



Minutes For July 9, 2025
Crook County Planning Commission
Meeting

Meeting minutes are not a complete representation of discussions at the meeting. An audio recording is available from Crook County Community Development at plan@crookcountyor.gov or (541) 447-3211.

Chair Warren called the meeting to order at 3:02 p.m.

The meeting was conducted by Zoom, phone, and in-person at the Crook County Annex.

Attendance

Commissioners Attending:

In Person	Zoom	Commissioner	Excused Absence	Unexcused Absence
		George Ponte	x	
x		Marlo Dill		
x		Laquita Stec		
x		Les Williamson		
x		Hunter Neuharth		
x		Mike Warren		

Staff Attending:

In Person	Zoom	Crook County Staff
x		John Eisler
x		Katie McDonald
x		Hannah Elliott

Public Comment

None

Other Business

The Chair moved to the first item on the agenda, Planning Commission Vacancy candidate interviews.

Community Development Director John Eisler informed the Commission that candidate Christina Cedric has been removed from consideration for the Planning Commission vacancy. Although the local county code was silent on the matter, staff identified a state statutory requirement mandating that commission members be residents of the county in which they serve. Since Ms. Cedric does not currently reside in Crook County and does not plan to relocate within the calendar year, she is ineligible at this time, though Director Eisler noted she may be a viable candidate in the future once she establishes residency.

Chair Warren outlined the interview process for filling the Planning Commission vacancy, noting that candidates would be interviewed in a randomized order and that the proceedings, including deliberations, are open to the public. He emphasized that under county ordinance and state statute, the commission must maintain geographic representation and limit professional concentrations in development-related fields. The Chair defined the commissioner's role as providing fair, quasi-judicial, and legislative decisions based on the Crook County Code and Oregon Revised Statutes, while also serving on long-range planning advisory teams. Following the interviews, the Commission will deliberate and provide recommendations to be presented to the Board of County Commissioners at their next meeting.

Candidate Frank Hook, a resident of Powell Butte, Oregon, expressed his desire to represent the rural interests of the community while preserving the ranching and farming way of life. Drawing on 57 years of agricultural experience, including 23 years with the Hearst Corporation in California, Mr. Hook emphasized that his background in large-scale ranching and farming operations aligns with the rural nature of Crook County. Regarding the county's rapid growth, he advocated for moderate industrial development that avoids the "overnight" transformation of small towns he has witnessed elsewhere. Mr. Hook stated that his decision-making process is rooted in fairness, honesty, and strict adherence to county law, noting that while public opinion may be divided, the law must remain the final arbiter. He described his communication style as collaborative, suggesting that board disagreements should be resolved through sitting down and deliberating until a consensus is reached.

Candidate Monty Kurtz of Powell Butte thanked the Commission for the opportunity to be reconsidered for a vacancy, noting that his recent experience following the board's solar project decisions has highlighted the "learning curve" involved in balancing private property rights with necessary regulations. A resident since 2016, Mr. Kurtz viewed the Planning Commission as a vital form of community service and expressed a desire to help guide the county's future amidst rapid growth and pressure from neighboring regions. He identified water rights and the conversion of viable farmland to industrial use, such as solar arrays, as primary challenges facing local agricultural producers. Drawing on his background in Southern Oregon ranching, Mr. Kurtz praised the current board's level-headedness and emphasized that deliberate, professional communication is the key to resolving split decisions.

Candidate Pam Tano, a Prineville resident of five years, highlighted her engineering background and her affinity for technical documentation and Robert's Rules of Order. She expressed a strong desire to understand divergent viewpoints by asking in-depth questions to determine the logic behind others' conclusions, noting that she prefers objective data over "gut feelings." When informed that commissioners rely on staff for research rather than conducting their own, Ms. Tano expressed relief and a preference for reviewing prepared technical details. Regarding the county's future, she emphasized the importance of balancing industrial growth with community desires—particularly those of the diverse age demographics in the area—while citing water and electricity as her primary areas of concern. She currently stays involved by attending Prineville City Council and committee meetings as an observer.

