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OCT 23 2024

A Motion to Leave the Record Open  
Regarding Application of Pinecrest Ridge Subdivision  
Application No: 217-24-000166-PLNG  
Oct. 23, 2024

EXHIBIT

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This is a motion to leave the record open in the above styled hearing.

This motion is made by George J. Konoval, residing at 2608 NW Century Drive, Prineville, OR 97754.

This motion is made pursuant to Crook County Code Sections 18.172.081, Public Hearings and Order of Proceedings.

I am making this motion to leave the record open in this hearing, for the creation of language to reasonably restrict the uses in the 200' setback area of the property portion that is located along the rimrock, in proposed development.

I have talked to the developer, Mr. Dawson Skidgel, and we are in agreement that it would be appropriate, as the development plan continues, to create reasonable but effective limitations in the rimrock setback area. Our shared intent is to create a restriction of certain uses in the setback area to preserve the unique nature and scenic beauty of this Prineville natural resource. Our intent is to create reasonable restrictions that become part of the final permit, and "run with the land and title" of the property, to protect the rimrock resource into the future, in accordance with CCC 18.172,081(11)(f)

While we are in agreement of this goal, we agree that it may take some time to achieve, and agree that keeping the record open, under CCC 18.172,081(16)(d). I also request this motion, as submitted in writing, be made part of the official record, under CCC 18.172(20)(b).

The rimrock resources surrounding Prineville are an important natural resource, as identified in the Crook County Comprehensive Plan. Specific references in the CCCP recognize the "scenic and aesthetic value" or the rimrock (p 102). Other passages require the need for consideration of this valuable resource, and contemplate "restrictions addressing setbacks and building restrictions shall be applied to protect scenic values, (p. 109, Natural Scenic Buffer Area Policies (f)).

B X ATTACHMENTS

**18.172.081 Public hearings and order of proceedings.**

(11) Hearing Authority's Jurisdiction. In the conduct of a public hearing, the hearing authority will have the jurisdiction to:

(f) Grant, deny, or, in appropriate cases, attach such conditions to the matter being heard to the extent allowed by applicable law and that may be necessary to comply with the applicable approval criteria or, in appropriate cases, formulate a recommendation for the court.

(12) Hearing Procedures. At the commencement of a hearing, the hearing authority must state to those in attendance the following information and instructions:

(n) Statement that prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearing authority must grant the request by either continuing the public hearing or leaving the record open for additional written evidence, arguments, or testimony in accordance with subsection

(16) Continuances and Leaving the Record Open.

((b) Except for continuance requests made under subsection (16)(a)(i) of this section, the choice between granting a continuance or leaving the record open shall be at the discretion of the hearing authority. After a choice has been made between leaving the record open and granting a continuance, the hearing shall be governed thereafter by the provisions that relate to the path chosen.

(d) Leaving the Record Open.

(i) If at the conclusion of the initial hearing the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

(20) Record of the Hearing. The hearing authority will consider only facts and arguments in the hearing record; except that it may consider laws and legal rulings not in the hearing record (e.g., local, state, or federal regulations; previous department decisions; or case law).

(a) The hearing record will include all of the following information:

## Rimrocks

Crook County is noted for large plateaus, or rimrocks, surrounding the valley floors in the Prineville area. The specific locations of the rimrocks are difficult to pinpoint. The County has specific policies to protect and preserve the scenic and aesthetic values of the rimrocks, requiring a site development plan for all land uses or development proposals. The County has unofficially required a setback from the edge of a rimrock for any development proposed; however, this needs to be carried over into the Zoning Ordinance. Therefore, a conflicting use would be a proposed development which breaks the skyline when viewed from the valley floor and an ESEE analysis is required.

## ESEE Analysis

**Economic Consequences:** Loss of scenic views or sites by development locating at the edge of rimrocks would be detrimental to the aesthetic quality of the Prineville area and could cause loss of tourism interest in the area.

**Social Consequence:** Loss of scenic views or sites by development locating at the edge of the rimrocks could cause a degradation of the rural lifestyle of Crook County.

**Environmental Consequences:** Loss of aesthetic views and sites cause a degradation of the environmental quality of the Prineville Valley.

**Energy Consequences:** No specific energy consequences are foreseen in the differential between requiring a setback or locating the edge of a given rimrock.

**Program to Achieve the Goal.** In order to preserve scenic views along the rimrocks, the Comprehensive Plan Policy must be carried over into the County Zoning Ordinance to be utilized when reviewing specific development proposals. Setbacks from the rimrock edge shall be 200 feet for structures. A site plan review showing the proposed structure location shall be required.

