



**Crook County Planning Division**  
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**Final Decision**  
**Mueller Subdivision**  
217-25-000150-PLNG

**Owner** Sean & Shawntelle Mueller  
**/Applicant:** PO Box 2707  
Big Fork, MT 59911

**Agent/** Greg Kelso  
**Surveyor:** 765 NW Third St  
Prineville, OR 97754

**Location:** T 16S, R17E WM, Sections 20B, Tax lot 8600

**Request:** The property owner is requesting development plan approval for a 7-lot subdivision on property zoned Recreation Residential Zone, RR(M)-5 (5-acre minimum lot size). The subject property is approximately 58.72 acres. The property is currently vacant. The Applicant proposes to develop the subdivision in one phase.

Application Accepted	4/25/2025
Subdivision Review Committee	5/20/2025
Deemed Complete	5/24/2025
Public Hearing Newspaper Notice	6/17/2025
Public Hearing Neighbor Notice	6/18/2025
Public Hearing	7/9/2025
Final Decision	7/23/2025
Appeal Date	8/4/2025

The Planning Commission held the public hearing on July 9, 2025. Testimony included Russ DeBoodt, Fire Marshall, Crook County Fire and Rescue District, the Applicant and a neutral party (Streets), regarding the proposed subdivision.

The Planning Commission voted 6-0-0 to approve the proposed subdivision.

## I. BACKGROUND

- A. **Zoning:** Recreation Residential Zone, RR(M)-5
- B. **Project Description:** The proposal is to subdivide approximately 58.72 acres into 7 lots. The subdivision will be developed in one phase.
- C. **Site Description:** The property is vacant land with juniper trees with native shrubs and grass. It is located approximately 10 miles south of the City of Prineville, on SW Juniper Canyon Road. The property is on the east side of SW Juniper Canyon Rd.
- D. **Surrounding Land Uses:** The property west of SW Juniper Canyon Rd is developed as the Idleway Subdivision, a 1960's subdivision. Property to the north and east is a mix of properties, public and private ownership. Ridgeview Estates, an eight (8) lot subdivision is to the south.
- E. **Access:** Access to the subject property is accessed from a county road, SW Juniper Canyon Road.
- F. **Water Rights:** The subject property does not have any irrigation water rights.
- G. **Wildlife:** The subject property is in the General Winter Mule Deer mapped big game habitat area.
- H. **Weeds:** The County Weedmaster provided comment and did not identify noxious weed issues
- I. **Floodplain:** The subject property is not in a mapped flood hazard area.
- J. **Electricity:** The application includes a letter from Central Electric Cooperative, which states they are "willing and able to serve this location".
- K. **Domestic Water:** The Applicant proposes individual wells to serve the lots.
- L. **Sewage Disposal:** The Applicant proposes on-site septic systems. The evaluations have been completed; see file numbers 217-24-000329-EVAL through 217-24-000335-EVAL.
- M. **Fire Protection:** The subject property is in the Crook County Fire & Rescue District.

## **II. APPLICABLE CRITERIA:**

### **Crook County Code –**

#### **Title 17 SUBDIVISIONS**

##### Chapter 17.04 Introductory Provisions

- 17.08 - Definitions
- 17.12 - General Requirements and Subdivision Review Committee
- 17.16 - Tentative Plans
- 17.20 - Final Plat
- 17.36 - Design Standards
- 17.40 - Improvements

#### **Title 18 ZONING**

##### Chapter 18.40 Recreation Residential Zone, R-5

- 18.40.005 Regulations designated.
- 18.40.010 Uses permitted outright.
- 18.40.030 Limitations on uses.
- 18.40.040 Yard and setback requirements.
- 18.40.050 Dimensional standards.
- 18.40.060 Signs.
- 18.40.070 Off-street parking and loading.
- 18.40.080 Site plan review.
- 18.40.090 Lot size.
- 18.40.100 Limitations on conditional uses.
- 18.40.110 Wildlife policy applicability.

##### Chapter 18.124 Supplementary Provisions

- 18.124.010 - Access – Minimum lot frontage
- 18.124.100 - Rimrock setback requirements

## **III. FINDINGS OF FACT:**

### **TITLE 17 SUBDIVISIONS**

#### **Chapter 17.12 GENERAL REQUIREMENTS AND SUBDIVISION REVIEW COMMITTEE**

##### *Section 17.12.020 Minimum Standards*

*No proposed subdivision or partition shall be approved unless said subdivision or partition complies with the comprehensive plan for the county, the applicable zoning, and the requirements and standards set forth in this title and ORS Chapter 92.*

**Finding:** The Applicant is proposing a subdivision that complies with the applicable zoning,

comprehensive plan and subdivision ordinance requirements. The property is designated for rural residential development in the County's comprehensive plan. The proposed subdivision is consistent with the property's zoning designation. As discussed below, the proposed development is consistent with the requirements in Title 17– Subdivisions.