Candidate Kirk Giovanini, a lifelong multi-generational resident of Crook County, emphasized his commitment to proactive community engagement and the preservation of local jobs. He expressed deep concern over recent mill closures and the "bedroom community" trend, advocating for a future where local youth can find viable employment without being forced to relocate. Drawing on a diverse background in agriculture and construction, Mr. Giovanini noted that while his extensive knowledge of the county's geography and residents is an asset, he remains committed to following the law and deferring to legal counsel regarding potential conflicts of interest. He strongly supports maintaining the county's identity as the "cowboy capital," cautioning that once farmland is divided for development, the agricultural heritage and necessary water infrastructure cannot be easily recovered.

In response to Commissioner questions regarding the potential vacancy of a Pro Tem position, Director Eisler clarified that the Commission has the discretion to determine how to fill such a seat if a current Pro Tem member is selected for the permanent Planning Commission vacancy. Eisler noted that while county orders typically

require a 30-day advertisement for vacancies, the recent recruitment process for the current pool of candidates likely satisfies the spirit of that requirement. He confirmed that the Commission could choose to either re-advertise specifically for a new Pro Tem or select a replacement from the existing candidate pool, an approach the Commissioners generally preferred for the sake of efficiency.

The Commissioners discussed the candidates by weighing the historical precedent of maintaining Planning Commission representation for both the agricultural sector and the Powell Butte geographic area. The consensus centered on Kurt Giovanini and Monty Kurtz as the top contenders; supporters of Giovanini highlighted his deep-rooted community experience and his recent proactive engagement as a Pro Tem member, while those favoring Kurtz emphasized his residency in Powell Butte and his readiness to fill that specific geographic slot. While the Commissioners noted that all candidates were strong, they ultimately leaned toward recommending Giovanini for the permanent vacancy due to his long-standing institutional knowledge and agricultural background, while considering the remaining candidates to fill any resulting Pro Tem openings.

MOTION: Commissioner Stec moved to recommend appointment of Monty Kurtz to the permanent position.

Commissioner Neuharth seconded.

VOTE: Yes votes: Laquita Stec, Mike Warren. No votes: Hunter Neuharth, Marlo Dill, Les Williamson. Motion failed 3-2-0.

MOTION: Commissioner Neuharth moved to recommend appointment of Kirk Giovanini to the permanent position.

Commissioner Williamson seconded.

VOTE: Yes votes: Hunter Neuharth, Marlo Dill, Les Williamson, Mike Warren. No votes: Laquita Stec. Motion passes 4-1-0.

Following the recommendation of Kirk Giovanini for the permanent vacancy, the Commissioners deliberated on filling the resulting Pro Tem opening from the remaining candidate pool. The discussion focused on balancing the board's expertise between Frank Hook's extensive agricultural background and Pam Tano's engineering perspective and demonstrated commitment to the process through her consistent meeting attendance. Some commissioners noted that while the board currently has strong agricultural representation, Hook would provide additional geographic coverage for Powell Butte; however, others favored Tano due to her technical background and familiarity with recent commission proceedings. Ultimately, the commission agreed to proceed with a formal motion to select one of the two candidates rather than re-advertising the position.

MOTION: Commissioner Williamson moved to recommend appointment of Frank Hook to the Pro Tem position.

Commissioner Dill seconded.

VOTE: Yes votes: Hunter Neuharth, Marlo Dill, Les Williamson. No votes: Laquita Stec, Mike Warren. Motion passes 3-2-0.

At 3:48 PM the Commission took a brief intermission before continuing at 4:00 for the scheduled public hearing.

Meeting Reconvened

Vice Chair Williamson resumed the meeting as acting Chair and called the meeting to order at 4:02.

The Chair took roll call again as sitting members changed from the 3:00 portion of the meeting.

