

PLANNING COMMISSION MEETING

February 26, 2020

Crook County Planning Commission Vice Chairperson Gary Bedortha called the meeting to order at 6:00 p.m. Commissioners present in addition to Bedortha were Susan Hermreck, George Ponte, Laquita Stec, Linda Manning, and Commissioner Pro Tem Lawrence Weberg. Chairperson Michael Warren II and Commissioner Bob Lundquist were not present. Crook County Planning staff present were Planning Director Ann Beier, Planner Katie McDonald and Technician Hannah Elliott.

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

APPROVAL OF MINUTES

January 15, 2020 – Ponte moved for approval of the minutes.

Hermreck asked if the audio recording could be added to the minutes as a supplement, to provide for a clearer understanding of what had transpired at the meeting. Beier indicated that this could be done.

Ponte amended his motion to include the audio recording as a supplement.

Hermreck seconded the amended motion.

Bedortha stated that the written minutes should be corrected. The Commissioners present discussed this.

Stec and Manning indicated that they had not been present at the January 15 meeting, and Weberg indicated that he had recused himself and left the meeting early. As Warren and Lundquist were not present, it was found that there was no quorum to vote on approving the minutes for the January 15 meeting.

January 29, 2020 - Stec moved for approval of the minutes, and Ponte seconded. The Commissioners present approved the motion by a vote of 5-0. Hermreck abstained from voting, as she had not been present at the January 29 meeting.

February 12, 2020 – Hermreck moved for approval of the minutes, and Manning seconded. The Commissioners present approved the motion by a vote of 6-0.

PUBLIC HEARING

Marshall Management, Inc., Dennis Marshall – Record number 217-19-001210-PLNG – is requesting approval to subdivide three parcels totaling 199.18 gross acres to create 20 lots in the R-10 zoning district. Subdividing property is allowed under Crook County Code Chapter 18.92 Rural Residential Zone (R-10), and Title 17 Subdivisions. The property is identified as Township 16 S, Range 14 EWM, tax lots 503, 2700, and 600.

Bedortha asked the Commissioners present to identify themselves to the audience.

Bedortha asked the Commissioners present to state any conflicts of interest or ex-parte contacts, other than during the site visit. He asked the members of the audience to present any challenges to the Commissioners present.

Conflicts of Interest – None.

Ex-Parte Contacts – None.

Challenges – None.

McDonald presented a description of the application, and referred to the staff report. She said that the application had been received in December, 2019, and the Subdivision Review Committee had met in January 2020. She said that the criteria for approval were listed on page 2 of the staff report. She said that a letter had been received from the Fire Marshal.

Dennis Marshall, the applicant testified in support of the proposal. He said that he was born in Redmond and lives in Powell Butte, and is a lifelong resident of Central Oregon. He said that his proposed residential subdivision is the best use of the property. He said that the subdivision is to consist of 10 acre lots, and that there is to be a single access to Shumway Road, for which he has received an access permit from the Crook County Roadmaster. He said that a bank at the proposed access will be removed. He said that the CCRs will not permit any commercial traffic except for delivery services such as UPS, and no commercial uses other than home offices will be permitted. He said that the subdivision will produce an estimated four daily trips per household. He said that use of Avion Water Company to supply domestic water would not be cost-effective. He said that he had considered constructing a public water system using groundwater rights, but that he proposes to use private wells on each lot instead. He said that groundwater in the area is sufficient, as Avion has wells in the area, and groundwater from a nearby hydrant is used to water dirt roads in the area. He said that there is an Avion pipe on the property. He said that state law permits use of private wells producing up to 15,000 gallons per person for up to three people. He said that residences will be required to have sprinklers for fire protection, which the Fire Marshal has indicated is preferable to hydrants.

Stec asked about a reference to oil and gas, and mineral rights on the deed for the property.

Marshall said that when the U.S. Government initially granted lands to individuals in the area, the Government retained the oil, gas, and mineral rights. He said that private sellers of land have also retained such rights.