The County's comprehensive plan recognizes this area as suitable for rural residential development, as a part of the rural exceptions process through the Curry County Analysis.

*ORS 92.090 Approval of subdivision plat names; requisites for approval of tentative subdivision or partition plan or plat.*

*(1) Subdivision plat names shall be subject to the approval of the county surveyor or, in the case where there is no county surveyor, the county assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.*

**Finding:** The Applicant proposes to name the subdivision Mueller. The proposed subdivision is adjacent to Ridgeview Estates and east of SW Juniper Canyon Road from Idleway subdivision. The County Surveyor, County GIS staff and CCFRD did not identify any conflicts with the proposed subdivision plat name.

*(2) No tentative plan for a proposed subdivision and no tentative plan for a proposed partition shall be approved unless:*

*(a) The streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern.*

**Finding:** As proposed, there is one road with access from SW Juniper Canyon Rd., with a cul-de-sac at the eastern end. It is laid out independent of road north of the property that accesses multiple properties to the east. It is also independent of the subdivision to the south of the property.

*(b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.*

**Finding:** The tentative plan shows a public road with a 60-foot right of way for access to all proposed lots. The final plat shall reflect the road and right of way, as a private road, along with any reservations or restrictions relating to such road.

*(c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated.*

**Finding:** As described in the staff report, the tentative plan substantially complies with the applicable zoning ordinance and regulations.

#### Section 17.12.040 Duties of committee

*It shall be the duty of the committee to examine and review all tentative subdivision plans and make recommendations to the planning commission prior to submittal thereto.*

**Finding:** The committee examined and reviewed the subdivision plan and made recommendations as described in this staff report.

#### Section 17.12.050 Subdivision conference

*The planning director shall schedule a meeting with the subdivision review committee and the subdivider or his authorized agent and engineer or surveyor prior to submittal to the commission.*

**Finding:** The committee examined and reviewed the tentative plan and made recommendations as discussed below. The Senior Planner convened a subdivision review committee meeting on May 20, 2025. Those who attended were:

John Eisler, Community Development Director  
Katie McDonald, Senior Planner  
Hannah Elliott, Associate Planner  
Eric Blaine, County Legal Counsel  
Brad Haynes, Road Superintendent  
Russ Deboodt, CCFRD

The Applicant, Greg Kelso, and Jordan Fletcher also attended.

Jon Soliz, County Appraiser; and Chris Haindel, County Sanitarian, provided written comments.

#### Section 17.12.060 Committee review factors

*In review of proposed subdivisions, the committee shall consider the follow factors:*

*(1) Preliminary plat requirements.*

**Finding:** Planning staff reviewed the tentative plan and provided comments to the committee indicating that most plat requirements could be met.

*(2) Conformance to the zoning ordinance.*

**Finding:** Planning staff confirmed that the proposed residential subdivision conforms with the zoning ordinance for the RR(M)-5 zone.

*(3) Quantity and quality of existing or proposed water supply, adequacy of the existing or proposed sewage disposal system to support the projected population; or in the event that subsurface sewage disposal is proposed for any or all of the parcels of the development, the capability of the soil for the proper long-term support of such a system or systems.*

**Finding:** The application indicates domestic water supply for the lots will be from individual wells. The agent and applicant submitted well logs from Oregon Water Resources Department for nearby existing wells. Commissioners asked about the water availability and if any reports of dry wells were on record. Staff responded that domestic water is regulated by the Oregon Water Resources Department and reports of dry wells to the County are infrequent as it is not the regulatory agency. The application material also includes a letter from a local well driller indicating availability of wells. Each proposed lot has been evaluated for an on-site septic system; file numbers are listed earlier in the decision.

The County Sanitarian has approved on-site septic site evaluations for each lot.

*(4) Adequacy of public services, existing or committed and funded, in the area of the proposed development, such as schools, police and fire protection, health facilities, highway and arterial road networks, and other transportation facilities, parks and other recreational facilities, to serve the increase in population expected to be created by the development.*

**Finding:** It was noted that the proposed development is within the CCFRD and the Crook County School District. The subdivision will be served by the Crook County Sheriff's Department. Health and hospital facilities are in Prineville.

The proposed internal road will be privately owned. A shared maintenance agreement is submitted with the application. The traffic generated by the proposed development does not trigger a requirement for a traffic assessment.

*(5) Effect of the development on the scenic or natural beauty of the area, historic sites or rare and irreplaceable natural areas.*

**Finding:** Planning staff noted to the committee that no scenic, historic, or rare sites identified in the comprehensive plan are present with this property.