Commissioners Attending:

In Person	Zoom	Commissioner	Excused Absence	Unexcused Absence
		George Ponte	x	
x		Marlo Dill		
x		Laquita Stec		
x		Les Williamson		
x		Hunter Neuharth		
		Mike Warren	x	
x		Pro Tem Kirk Giovanini		
x		Pro Tem Monty Kurtz		

Public Hearing

The Chair moved to the next item on the agenda; a public hearing for file **217-25-000150-PLNG**, for a 7-lot subdivision located in the RRM5 zone, submitted by Greg Kelso on behalf of Sean and Shawntelle Mueller. The map and tax lot number for the subject property is Township 16S, Range 17E West Meridian, Section 20B, Tax lot 8600.

The hearing is being held pursuant to: Crook County Code (“CCC”) 18.172 (Administration Provisions)

The Planning Commission will be evaluating the request against the following applicable criteria.
Crook County Code, Title 18, Chapter 16, Chapter 124, Title 17, Chapters 04, 12, 16, 20, 36 and 40; also the Crook County, Comprehensive Plan, Oregon Administrative Rules, and Oregon Revised Statutes.

The Chair asked if any Commissioner had any bias, prejudgment, personal interest, or conflicts of interest to disclose.

Commissioner	No	Disclosure
Marlo Dill	X	
Laquita Stec	X	
Les Williamson	X	
Hunter Neuharth	X	
Kirk Giovanini	X	
Monty Kurtz	X	

The Chair asked if any Commissioner had any Ex Parte Contact with the Applicant or any Member of the Public regarding this matter, noting that Commissioners should disclose if they have visited the site.

Commissioner	No	Disclosure
Marlo Dill	X	
Laquita Stec	X	
Les Williamson	X	
Hunter Neuharth	X	
Kirk Giovanini	X	
Monty Kurtz	X	

The Chair asked if any member of the public, including those participating by phone, wished to challenge any member of the Commission.

None.

The Chair reviewed the order of proceedings.

The Chair asked if any Commissioners wished to impose a time limit on testimony.

Commissioner Stec suggested five minutes. The commission agreed.

The Chair asked to hear from staff.

Senior Planner Katie McDonald presented the Mueller subdivision, a seven-lot residential project on 58 acres in the RRM5 zone (Juniper Canyon). Located 11 miles south of Prineville, the plan features five-acre minimum lots with a new private road, Southeast Mueller Court, including a dedicated school bus stop and mailbox area.

- Road Standards: Because the seven-lot density exceeds 21 average daily trips, county code requires a paved private road. The Commission must determine if the applicant can phase this construction or if full paving is required prior to the final plat, necessitating financial bonding.
- Safety Requirements: While a road maintenance agreement exists, no CCRs were submitted. McDonald suggested the Commission mandate fire sprinklers for all habitable spaces and adherence to Firewise defensible space guidelines to mitigate wildfire risks.
- Approvals & Utilities: Septic evaluations are already complete for all seven lots. Final approval is contingent on a two-year window to record the plat, proof of current taxes, and the formalization of utility and drainage easements.

Commissioner Stec opened the questions by seeking clarification on the sequence of infrastructure development and long-term maintenance. Staff confirmed that Southeast Mueller Court must be fully constructed to county road standards prior to the sale of any individual lots. Furthermore, Staff verified that a formal Road Maintenance Agreement is a requirement for the final plat, ensuring that every subsequent property buyer is legally obligated to participate in the upkeep of the private network.

Regarding the physical development of the lots, Commissioner Stec inquired whether driveway approaches would be pre-installed during the initial construction of the road and cul-de-sac. Staff explained that since the subdivision utilizes a private road rather than a public one, the county does not dictate specific approach designs or culvert requirements at the tentative stage. Instead, the responsibility for driveway placement and construction remains with the individual lot owners, allowing them the flexibility to position their access points according to their specific building sites. Finally, noting the absence of Covenants, Conditions, and Restrictions (CCRs) in the staff report, Commissioner Stec questioned if the applicant intended to omit them or if they were simply pending; Staff advised that this intent should be clarified directly by the applicant during their testimony.