Beier said that the deeds for many properties in the County contain such language.

Stec asked if road maintenance is included in the subdivision covenants.

Marshall said that it is. He said that the road maintenance fee will amount to less than \$100 per month per residence. He said that there will be short-term and long-term accounts for maintenance.

Ponte stated that there is a dry stream channel on the property, and asked how Marshall proposes to deal with runoff.

Marshall said that culverts will be larger than standard, and that they will be inspected.

He said that utilities are available to the subdivision, including electricity, telephone service, and natural gas.

Hermreck asked about collection of road maintenance fees.

Marshall said that he will initially collect maintenance fees, but will later contract with a private firm to do it. He said that he will provide for road easements, and that he has a deal for snow removal. He said that he does not yet know what the costs will be.

Hermreck asked if subdivision residents will be required to sign letters of nonremonstrance to farm operations in the area. She said that this was not listed as a condition of approval.

Marshall said that 100 foot residential setbacks will be required.

Beier said that nonremonstrance agreements will be required.

Marshall said that construction hours will be restricted to reduce noise impact. He said that road rights-of-way will be 40 feet wide.

Manning asked if the access to the subdivision will be wider than 40 feet.

Marshall said that it will be at least 60 feet wide.

Bedortha noted that Marshall had requested no bonding, and asked how it will be handled.

Marshall said that he has a bond as a General Contractor, in addition to insurance.

Beier said that an applicant can either post bond, or do the work. She said that if there is no bond, the Final Subdivision Plan will not be signed until the work is done.

Beier said that comments had been received from public agencies, and from the Fire Marshal and the Central Oregon Irrigation District (COID).

Bedortha asked for additional testimony in favor.

Paul Marshall testified that he is in favor of the proposal. He said that he is a property owner in the area, but realizes that the gate cannot be closed to new development. He said that the property is presently occupied by sagebrush. He said that Brasada has brought increased traffic to the area.

Jim Mitchell testified that he has nothing against the proposal, except that he believes that the entrance should be on Hahlen Road rather than Shumway. He said there is too much traffic on Shumway, and using Hahlen would be safer.

Russell Alger said that he lives on Hahlen Road, and that he pays to help maintain it.

McDonald said that part of Hahlen is not a County maintained road, part is a public road, and part is private.

Paul Marshall said that Hahlen is a public right-of-way for half of its length. He said that visibility is poor, due to a hill.

Beier said that the Roadmaster had approved the proposed access on Shumway.

Bedortha asked for neutral or opposition testimony. There was none.

Dennis Marshall said that Hahlen Road would be a bad place for access. He said that the proposed access on Shumway Road has good visibility.

Bedortha commented that several of the proposed subdivision lots border Hahlen Road. He asked if the residents might use it for access.

Dennis Marshall said that he was giving ten feet of right-of-way for Hahlen Road, and has paid to help gravel it even though he did not use it. He said that access to Hahlen from the subdivision will not be allowed. He said that he will place a fence on that side of the subdivision.

Bedortha asked how users of Hahlen Road will be protected.

Beier said that CCRs could be used, rather than deed restrictions.

Bedortha closed the public hearing.

Bedortha asked Dennis Marshall if he wished to waive the seven-day comment period.

Dennis Marshall said that he would waive it.

Ponte moved for approval of the proposal, with a condition that subdivision residents be required to sign a letter of nonremonstrance to agricultural uses.

Hermreck seconded the motion.

The Commissioners present approved the motion by a vote of 6-0.

Hermreck moved that staff prepare the final decision including condition 12 that each site plan review for the subdivision require a recorded nonremonstrance.

OTHER BUSINESS

McDonald reminded the Commissioners of the upcoming training meeting. She said that the next regular meeting is to be at 6:00 p.m. on March 11, 2020.

Elliott said that the Planning Department website is to be up on Friday, February 28, 2020.

Hermreck moved for adjournment, and Ponte seconded.

Bedortha adjourned the meeting at 7:24 p.m.