*(6) Location of development in relation to industrial plants, livestock feedlots, solid waste disposal sites (existing and proposed), mining and quarrying operations and other possible conflicting land uses, particularly agricultural and forestry use.*

**Finding:** The committee did not identify any conflicting land uses in relation to the location of the development.

*(7) Possible adverse effects on the development by natural hazards, such as floods, slides or faults, etc.*

**Finding:** The committee reviewed this consideration. There are no mapped hazard areas on the subject property.

*(8) Possible adverse effects of the development on adjacent or area agricultural, grazing, forest or industrial lands and operations.*

**Finding:** The committee reviewed this consideration. There are no effects on area agricultural or grazing operations as the surrounding properties are all zoned for residential development. No grazing, forest or industrial lands surround the property.

*(9) Design and development for retention of the maximum feasible amount of vegetation and other natural amenities.*

**Finding:** The committee discussed this consideration. The 5-acre minimum lot sizes for a single-family dwelling will ensure space for vegetation and natural amenities. The property is currently vacant with sparse vegetation of bunch grass and juniper trees.

*(10) Possible environmental damage to the area or possible effects on fish, wildlife or their habitat.*

**Finding:** The committee considered this issue. The property is located in the general deer winter habitat. Staff recommended that the Applicant/Agent reach out to Oregon Department of Fish and Wildlife for comments regarding the development.

*(11) Possible conflicts with easements acquired by the public for access through or use of property within or adjacent to the proposed development.*

**Finding:** The tentative plat identifies existing easements. There are no identified conflicts with existing easements providing access for the public to property within or adjacent to the proposed development.

*(12) Unusual conditions of the property involved such as high-water table, slope, bedrock, or other topographic or geologic conditions, which might limit the capability to build on the land using ordinary and reasonable construction techniques.*

**Finding:** The committee considered whether there are any unusual conditions on the property. None of these conditions listed have been identified.

*(13) Marketable title or other interest contracted for.*

**Finding:** It was noted to the committee that the Applicant has provided a title report. No issues were identified.

*(14) Adequate financial arrangements for on-site and off-site improvements proposed or required.*

**Finding:** The Applicant will work with County Counsel's office to determine if any financial assurances are needed for on or off-site improvements. The Applicant is proposing to install all on site improvements. The Road Department has requested that the road approach at SW Juniper Canyon Rd be paved through the right of way.

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

**Finding:** The proposed subdivision lots are large enough to accommodate a single-family dwelling and accessory structures.

*(16) Agreement or bylaws to provide for management, construction, maintenance, or other services pertaining to common facilities or elements in the development.*

*(17) Protective covenants or deed restrictions*

**Finding:** Included with submittal is a shared road maintenance agreement. The Applicant does not want to develop and record CCRs for the subdivision. Staff and CCFRD requested fire-sprinklers in all structures with habitable space which includes a bedroom. This is generally something that is included in CCRs. The property owner has elected not to record CCR's as testified to by their attorney, Lisa Andrach, CCR's are only enforceable when there is an active HOA and other mechanisms in place. They are proposing to record deed restrictions and shared maintenance agreements for road maintenance and fire sprinkler requirements along with firewise guidelines.

#### CCC 17.16 Tentative Plans.

#### Section 17.16.010 Application Submission



*Any person proposing a subdivision, or their authorized agent or representative, shall include with an application for a subdivision either an outline development plan as described in CCC 17.16.030 or a tentative plan as set forth in CCC 17.16.040 through 17.16.080 for the proposed subdivision together with improvement plans and other supplementary material as may be required....*

**Finding:** The Applicant is proposing approval of a tentative plan for a single-phase seven-lot subdivision. The Applicant has provided copies of the tentative plan. An updated tentative plan was submitted at the public hearing and incorporated into the decision.

Section 17.16.020 Required findings for approval.

*The commission shall not approve an outline development plan or a tentative plan for a proposed subdivision unless the commission finds, in addition to other requirements and standards set forth in this title, that the subdivision as proposed or modified will satisfy the intent of this title relating to subdivision development, the intent and requirements of the applicable zoning regulations, will be in compliance with the comprehensive plan, and the standards set forth in this chapter, such findings shall include the following:*

- (1) The subdivision is an effective, efficient and unified treatment of the development possibilities on the project site while remaining consistent with the comprehensive plan relative to orderly development and land use patterns in the area and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forestlands, and other natural resources.*

**Finding:** The Applicant's response states that the plan proposes an effective, efficient and unified treatment of the development possibilities of the parcel. The development proposal will use a private road rather than streets in the area for access to new homes. There are no natural features or streams on the property. Natural vegetation can be preserved due to the large lot sizes. There are no designated agricultural or forest lands on the property.