Commissioner Kurtz asked clarity on if the applicant is asking to phase the road as they go.

McDonald clarified that the timing of infrastructure completion was a key point of discussion during the May 20th Subdivision Review Committee meeting. She emphasized that because the seven-lot subdivision can only be legally sold once it is platted, the county must ensure that all required infrastructure is guaranteed before that stage. McDonald outlined two primary options for the Commission to consider: either the applicant must fully complete the road construction prior to the final plat approval, or they must provide a bond or similar financial

assurance to guarantee the work will be finished after the lots are sold. She suggested that the Commission further clarify the applicant's preferred mechanism for providing this infrastructure assurance during their testimony.

Commission Neuharth asked if that is like a performance bond that they meet or complete it.

Eisler confirmed that once the infrastructure is in place and approved by the County then the bond is released.

Commissioner Williamson asked if a response was received from Oregon Department of Fish and Wildlife and if they had comment on the application.

McDonald confirmed she had not received a response.

Commissioner Kurtz sought clarification on whether the applicant had finalized the details regarding fire sprinkler systems for habitable spaces, as mentioned under the supplemental information and deed restriction sections of the staff report. Kurtz questioned whether the record yet contained necessary technical documentation for the subdivision, such as well drilling reports or water availability letters, to ensure that fundamental infrastructure and safety concerns have been addressed at this stage of the application.

McDonald confirmed that the applicant has addressed water availability by including specific documentation in the application materials. She noted that the record contains a formal letter from a licensed well driller as well as well logs for surrounding properties.

Commissioner Giovanini asked if this is the first time the property has requested to subdivide.

McDonald confirmed there was no prior history in the record.

Commissioner Neuharth asked if any of the neighbors had any water issues.

McDonald clarified that the Community Development and Planning Department does not act as the regulatory agency for water rights or well production, as those records and oversight responsibilities reside with the Oregon Water Resources Department. She explained that within the RRM5 zone, there are no specific code requirements regarding the type of water source or aquifer used; consequently, residents throughout the county utilize a variety of methods, including cisterns, individual wells, or community systems. For the Mueller subdivision, the applicant is proposing individual wells supported by a driller's letter and logs from neighboring properties. McDonald noted that because the county does not monitor groundwater levels, any information regarding water shortages or drought-related issues is largely anecdotal and based on informal reports from residents.

Agency Testimony

Fire Marshal Russ Deboodt provided testimony focusing on clarifying the intent and scope of fire safety requirements for the proposed subdivision, specifically addressing residential sprinkler systems. He proposed a refinement to the staff report's language regarding "habitable space," suggesting that the sprinkler requirement be narrowed to dwelling units or habitable spaces with sleeping areas. Deboodt explained that residential sprinklers are not designed for full fire suppression—such as in a large shop or mill—but are life-safety tools intended to manage a fire for approximately 10 minutes, allowing occupants enough time to exit safely.

Addressing earlier concerns about water availability, the Fire Marshal clarified that these systems do not necessarily place a heavy burden on a property's well. He noted that residential systems often utilize a small

plastic pressure tank and pump located in the garage, which ensures the necessary flow and pressure independent of the primary water source's immediate output.

In addition to the sprinkler technicalities, Deboodt reaffirmed the importance of the Fire Ready/Firewise standards for defensible space. He emphasized that these standards are the adopted benchmark for Crook County Fire & Rescue to ensure that homes in wildland-interface areas like Juniper Canyon have a manageable perimeter for fire crews to defend.

Commissioner Stec asked for clarity on the fire sprinkler issue.

