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Crook County
Community Development

October 23, 2024

Crook County Community Development Department
Planning Division
300 NE Third Street, Room 12
Prineville, OR 97754

Re: Pinecrest LLC Subdivision, Record #: 217-24-000166-PLNG

To whom it may concern:

This letter follows up on the concerns regarding adequate water supply referenced in our public comment submitted on October 15th. We request the commission deny the Pinecrest LLC Subdivision reference above based on the grounds that the developer has not provided evidence that there is sufficient water to supply the proposed development for domestic use. The burden is on the developer to provide the information and he has not done so. To approve the application would be in violation of Oregon State Law, the Crook County Comprehensive Plan and multiple sections of the Crook County Code. Many sections of the regulations require that the commission to actually consider the actual existence of the necessary water and resources to support the proposed regulation. This requires more than just taking the developers' word on it. If the commission will not deny the permit, then we request the hearing be continued to allow for more consideration of the water issue.

We base our request on the following regulations, the letter and spirit of which have not been met by the developer or the planning commission review thus far:

ORS 92.044(1)(b)(E) requires that county "take into consideration...facilitating adequate provision of...water supply, sewage...and other needs.

*ORS 92.044(6) further requires that it is "the developer/builder's **burden of proof** for determining the degree of hazard or physical resource carrying capacity."*

The actual application by the developer has a statement that says they understand the **burden of proof** is on them to satisfy the requirements of the laws and regulations pertaining to this proposed development.

*CCC 17.12.060 (3) Committee Review Factors: "the Committee **shall** consider the following factors..."
"Quantity and quality of existing or proposed water supply..."*

There has been no evidence presented that there is any water available on the parcel of property in question.

CCC 17.12.060 (15) "Evidence that each and every parcel can be used for the purpose for which they are intended and to be offered."

If the developer can't show that there is water available to the whole parcel, then there is no way to assume that any of the subdivided parcels are suitable for residential use.

*CCC 17.16.080 "The following information **shall** be submitted with the tentative plan for subdivision.*

*(2) Two copies of a letter from a water purveyor providing a water supply system serving domestic water or a letter from a licensed well driller or registered engineer. The letter **shall** state the source, name of supplier, and known quantity and quality of water available, and that the system will be installed in accordance with all applicable regulations. In addition, the letter from a water purveyor providing a domestic water system **shall** state that they are able and willing to serve each and every lot within the proposed subdivision and that the conditions and estimated cost of providing such service be set forth. A letter from a water purveyor shall further indicate that the water supply system proposed for the subdivision is adequate to meet the fire protection needs set forth by the appropriate fire protection agency.*

(7) Every application for division of property **shall** be accompanied by a water procurement plan approved by the county watermaster or their representative. Such plan **shall** explain in detail the proposed manner of providing domestic water. If irrigation water is to be provided, the water procurement plan shall also explain the manner of providing such irrigation water.

No other agency or authority has provided any proof of the availability of water. Although the developer has stated that every subsequent property owner will be responsible for providing their own well or cistern, they have not provided any indication that this is possible, other than *their belief* that water is somehow available upon drilling. It is important for the commission to take the water issue seriously and require the developer to provide more information or have another agency provide information on this matter.

*CCC 17.20.090 Conditions of Plat Approval: "If it appears to the commission necessary or prudent, for the protection of the public health, safety, welfare or the economic stability of the county, the commission may withhold or deny acceptance and approval of any final plat submitted until specified conditions are met, particularly in relation to the provisions of proper disposal of sewage and waste, **domestic water**, proper services by public utilities, safe vehicular access and fire protection.*

(3) Water Lines and Supply. As a condition provided in this section, **the commission may require the installation of water lines** and/or provision of adequate water supply to serve each lot as shown by the required plans and specifications, prepared by a qualified licensed engineer and meeting with the approval of the health officer and other appropriate officials before accepting or approving of a final plat.

Thank you for taking these additional comments into account.



Rodney E. Barnes

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Donna E. Barnes