- (2) The subdivision will be compatible with the area surrounding the project site and will not create an excessive demand on public facilities and services required to serve the development.*

**Finding:** The Applicant is proposing to divide the subject property so that it can be developed at the density of development contemplated and planned for by the comprehensive plan and allowed by the RR(M)-5 zone. The Applicant states that the proposed development will not create an excessive demand on public facilities and services. The County typically estimates that rural subdivisions will generate four vehicle trips per day per household. In this case, that is 28 trips per day (total). This level of use will not create an excessive demand on the area roads.

The Applicant has provided evidence that Central Electric Cooperative can provide electrical services to the subdivision.

*(3) Proof that financing is available to the applicant sufficient to assure completion of the subdivision as proposed or required:*

**Finding:** The Applicant will work with County Counsel's office to determine financial assurances required to ensure that improvements are constructed and approved to the County standards.

*(4) That there will not be any adverse impacts on neighboring properties, natural resource quality, area livability, and public services and facilities.*

**Finding:** The Applicant states that the proposed development will be consistent with the existing rural residential development and zoning in the area. It will not adversely impact the livability of the area.

Staff notes that the area is planned for development of the type proposed, as recognized in the Comprehensive Plan, and public services and facilities are adequate to serve the proposed subdivision.

#### Section 17.16.040 Tentative plan required

*Following submittal and approval of an outline development plan and subdivision application or an initial subdivision application, any person proposing a subdivision shall prepare and submit a tentative plan for the proposed subdivision in accordance with CCC 17.16.010. The tentative plan for a subdivision shall be prepared and submitted in compliance with the provisions of CCC 17.16.050 through 17.16.080.*

**Finding:** Concurrent with submitting the initial subdivision application, the Applicant submitted a tentative plan for the proposed subdivision. Compliance with CCC 17.16.050-.080 are addressed specifically below. An updated tentative plan was submitted as Exhibit 1, the Applicant testified that the only changes were the road name and a pull-out section along SW Juniper Canyon Road for a school bus stop and mail.

#### Section 17.16.050 Scale of tentative plan

*The tentative plan of a proposed subdivision shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one inch equals 50 feet for subdivisions up to 10 acres in size, one inch equals 100 feet for subdivisions up to 50 acres in size, one inch equals 200 feet for subdivisions up to 100 acres in size, and for subdivisions of more than 100 acres in size, a scale not greater than one inch equals 400 feet.*

**Finding:** The plan has a scale of one inch to 200 feet. The tentative plan is of an appropriate scale to depict the required information.

**Section 17.16.060 Informational requirements**

*The following information shall be shown on the tentative subdivision plan or provided in accompanying materials. No tentative plan submittal shall be considered "complete" unless all such information is provided:*

*(1) General Information Required.*

- (a) Proposed name of the subdivision.*
- (b) Names, addresses, and phone numbers of the owner of record and subdivider, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the corporation commissioner by the owner or subdivider, which will be used in connection with the subdivision.*
- (c) Date of preparation, north point, scale and gross area of the proposed subdivision.*
- (d) Appropriate identification of the drawing as a tentative plan for a subdivision.*
- (e) Location and tract designation sufficient to define its location and boundaries, and legal description of the tract boundaries in relation to existing plats and streets.*

**Finding:** All of the required information is provided on the tentative plat.

*(2) Information Concerning Existing Conditions.*

- (a) Location, names, and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.*
- (b) Location of any existing features such as section lines, section corners, city and special district boundary lines, and survey monuments.*
- (c) Location of existing structures, irrigation canals and ditches, pipelines, waterways, and railroads, and any natural features such as rock outcroppings, marshes, wooded areas, and natural hazards.*
- (d) Location and direction of watercourses, and the location of areas subject to flooding and high-water tables.*
- (e) Location, width and use of purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.*
- (f) Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision together with pipe sizes, grades and locations.*

**Finding:** The tentative plat shows the proposed street width. There are no special district boundaries, and the Applicant/Agent will place monuments when surveying for the final plat. There are no existing permitted structures, irrigation canals and ditches, pipelines,

waterways, railroads, or any natural features such as rock outcroppings, marshes, wooded areas, and natural hazards to depict. The property does not have any mapped floodways or waterways. As depicted, there are no existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision together with pipe sizes, grades and locations. Easements are depicted on the tentative plat.

*(g) Contour lines related to some established benchmark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to 15 percent, 10 feet for slopes of 15 to 20 percent, and 20 feet for slopes greater than 20 percent*

**Finding:** The Applicant has provided a topographic map with 2 feet contour lines.

*(h) Zoning classification of lands within and adjacent to the proposed subdivision.*  
*(i) Names and addresses of all adjoining property owners.*

**Finding:** The application material includes the zoning classification of the proposed subdivision and surrounding lands; all lands are zoned Recreation Residential Mobile zone, RR(M)-5. The tentative plat contains a vicinity map and identifies neighboring property owners.