Deboodt proposed narrowing the "habitable space" sprinkler condition to focus specifically on dwellings, dwelling units, and habitable spaces with sleeping areas. He explained that the Fire District and building officials often struggle with "shops" that include bedrooms and bathrooms but do not strictly meet the legal definition of a dwelling. While he acknowledged there is no perfect way to prevent a homeowner from putting a bed in an unrated office later, the goal of the sprinkler system is to provide a life-saving 10-minute window for occupants to escape a fire while they are most vulnerable—typically while sleeping. Under this refined definition, a standard shop with only a bathroom would not require a system, whereas any space intended for sleeping would.

Deboodt then detailed the Crook County Fire Ready standards, which align with national Firewise and Oregon's newly adopted defensible space codes. He emphasized that these standards are not intended to "moonscape" or clear-cut large rural lots; rather, the focus is almost entirely on the first 30 feet surrounding the dwelling. The intent is to make the structure resistant to passing wildfires while preserving the rural character of the property. He also noted that the Fire District offers free consultations and currently has limited grant funding to assist homeowners with the physical labor of creating these defensible buffers.

Commissioner Giovanini asked if 30 feet was enough for Juniper Canyon.

Deboodt responded by emphasizing the simplicity and effectiveness of local fire prevention, noting that in Central Oregon's fuel type, basic maintenance—such as limbing juniper trees once and weed-whacking cheatgrass annually—provides substantial protection. He advised homeowners to maintain a five-foot non-combustible zone immediately around structures to align with nationwide safety standards used in similar high-risk communities.

Deboodt continued his testimony by clarifying that the Fire District remains neutral on whether the road is built in phases or all at once, provided that life-safety access is maintained. His sole requirement is that a compliant fire department turnaround must exist at the terminus of whatever portion of the road is currently in use. He noted that if the developer chooses to build the road in stages, they must be prepared to reconstruct the turnaround at each temporary dead-end to ensure emergency vehicles can safely exit the area while residents are living on the street.

Commissioner Giovanini asked if the turnaround was engineered.

Deboodt responded by confirming that the subdivision's proposed infrastructure aligns with safety requirements. He noted that the plat map accurately depicts a 60-foot right-of-way and a 100-foot diameter circle at the terminus, which provides the necessary footprint for emergency vehicle maneuvers.

Responding to questions regarding engineering specifications, Deboodt clarified that while the fire department has specific standards for drivable surfaces, the applicant's plan to build the road to the 21 to 99 ADT (Average Daily Traffic) standard effectively meets and exceeds all fire department requirements for weight and compaction. He reiterated that as long as a functional turnaround exists at the end of the drivable surface—regardless of whether the road is built in phases—the district is satisfied with the proposed design.

Applicant Testimony

Applicant surveyor Greg Kelso, representing the property owners, testified that the applicants have formally committed to constructing the subdivision road to full county paving specifications within the required two-year timeframe. While the project was initially envisioned as a long-term family legacy for the owners' children—which prompted earlier discussions regarding the high cost of paving—the applicants decided to build to the higher standard now to ensure the subdivision remains compliant should any lots be sold or transferred in the future. Kelso noted that the final design might involve minor adjustments to shorten the road length slightly to manage costs, provided these changes do not significantly alter the lot configurations.

Regarding safety and governance, Kelso clarified that the applicants intend to manage fire sprinkler requirements and "Fire Ready" standards through deed restrictions rather than traditional CCRs. He also explained that the recent revisions to the tentative map were made specifically to satisfy feedback from the Subdivision Review Committee. These updates include the formal naming of the street and the addition of critical infrastructure at the entrance, such as a school bus turnout and a centralized mailbox area to keep residents and children safely off the main Juniper Canyon Road.

Acting Chair Williamson requested clarification regarding the intersection of the new private road and Juniper Canyon Road, specifically noting the addition of the school bus turnout area. He observed that the intersection design appeared to feature modified radius rather than a standard "T" intersection. Mr. Kelso confirmed that the layout was designed in strict conformance with county specifications for road radiuses and intersection geometry. He further explained that the entire project—including the road, intersection, and cul-de-sac—will be professionally construction-staked to ensure it meets designed grades and compliance standards. Mr. Kelso emphasized that the final infrastructure would meet all regulatory requirements.

