

# CROOK COUNTY PLANNING COMMISSION

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**August 22, 2018**

Crook County Planning Commission Chairperson Michael Warren II called the hearing to order at 6:00 p.m. Commissioners present in addition to Warren were Laquita Stec, George Ponte, Bob Lundquist, Susan Hermreck, Gary Bedortha, and Commissioner Pro Tem Lawrence Weberg.

Crook County Planning staff present were Planning Director Ann Beier and Planning Technician Debbie Kowalski.

Warren led all persons present in saying the Pledge of Allegiance.

## **OPENING STATEMENTS**

Warren explained the Commission procedures. He called upon the Planning Commissioners present to state any conflicts of interest or ex parte contacts. He asked if any member of the public wished to challenge any of the Commissioners concerning any item on the agenda.

**Conflicts of Interest:** None.

**Ex Parte Contacts:** None.

**Challenges:** None.

## **APPROVAL OF MINUTES**

The Commissioners present reviewed the draft minutes for the meeting of August 8, 2018.

Commissioners Stec and Ponte pointed out a correction which needed to be made.

The Commissioners present approved the motion by a vote of 4-0. Commissioners Hermreck and Bedortha abstained from voting, as they had not been present at the August 8 meeting.

# CROOK COUNTY PLANNING COMMISSION

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## PUBLIC HEARING

**David Moloney – Owner – Record Number: 217.18-000278-PLNG:** The applicant is requesting a modification to an existing subdivision approval to reduce a stormwater easement on Lots 78 and 79 of the Highland Subdivision. The subject parcels have been designated for storm drainage originating from Parcels 1, 2, and 3 of Partition Plat 2014-02. The applicant has provided engineering calculations demonstrating that the easement area can be reduced and still handle stormwater runoff from the three parcels. The subject parcels are located at T 15 S R 16 EWM Sec 29D TL 100 and 200 (Lots 78 and 79 of the Highlands Subdivision) (David Moloney, owner). Crook County Code Chapter 17 establishes requirements for subdivision review and modifications.

The applicant had been scheduled to testify by conference call, but staff were unable to contact him. Beier advised the Commissioners that the hearing could be held without the applicant's testimony,

Beier stated that a drainage basin is located on Lot 79. She said that four parcels now benefit from the easement due to a partition, and that the easement is adequate for six residences, but a maximum of five are to be served. She said that Lots 78 and 79 are to be combined.

Bedortha asked what the Commission's original intent was.

Beier said that there was no consideration of stormwater easements at the time the subdivision was approved.

Hermreck asked about drainage for other parcels.

Beier said that was never addressed when the subdivision was approved. She said that it was addressed at the time of partitioning.

Ponte asked if the easement extends to the larger parcels in the area.

Beier said that it is limited to the two parcels addressed in the request. She said that the easement was negotiated between two property owners, and was not required for other parcels. She said that it may not reflect the geology or other physical characteristics of the area. She said that the applicant owns only Lots 100 and 200.

Lundquist said that he had lived on Lark Road. He said that the runoff from Lark and Davis Roads goes to Lots 100 and 200.

Beier asked whether the encumbrances on the subject lots should be kept, or whether the applicant should be permitted to sell them as a buildable lot.

## CROOK COUNTY PLANNING COMMISSION

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Lundquist asked who would be liable if the property was damaged by runoff.

Beier said that purchasers would be aware of the easement.

Hermreck asked if property owners must mitigate runoff on their own property.

Weberg commented that only runoff from roofs is included in calculations.

Beier said that impervious surfaces such as roads are included.

Bedortha asked if the decision was based on runoff from manmade surfaces.

Beier said that was the case. She said that stormwater runoff is not addressed by the County Code requirements for partitionings.

Weberg asked why the Commission has addressed stormwater runoff if it is not in the Code.

Beier said it is addressed in order to comply with state law and protect property.

Weberg said it should be addressed in the Code.

Beier said it is addressed in regard to subdivisions, but not in regard to partitionings. She said that can be on the list for revisions.

Hermreck asked if the applicant was aware of the situation at the time he purchased the property.

Beier said that the applicant developed the Highland Subdivision and signed the easement.

The Commissioners discussed the issue.

Virginia Boehlke, 6862 SE Davis Loop, Prineville, testified concerning the proposal. She stated that she lives on Old Davis Road. She said that the applicant has hauled large quantities of rock and dirt off Lot 79, and a residence could not be place there. She said that a tremendous amount of water comes down the canyon, and is a risk to residents. She said that she moved to the area in 1994, and has seen the water come down the canyon. She asked how the applicant could develop the property.

Ponte commented that the applicant many intend to build on Lot 78, and use Lot 79 as a catchment.

Belke said there is a catch basin in the canyon, which could present a problem if the dam goes out. She said that it is above Well 3. She said that when there was deep snow in the area, there was little runoff, as the water soaked into the ground, or ran

## CROOK COUNTY PLANNING COMMISSION

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off slowly. She said that the area is rocky. She said that the applicant's property is on the Highland Community Water System, and he will not put in a well.

Bedortha said that the Commission should not make assumptions about the applicant's future actions.

Beier said that the hearing could be continued. She said that the applicant should have an opportunity to testify.

Bedortha said a site visit should be arranged.

Ponte asked what the standard practice is concerning the amount of runoff to be handled.

Beier said it is usual to plan for a 50 or 100 year event. She said that the Roadmaster could be consulted, and the applicant asked to pay for a second opinion if required. She said that the easement was established by a private agreement.

Bedortha moved that the hearing be continued to September 5, with a site visit, and testimony to be left open.

Stec seconded.

Beier said that a new Planner has been hired, who has experience as a Planning Commissioner as well as a staff member. She reviewed upcoming issues to be dealt with by the Commission.

Stec moved for adjournment.

Warren adjourned the meeting at 7:13 p.m.