings can't be a new use. He indicated that they can't be changed after they are approved.

Secretary Springer said that they have always been approved as accessory uses by the Planning Department. When an ag exempt certificate is issued the owner signs that it will be used

according to the requirements on the form. If that use changes the owners is required to go through a process with the building codes division to change of occupancy for the building. That could require a new or additional zoning approval.

Vice Chair Burnette indicated that the only concern from the audience was that Mike and Marsha Christensen did not want any new uses allowed. He felt that there were no new uses being adopted.

Commissioner Holliday said she felt that it was a mis-conception about the nature of the project.

Planning Director McNary indicated that was her failure in the wording of the measure 56 notice implying that there were new uses.

Vice Chair Burnette they are not new uses that are to be put in place in the County.

Planning Director McNary indicated that we were trying to shrink it to one page for ease of mailing. She should have clarified that they were new uses included in the Land Development Code not newly allowed uses. She read the proposed recommendation.

Commissioner Kelly moved to recommend that the County Court approve the changes to the Land Development Code. Commissioner Holliday seconded the motion. Votes in favor were Commissioner's Holliday, Kuhn, Burnette, Kelly and Parsons.

Commissioner Kelly asked if the draft ordinance should be given back to the staff to dispose off.

Planning staff will collect any materials you don't want to keep.

Planning Director McNary referred to the application list from 2018 provided for the Planning Commission member's information. The next hearing will be February 28th.

Commissioner Parsons moved to adjourn. Commissioner Kelly seconded the motion. Votes in favor were Commissioner's Holliday, Kuhn, Burnette, Kelly and Parsons.

Respectfully submitted this 4th day of February 2019.



Shannon N. Springer
Planning Secretary