Commissioner Stec sought to verify that the proposed road would be built to full county specifications despite its status as a private road. The applicant confirmed that it would be paved to county standards.

Stec also requested clarification on how the applicant intended to "shorten" the road to reduce costs. The applicant explained that by moving the cul-de-sac closer to Juniper Canyon Road, they could decrease the total length of the required pavement. While this might necessitate a slight reconfiguration of the lot lines to ensure each parcel still meets the five-acre minimum and required road frontage, the applicant emphasized that the change would not be significant and is being considered strictly as a cost-saving measure to balance the expense of the mandated paving.

Commissioner Giovanini inquired whether the project design included space for a future turn lane from Juniper Canyon Road to accommodate potential traffic increases if surrounding areas were further developed. The applicant's representative, Greg Kelso, responded that a turn lane would likely not be warranted because the subdivision is a dead-end cul-de-sac with a maximum projected traffic volume of only 28 average daily trips.

Kelso further explained that the intersection is located on a long, straight stretch of Juniper Canyon Road, providing optimal visibility and safety in both directions. He noted that any future road widening for a turn lane would occur within the county's existing right-of-way, but reiterated that the current and projected use for this specific seven-lot subdivision does not justify such an addition.

Commissioner Neuharth inquired about the logistics of providing electricity to the new lots, noting the presence of an existing power pole on Juniper Canyon Road. Kelso confirmed that the subdivision was intentionally designed to utilize the existing Central Electric Cooperative (CEC) infrastructure. The plan involves tapping into the current roadside pole and extending the power line along the south side of the new private road. Kelso assured the Commission that power would be extended all the way to the back of the property to ensure even the

furthest lot has full utility access, though the final technical layout will be dictated by Central Electric's specific design requirements.

Attorney Lisa Andrach testified that the applicant supports fire safety requirements but recommended using deed restrictions rather than Covenants, Conditions, and Restrictions (CC&Rs) as the primary enforcement mechanism. She explained that CC&Rs often become ineffective in small subdivisions because they require the formation and perpetual maintenance of a Homeowners Association (HOA) to be legally viable, whereas deed restrictions run with the land, appear on title reports, and are more easily enforced by neighbors or the county. Andrach proposed crafting specific language that incorporates the Oregon Defensible Space Code as a baseline standard, supplemented by local fire department policies, to ensure the requirements are both clearly defined and enforceable through county code enforcement. She expressed support for the Fire Marshal's refined definition of habitable space for sprinkler requirements and committed to working with county staff and the fire department to finalize legally robust language that prioritizes long-term community safety.

Property owner Sean Mueller provided personal testimony, emphasizing that the proposed subdivision is intended as a family legacy rather than a commercial real estate venture. They clarified that their primary motivation is to provide land for their five children in an increasingly difficult housing market, with the expectation that most lots will be gifted to family members. Mr. Mueller stated they are former Oregon residents who have lived in Montana for the past two decades, expressed their desire to relocate to Prineville for its quiet, rural atmosphere, comparing it to the less crowded Montana of 20 years ago. He concluded by stating their intention to use the property as a peaceful place for retirement where their children and grandchildren can live nearby.

Testimony in Support

None

Neutral Testimony

Janna and Mike Street, longtime residents of Southeast Prairie Schooner Road, provided testimony regarding an existing easement and fencing issue on the northern boundary of the proposed subdivision. While expressing support for the development, the Streets raised concerns that a current three-strand wire fence is located only 40 feet from the road, effectively obstructing a recorded 50-foot-wide ingress and egress easement that benefits their property and approximately 25 other neighbors. They noted that this 10-foot discrepancy creates a life-safety hazard, as the narrow 40-foot corridor makes it difficult for large fire apparatus to maneuver or for two vehicles to pass one another safely.