## Palisades of Crooked River

The Palisades of Crooked River lie below Bowman Dam. No detailed information nor an accurate description was available at this writing and this resource is designated as a 1-B resource to be addressed when the information becomes available, through revised Natural Resource Goal Policy 1.

Wilderness Areas - Areas where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. It is an area of undeveloped land retaining its primeval character and influence, without permanent improvement or human habitation, which is protected and managed so as to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, has outstanding opportunities for solitude or a primitive

Geological Areas - The most popular geological landmarks of the county are Barnes Butte, Rimrocks around Prineville and the "palisades" of Crooked River Gorge below the Bowman dam. The Parks and Recreation and Open Space Study of Greater Prineville Area designates 51 acres of Barnes Butte located above cultivated crop land and 4,156 acres of Rimrock area (including 200 feet setback from rim edge) for scenic preservation.

The Open Space Study addresses the rimrock from the intersection of Elliot Road and O'Neil Highway, including Westwood Subdivision and Ochoco Wayside Viewpoint, to the Steams Ranch. The report also includes rimrocks paralleling Juniper Canyon, Combs Flat Road and Ochoco Creek out to Ochoco Reservoir. Further consideration should be given to scenic value of Crooked River rimrocks all the way to Smith Rock Road.

The BLM has also designated land under their ownership atop Barnes Butte for geological value. BLM designated four additional sites for geological value as follows: 1) Logan Butte located along Camp Creek (approximately 9,600 acres). This is the southern most exposure of the John Day Formation. Bentonite is mined from the clays of this formation and paleontological evidence can be discovered. 2) Eagle Rock and ridge extending west along Prineville Reservoir (approximately 9,600 acres). This also is designated for rockhounding value because of two agate quarries. (See Recreation, Chapter III regarding further rockhound sites.) 3) Bear Creek Buttes known for mineral exploration and 4) Powell Buttes.

Geological sites inventoried by the Oregon Natural Heritage Program include the following: Crooked River Gorge (Palisades) from Steams Dam to Prineville Reservoir (approximately 1, 280 acres). This tall, narrow canyon is one of the best exposures of columnar, extensive and pillon (lake type) forms of lava existing collectively. Near Suplee on the Weberg Ranch is an exposure of the oldest rock found in Oregon, believed to be 450 million years old. Fossil remains also occur here. Professor Bob Lawrence of O.S.U. has studied this unique feature; more detailed information of his findings can be found on Pg. 150-151, Comparative Evaluation of ERTS-I, O.S.U., 1974. Another site inventoried by ONHP is White Rock located near Mill Creek within the U.S. National Forest Service boundaries.

Three other sites of geological value located within the Forest Service boundaries are Evans Creek Area, Steins Pillar and Twin Pillars. Twin Pillars are protected within the Mill Creek Roadless Area. Steins Pillar is rated high for scenic value by the U.S.F.S.; in fact, a trail to its base is a high trail construction priority.

Wildlife Value - The following sites are designated by Oregon Natural Heritage Program for wildlife value: 1) Big Huston Lake (waterfowl); 2) G.I. Ranch, "Miniature Malheur" (waterfowl breeding); 3) Paulina Strutting grounds (grouse); 4) Twelve mile Table (deer and grouse); 5) Dry Creek Reservoir (waterfowl); 6) Wiley Creek Homestead (birds); 7) Merwin's Reservoir (waterfowl); and 8) Prineville Reservoir Wildlife Management area (3,360 acres managed for fish, deer and bird nesting by the Department of Fish and Wildlife).

associated with these rivers and developing management plans for these resources. For that reason, the County will adopt the following Goal 5 Policies to comply with Goal 5.