*(3) Information Concerning Proposed Subdivision*

- (a) Location, names, width, typical improvements cross-sections, approximate grades, and lengths of all proposed streets, and the relationship to all existing and projected streets.*
- (b) Location, width and purposes of all proposed easements or rights-of-way and relationship to all existing easements and rights-of-way.*
- (c) Location of at least one temporary benchmark within the proposed subdivision boundary.*
- (d) Location, approximate area and dimensions of each lot, and proposed lot and block numbers.*
- (e) Location, approximate area and dimensions of any lot, or area proposed for public use, the use proposed, and plans for improvements or development thereof. Proposed use, location, approximate area and dimensions of any lot which is intended for nonresidential use.*
- (f) An outline of the area proposed for partial recording in contemplated or proposed.*
- (g) Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal, and all utilities.*
- (h) Description and location of any proposed community facility.*
- (i) Storm water and other drainage facility plans.*
- (j) Legal access to proposed subdivision.*

**Finding:** The above information has been provided on the tentative plan. The areas of the

individual lots are shown. There are no community facilities or non-residential uses proposed as part of the subdivision.

A detailed road cross section will be submitted to the Road Superintendent for approval. The road will be designed to meet the standards for 21-99 PADT (passenger average daily trips).

According to the Applicant, Central Electrical Cooperative will provide electricity to the subdivision. A "will serve letter" from the utility is included in the application. Each lot will be served by an individual domestic well and individual septic system.

#### Section 17.16.070 Master Development Plan

*An overall master development plan shall be submitted for all developments of more than 25 lots or for all developments planning phases or unit development. The master development plan shall include, but not be limited to, the following elements:*

- (1) Overall development plan, including phase or unit sequence.*
- (2) Schedule of improvements, Initiation and completion.*
- (3) Overall transportation and traffic pattern plan.*
- (4) Scales, program timetable projection.*
- (5) Development plans of any common elements or facilities.*
- (6) Financing plan for all improvements.*
- (7) If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the planning commission may require a potential street development pattern for adjoining lands to be submitted together with the tentative plan as part of the master development plan for the subject subdivision, so as to verify the nondetrimental impact of the subject subdivision upon adjacent lands.*

**Finding:** The above standards do not apply. The proposed subdivision is not more than 25 lots, phased development or unit development.

#### 17.16.080 Supplemental Information Required

*The following information shall be submitted with the tentative plan for subdivision. If such information cannot be shown practically on the tentative plan of a proposed subdivision, it shall be submitted in separate documents accompanying the plan at the time of filing.*

- (1) Proposed deed restrictions or protective covenants, if such are proposed to be utilized for the proposed subdivision.*

**Finding:** The Applicant has included a road maintenance agreement for the private road which includes maintenance after it has been constructed.

The Applicant's representative, Lisa Andrach, provided testimony that they would be developing deed restrictions in relation to fire-wise guidelines. She will be working with

CCFRD to provide clarity in the deed restrictions for property owners.

- (2) *Two copies of a letter from a water purveyor providing a water supply system servicing domestic water or a letter from a licensed well driller or registered engineer...*

**Finding:** The application indicates the source of water will be exempt domestic wells. Each property will be served by a private well. The applicant has provided information identifying the well information for the area as well as depth, casing depth, gallons per minute. The application also includes a letter from a local well driller.

- (3) *Statement from serving utility company proposed to serve the proposed subdivision stating that each such company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions and estimated costs of such service shall be set forth.*

**Finding:** The Applicant has obtained a “will serve” letter from Central Electric Cooperative and is included with the application materials.

- (4) *Proposed fire protection system for the proposed subdivision and written approval thereof by the appropriate serving fire protection agency.*

**Finding:** The subject property is within the CCFRD. A letter from is included in the record noting they can respond to structural fires and other emergencies. The Applicant has discussed the subdivision with CCFRD representatives and will require that fire sprinklers be installed in all dwellings and building structures with habitable spaces that include a bedroom.

- (5) *Title or subdivision guarantee report from a licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all encumbrances relative to the subject property.*

**Finding:** The Applicant included the title report with the application.

- (6) *Reasons and justifications for any variances requested to the provisions of this title or any other applicable ordinance or regulation.*

**Finding:** The Applicant is not requesting approval of a variance.

- (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.*

**Finding:** The Applicant has indicated that water would be available to each lot through proposed individual wells. The property is not served by irrigation water.