The Streets detailed a 2010 legal judgment that reaffirmed the 50-foot easement width, explaining that the fence was previously allowed to remain at 40 feet as a courtesy to a prior owner. However, with the increased traffic and density proposed by the new subdivision, they requested that the Commission require the fence to be relocated to the true 50-foot boundary. This would prevent future lot owners from inadvertently building structures or landscaping within the easement and ensure the community can utilize the full width for road maintenance and emergency access. Additionally, they highlighted a looming deadline regarding a BLM right-of-way grant that expires in September of next year, which currently serves as their primary access before connecting to the easement in question.

Testimony in Opposition

None

Applicant Rebuttal

Applicant representative Greg Kelso, speaking as both the project surveyor and the Crook County Surveyor, acknowledged the complexity of the easement issues on Prairie Schooner Road, describing the historical lack of formal planning in the area as a "nightmare" of layered, inconsistent easements. He confirmed that the applicant's partition plat specifically denotes all existing access easements of record to ensure any future property owners are fully aware of these encumbrances. While Kelso validated that no permanent structures can be built within the easement area, he argued that the relocation of the existing fence is a private, civil matter between neighbors rather than a planning or regulatory issue.

Kelso noted that while the Streets have a legal right to utilize the full width of their recorded easement for road work, the cost and labor of moving the fence should not necessarily be a mandated burden or a condition of approval for the Mueller subdivision. He emphasized that the applicants are committed to being good neighbors and are likely to reach a private resolution with the Streets; however, he maintained that the Planning Commission is not the appropriate venue for adjudicating such civil property disputes.

Commissioner Kurtz requested clarification on whether a building permit's required 20-foot setback would be measured from the property line or from the edge of the 50-foot easement. Senior Planner McDonald clarified that site plans and setbacks are technically calculated from the legal property line. However, she noted that the final plat will explicitly display all recorded easements and encumbrances, providing notice to future owners.

McDonald explained that while the Community Development Department does not directly regulate civil easement disputes, the building department would likely flag the existence of such easements during the permitting process. She advised that property owners would need to verify their right to build within an easement area, as an easement may restrict development even if the structure technically meets the county's standard setback requirements.

Mrs. Street provided a final statement clarifying that while the easement is correctly denoted on the official paperwork and the partition plat, her primary concern is the gap between legal documentation and physical reality. She emphasized that the existing 50-foot easement was the result of a three-year civil lawsuit that was successfully adjudicated in 2010; however, she noted that having rights "on paper" has not yet resulted in the physical removal of the fence obstructing that access. Street reiterated that her goal is not to create conflict with the new neighbors, but rather to ensure that the previously litigated boundaries are finally implemented on the ground to prevent future development errors or further legal disputes.

Eisler reminded the chair that the Applicant has the right to rebut the final testimony.

Property owner Sean Mueller concluded the rebuttal testimony by addressing the easement and fencing concerns raised by the Streets. He admitted that while he was aware of existing access issues and easements upon purchasing the property, he was not previously aware of the specific 50-foot width requirement. Mueller adopted a cooperative, "good neighbor" stance, stating that the fence's current location was not a point of contention for him and that he was willing to "just figure it out," even suggesting the fence could be removed if it didn't interfere with containing his daughter's horse. He committed to providing his contact information to the neighbors to reach an equitable solution outside of the formal planning process, emphasizing that he and his wife intend to make the situation work for everyone involved.

Staff Response

McDonald concluded the staff presentation by outlining several necessary revisions to the proposed findings and conditions of approval based on the evening's testimony. She noted that the findings on pages 13 and 14 should be updated to incorporate the Fire Marshal's refined language regarding residential sprinklers and defensible space standards. Additionally, following the applicant's commitment to pave the entire subdivision road to county standards upfront, McDonald advised that Findings and Conditions of Approval 10 and 18 must be modified to

remove references to phased construction. She further recommended transitioning the enforcement mechanism from a traditional Homeowners Association (HOA) with CC&Rs to the applicant's proposed use of deed restrictions, noting this approach aligns with current code. These adjustments were presented as the final framework for the Commission's deliberations and the drafting of the final decision.