### NATURAL/SCENIC/BUFFER AREA POLICIES

1. As soon as information becomes available which indicates the location, quality, and quantity of an identified Goal 5 Resource that was designated as a 1-B resource in the Goal 5 Inventory, the County will complete the Goal 5 process for that identified resource. (Ordinance No. 71; 7/28/92)
- ~~2. Where conflicting uses have been identified, economic, energy, environmental and social consequences shall determine designation. (Ordinance No. 71; 7/28/92)~~
2. Agriculture, grazing, forestry, parks and recreation uses shall be considered consistent with natural/scenic values dependent on resource carrying capacities.
3. Construction of impoundments or any other stream facility shall not reduce stream flow, water levels, or the carrying capacity of down stream areas to support fish, wildlife, agriculture, recreation, pollution abatement or visual aesthetics.
5. Deleted by Ordinance No. 51; 9/16/91.
4. Crucial deer winter range and waterfowl nesting habitat shall be protected and preserved. Elk and antelope habitat shall also be protected in accordance with Oregon Fish and Wildlife management plans.
5. Three areas of Crooked River, namely the "palisades" below Bowman Dam, North fork and South fork shall be protected. In addition to the Green Mountain, Mill Creek, Lookout Mountain Roadless Areas and Boardtree Special Management Area protected by the U.S.F.S., the Big Summit Prairie Area shall also be given special consideration for protection as a natural area.
6. Barnes Butte shall be protected against development of any structures except for transmission lines or communication towers, either by the existing park reserve zone or by adopting an open space zone similar to the one described in the Parks and Recreation and Open Space Study for the greater Prineville area.
7. Rimrocks from the intersection of Elliot Lane and O'Neil Highway, including Westwood Subdivision and Ochoco Wayside Viewpoint, to Stearns Ranch; and those rimrocks paralleling Juniper Canyon, Combs Flat Road and Ochoco Creek to Ochoco Reservoir shall be protected against manmade structures by such zoning restrictions as deemed necessary. Restrictions addressing setbacks and building restrictions shall be applied to protect scenic values.

# Pinecrest Ridge Subdivision

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## Covenants, Conditions & Restrictions (CCRs)

### Roads

All of the roads within the Westwood Phase 1 Subdivision and within Pinecrest Ridge Subdivision are public roads not maintained by the county. Road maintenance and repair is provided as established in the Pinecrest Road Maintenance Agreement. All costs, obligations and contributory fees paid by homeowner's are as outlined in the Pinecrest Road Maintenance Agreement.

Property owners within Pinecrest Ridge cannot build structures or fences beyond their property boundaries within the road right of way which is 60 feet wide.

Fire hammerhead turnarounds are in place at the east end of Pinecrest Drive and the south end of Rio Vista Lane. These turnarounds are to be protected in place and property owners cannot build structures or fences within these turnarounds. The hammerhead must remain 120 feet in length perpendicular to the roadway and 20 feet wide on each of the 3 legs.

Property Owners may use these turnarounds as the start to their driveway, but gates must be setback to maintain the minimum measurements stated.

### Construction

There are no restrictions on size or type of dwelling construction as allowed under local regulatory rules and regulations within the Pinecrest Ridge Subdivision.

There are no restrictions on construction of auxillary buildings nor size or type of buildings as allowed under local regulatory rules and regulations.

All outdoor lighting fixtures must be installed in a manner to prevent light trespass as per Crook County Code Section 18.126.040.

As required by 2022 Oregon State Fire Code Appendix B; all dwellings and ADU's constructed within Pinecrest Ridge Subdivision must be equipped with an approved automatic sprinkler system meeting the requirements of section 903.3.1.1, 903.3.1.2 or 903.3.1.3 due to the number of dwellings on a single access road and a lack of water flow supply available for fire.

No construction of structures, whether a permit is required or not, is allowed within 200 feet of the rimrock as per Crook County Code Section 18.124.100.

All applicable permits are the responsibility of the property owner as required by Crook County Building Department.

### Additional Dwelling Units (ADU's)

Construction of ADU's is not restricted within Pinecrest Ridge Subdivision as is allowed by local regulatory rules and regulations.

As required by 2022 Oregon State Fire Code Appendix B; all dwellings and ADU's constructed within Pinecrest Ridge Subdivision must be equipped with an approved automatic sprinkler system meeting the requirements of section 903.3.1.1, 903.3.1.2 or 903.3.1.3 due to the number of dwellings on a single access road and a lack of water flow supply available for fire.

## Pinecrest Ridge Subdivision

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All applicable permits are the responsibility of the property owner as required by Crook County Building Department.

### **Livestock**

There are no restrictions on raising livestock within Pinecrest Ridge Subdivision regarding type or quantity.

Livestock owner's within Pinecrest Ridge Subdivision must keep all livestock contained within their property boundaries at all times.

### **200ft Rimrock Setback**

No construction of structures, whether a permit is required or not, is allowed within 200 feet of the rimrock as per Crook County Code Section 18.124.100.

No disposal of garbage, household waste, construction or demolition debris is allowed within 200 feet of the rimrock.

No disposal or storage of inoperable vehicles, RV's, boats, aircraft or equipment is allowed within 200 feet of the rimrock.