*(8) Where a tract of land has water rights, an application for division of the tract shall be accompanied by a water rights division plan...*

**Finding:** This provision is not applicable; the property does not have water rights.

Section 17.16.100 Specific Approval Requirements.

*In addition to the requirements set forth by the provision of this title and applicable local and state regulations, specific requirements for tentative plan approval are as follows:*

*(1) No tentative plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except the words "town," "city," "place," "court," "addition," or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that plated the subdivision bearing that name. All plats must continue the lot and block numbers of the plat of the same name last field.*

**Finding:** As discussed in response to ORS 92.090, the Applicant proposes to name the subdivision Mueller. The County Surveyor has approved the name.

- (2) No tentative plan for a proposed subdivision shall be approved unless:*
- (a) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction and in all other respects, unless the planning commission determines it is in the public interest to modify the street and road pattern.*
  - (b) Streets and roads to be held for private use are approved by the planning commission and are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets and roads are set forth thereon, such as ownership and maintenance responsibilities.*
  - (c) The tentative plan complies with the zoning ordinance.*
  - (d) The tentative plan complies with the standards for traffic impact analysis in CCC 18.176.010.*

**Finding:** The western boundary of the subdivision adjoins an existing road; SW Juniper Canyon Road. The proposed subdivision proposes a new road with a cul-de-sac. The single road will provide access to all seven lots.

The Applicant is proposing a private road which will be noted on the final plat. The Applicant

will record covenants when recording the final plat to assure future maintenance of the roadway. The proposal addresses the requirements of the zoning ordinance in the burden of proof and demonstrated compliance. The subdivision will generate less traffic than would trigger a requirement for a traffic impact analysis and the proposed access is the one which can be approved by the Crook County Road Superintendent.

- (3) *No tentative plan for a proposed subdivision or planned unit development located within the urban growth boundary...*

**Finding:** The subject property is not located inside the urban grown boundary. This approval criterion, therefore, does not apply.

- (4) *Approval or denial shall take into consideration the subdivision review committee and County planning commission's (with applicable) recommendations and the factors listed in CCC 17.12.060.*

**Finding:** The Applicant understands that the Planning Commission considers the recommendations of the subdivision review committee that will be based on factors listed in CCC 17.12.060.

#### Chapter 17.36, Design Standards.

##### Section 17.36.010 Compliance Required

*A land division, by subdivision, creation of a street or other right-of-way, or planned unit development, shall be in compliance with the design standards set forth by this title.*

\*\*\*\*

- (3) *Except with respect to a driveway, all roads constructed as public or private roads shall be in compliance with the design standards set forth by this title.*

**Finding:** The Applicant is proposing to construct a private road to the design standards set forth in this title. As noted above, the applicable road standard for the new private road is designed for a PADT of 21 to 99.

##### Section 17.36.020, Road Standards

*(1)(a) General. The location, width and grade of streets shall be considered in their relation to existing roads to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the road. The road system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. The proposed road*



*location and pattern shall be shown on a development plan and the arrangement of roads shall either:*

- (i) Provide for the continuation or appropriate projection of existing roads in surrounding areas; or*
- (ii) Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing roads impractical.*
- (b) Where the plat submitted covers only a part of the subdivider's tract, a drawing of the prospective future road system of the entire tract shall be furnished.*
- (c) Where a tract is subdivided into lots of an acre or more in an area, the commission may require an arrangement of lots and roads such as to permit a later resubmission in conformity to the requirements contained in this title.*
- (d) Any new road shall, prior to county approval, be approved in writing by emergency service providers identified by the county for sufficiently of access and road surface for emergency services purposes.*

**Finding:** The road pattern proposed is typical for rural residential development in Crook County. The proposed private road provides access to all seven lots. The plat includes all the subdivider's property. The Applicant has discussed the plat with CCFRD , and they will be provided an opportunity to approve the roads.

A condition of approval is included that requires the Applicant will provide cross sections and plans for the proposed subdivision road for the Road Superintendent review.

- (2) Existing Roads. Whenever existing roads, adjacent to or within a tract, are of inadequate width, additional right-of-way shall be provided at the time of the land division by the developer. During consideration of the tentative plan or a subdivision, the commission shall determine whether improvements to existing roads, adjacent or within the tract, are required and may require such improvements as a condition of approval of the tentative plan.*

**Finding:** The Road Superintendent and CCFRD will review proposed road widths and right of way as discussed with the Subdivision Review Committee.

- (3) Minimum Right-of-Way and Roadway Width. Roads shall be constructed according to the standards and specifications set forth in this title, including chapter 17.56 CCC. Roads to be constructed within the urban growth boundary shall be constructed in compliance with the applicable city street improvement standards and specifications.*

**Finding:** The Applicant shall build to County standards for a private road with a PADT of 21-99 trips per day. It is generally estimated that each dwelling generates 4 vehicle trips per day. At total build out of the subdivision, 7 lots would generate an estimated 28 trips per day.