Eisler advised the Commission to carefully consider whether the fence dispute on Prairie Schooner Road falls under the specific approval criteria for the subdivision. He cautioned that if the issue is strictly a civil matter regarding private property rights and historical litigation, it may sit outside the Commission's jurisdiction. Eisler noted the high level of complexity surrounding access on Prairie Schooner Road and reminded the Commissioners to determine if they possessed sufficient factual evidence to link the fence relocation to a specific land-use requirement before incorporating it into their decision.

The Chair asked the Applicant if they would like to waive their 7-day final argument period.

The Applicant waived the final argument period.

MOTION: Commissioner Dill moved to close for deliberations.

Commissioner Neuharth seconded.

VOTE: Yes votes: Monty Kurtz, Kirk Giovanini, Laquita Stec, Hunter Neuharth, Marlo Dill, Les Williamson. No votes: None. Motion passes 6-0-0.

MOTION: Commissioner Kurtz moved to start deliberations.

Commissioner Dill seconded.

VOTE: Yes votes: Monty Kurtz, Kirk Giovanini, Laquita Stec, Hunter Neuharth, Marlo Dill, Les Williamson. No votes: None. Motion passes 6-0-0.

The Commission engaged in detailed deliberations with assistance from Staff to refine the conditions of approval, focusing primarily on fire safety, legal enforcement mechanisms, and road infrastructure. The Commission reached a consensus to update the fire sprinkler requirement to specifically target "dwelling units or habitable space with sleeping areas," ensuring the standard focuses on life safety during vulnerable hours. To ensure these requirements are enforceable, staff confirmed that the subdivision approval serves as a "trigger" in the building department's system, requiring compliance for every parcel created. Regarding legal governance, the Commission decided to strike Condition 7, which required traditional CC&Rs and an HOA, in favor of a revised Condition 10. This new condition mandates that the applicant submit deed restrictions incorporating "Fire Ready" guidelines, developed in consultation with Crook County Fire and Rescue, to be recorded with the final plat.

Additionally, the Commission reviewed road construction requirements and determined that since the applicant committed to building the entire road upfront rather than in phases, the existing language in Condition 12 remained sufficient. Staff also clarified that a specific wildlife condition was unnecessary as Oregon Department of Fish and Wildlife (ODFW) provided no comment and the relevant wildlife policy was deemed not applicable to this subdivision. The deliberations concluded with the Commission praising the effectiveness of the Subdivision Review Committee and pre-application meetings for resolving complex issues before the public hearing, ultimately directing that the final motion reflect these specific strikes and linguistic updates to the staff report.

Planning Commission Action

MOTION: Commissioner Stec moved to approve application number 217-25-000150-PLNG for the Mueller Subdivision with the conditions as discussed and changed to be incorporated into the final decision and this is the preliminary plat conditions.

Commissioner Kurtz seconded.

VOTE: Yes votes: Monty Kurtz, Kirk Giovanini, Laquita Stec, Hunter Neuharth, Marlo Dill, Les Williamson. No votes: None. Motion passes 6-0-0.

Staff will make the changes and bring the final decision back for signature at the July 23rd meeting.

MOTION: Commissioner Kurtz moved to close the hearing.

Commissioner Stec seconded.

VOTE: Yes votes: Monty Kurtz, Kirk Giovanini, Laquita Stec, Hunter Neuharth, Marlo Dill, Les Williamson. No votes: None. Motion passes 6-0-0.

Staff Updates/Planning Commission Comments

Staff said there were no updates for the meeting.

MOTION: Commissioner Dill moved to close the meeting.

Commissioner Kurtz seconded.

VOTE: Yes votes: Monty Kurtz, Kirk Giovanini, Laquita Stec, Hunter Neuharth, Marlo Dill, Les Williamson. No votes: None. Motion passes 6-0-0.

Meeting adjourned at 5:45 p.m.