- (4) Reserve Strips. Reserve strips or street plugs controlling access to streets will not be*

*approved unless deemed necessary by the commission for the protection of public safety and welfare.*

**Finding:** This provision is not applicable because the Applicant is not requesting approval of reserve strips.

- (5) *Alignment. All proposed streets shall be in alignment with existing streets by continuations of the center lines thereof. Offset street alignment resulting in "T" intersections shall have a minimum distance of 200 feet between the center lines of opposite streets of approximately the same direction unless prohibited by topographical features; however, in no case shall any center line offset of less than 100 feet be permitted.*

**Finding:** The proposed road access intersection with SW Juniper Canyon Rd is a "T" alignment with no other streets being proposed.

- (6) *Future Extensions of Streets. When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.*

**Finding:** The future division of surrounding lands are accessible through other existing access.

- (7) *Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle. In no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. The intersection of more than two streets at any one point will not be approved.*

**Finding:** The proposed private roads intersect at an approximately 90-degree angle. The private street will have at least 50 feet of tangent adjacent to the intersection.

- (8) *Half Street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with other requirements of these regulations and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.*

**Finding:** Half streets are not proposed; this provision is not applicable.

- (9) *Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in the city or county. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission.*

**Finding:** Applicant proposes a new street name of SE Mueller Court. Crook County GIS, staff and CCFRD confirmed there were no conflicts with the proposed street name.

- (10) *Grades and Curves. Grades shall not exceed six percent on arterials, eight percent on collector streets or 10 percent on other streets. Center line radial of curves shall not be less than 300 feet on other streets and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the planning commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 percent.*

**Finding:** The Applicant agrees that streets will be built to comply with the road grade requirements of this section of the code and as proposed by the tentative plan.

- (11) *Marginal Access Streets.*

**Finding:** This code provision is not applicable to the proposed subdivision.

- (12) *Alleys.*

**Finding:** This provision is not applicable. Alleys are not proposed and are not required.

- (13) *Access Crossing Public Lands.*

**Finding:** This provision is not applicable. The subdivision does not take access to public road by crossing public lands.

- (14) *Access of State Highway. Where a subdivision requires an access Approach to a state highway, approval shall be obtained by the subdivider from the State Highway Department prior to the commission approval of the preliminary plat.*

**Finding:** Not applicable. The subject property does not adjoin a state highway.

- (15) *The current editions of the following shall, in addition to any other provisions of this code, be the standards for road design and construction in Crook County: Geometric Design of Highways and Streets (American Association of State Highway and*

*Transportation Officials); Road Design Guide (American Association of State Highway and Transportation Officials); Manual on Uniform Traffic Control Devices for Streets and Highways (American Association of State Highway and Transportation Officials); and Oregon Department of Transportation Oregon Standard Specifications for Construction.*

**Finding:** The Applicant agrees to construct roads as approved by the Road Superintendent in compliance with all applicable road standards.

- (16) *Pedestrian Access and Circulation. In addition to the access and connectivity standards required by subsections (13), Access Crossing Public Lands, and (17), Cul-De- Sacs, of this section, subdivisions subject t to Chapter 17.28, 18.48, or 18.52 CCC shall meet the applicable pedestrian access and circulation standards in Chapter 18.184 CCC, Pedestrian and Transit Improvements.*

**Finding:** Chapter 18.184 does not apply to subdivisions in the RR(M)-5 zoning district (CCC 18.40). The proposed subdivision is not a planned unit development (CCC 17.28). The property is not zoned suburban residential mobile (SR(M)-1).

- (17) *Cul-De-Sacs.*  
(a) *For subdivisions subject to Chapter 17.28, 18.48, or 18.52, CCC, a cu-de-sac street shall only be permitted where the county planning department, in consultation with the county roadmaster and Crook County Fire and Rescue, determines that environmental or topographical constructs, existing development patterns, or compliance with other applicable county requirements preclude a street extension.*

**Finding:** The proposed subdivision is not a planned unit development (CCC 17.28). The property is not zoned either (18.48) Suburban Residential Zone, SR-1 or (18.52) Suburban Residential Mobile Zone, SR(M)-1.

Section 17.36.030 Subdivision roads and public ways.

- (1) *Right-of-Way and Roadbed Standards. The right-of-way and roadbed standards shall be determined in accordance with Exhibit D at the end of this section. If a road located in an EFU-2 or EFU-3 zone will not serve more than four residences, the roadbed width and standards shall be determined in accordance with Exhibit D-1.*
- (2) *Repealed by Ord. 149 Amendment 1*
- (3) *Modifications from Standards. Prior to submittal of a partitioning or subdivision application to the planning department, the planning director, in consultation with the roadmaster and any other designated person by the county, may authorize modifications from the foregoing standards where it can be shown that owing to special and unusual circumstances related to a specific road a lesser level of improvements will provide the same quality road as the standards continued within this title. This modification standard applies to planned unit developments in regard to which the planning commission*

*recognizes the importance of design flexibility and therefore the planning commission may approve road specifications that meet the design requirements for such developments but differ from these standards*

- (4) Grade. Maximum allowable grad shall be eight percent.*
- (5) Drainage. Adequate drainage for the main road and all approach roads shall be provided by utilization of proper and necessary size culverts. Culvert size shall be a minimum of 15 inches. All culverts shall extend a minimum of three feet beyond the roadbed. Drainage plans shall comply with all applicable standards required by the State of Oregon Department of Environmental Quality Central Oregon Stormwater Plan or as specified by the planning department.*
- (6) Other Specifications. Roadbed crown, slope shoulders, base rock, and HMAC shall be provided as specified in the applicable standards in Exhibit D at the end of this section.*
- (7) Inspections and Testing. Developer shall provide the planning department with testing of any and all materials used in developing roads. Such testing shall be performed by a State of Oregon certified laboratory and shall be at the developer's expense.*
- (8) Roadside Parking. In the event roadside parking is required or permitted, additional right-of-way and/or road surface may be required.*
- (9) The Developer. Prior to the start of construction (any earth moving) the developer shall supply the planning department with two copies of the subdivision and/or road construction plan, including road profile and typical sections, and shall indicate the location of school bus stops and mailboxes.  
The developer shall provide proof of compliance with stormwater drainage and erosion control requirements as may be imposed by the State of Oregon Department of Environmental Quality, Central Oregon Stormwater Manual or the county.*
- (10) All roads shall comply with the requirements of "Fire Apparatus Access Roads" contained in the most current edition of the International Fire Code and, with respect to access in urban-wildland interface areas, the fire code official may be guided by the Urban Wildland Interface Code. The developer shall obtain a written approval from the fire department to be submitted to the planning department.*

**Finding:** The Applicant is proposing the road will comply with a PADT of 21 to 99. It will be built to comply with these code requirements. Compliance can be assured by the County's review of the final plat of the subdivision.

#### Section 17.36.050 Maintenance of Roads

*When possible, the developer of any road shall provide a method for the future maintenance of the road. \*\*\**

**Finding:** The application includes a road maintenance agreement and it will be recorded prior to ensure that owners maintain the private road in the proposed subdivision. The documents will be reviewed by the County during the review of the final plat.

## **Title 18 Zoning**

### *Chapter 18.040 Recreation Residential Mobile Zone, RR(M)-5*

*In an RR(M)-5 zone, the following regulations shall apply. In addition, provisions of Chapter 18.124 CCC (Supplementary Provisions) may apply.*

**Finding:** The property is zoned for rural single-family home sites. The property has historically been considered for residential use and the area is recognized in the Crook County Comprehensive Plan through the Curry County Analysis.

#### *18.40.010 Uses permitted outright.*

*In an RR(M)-5 zone, the following uses and their accessory uses are permitted outright:*

*(1) Single-family dwelling on an individual lot, including a manufactured dwelling subject to the requirements set forth in CCC 18.132.010.*

*[...]*

*(6) Subdivision, planned unit development or land partitioning, including those permitting or designed for mobile homes.*

**Finding:** The Applicant is proposing a seven-lot subdivision for single-family dwelling sites on parcels at least 5 acres in size. The proposal aligns with outright permitted uses for the RR(M)-5 zone.

#### *18.40.030 Limitations on uses.*

*The following limitations on uses permitted by CCC 18.40.010(2) shall apply in an RR(M)-5 zone:*

*(1) Cows, horses, sheep or goats cannot be kept on lots having an area of less than 20,000 square feet. The total number of all such adult animals (those over six months of age) allowed on any individual lot shall be limited to the total square footage of the lot divided by 20,000 square feet (i.e., 20,000 square feet shall be required for each such adult animal). The number of young (under six months of age) allowed on any lot at any time shall not exceed three times the allowable number of adult animals.*

*(2) The number of chickens, fowl and/or rabbits (over the age of six months) shall not exceed one for each 500 square feet of property.*

*(3) Hogs cannot be kept on lots having an area less than one acre per each adult animal. The total number of young allowed shall not exceed four times the number of permitted adults (over six months), and all hogs shall be confined to an area not located within 500 feet of a residential dwelling not owned by the owner(s) of said hogs.*

*(4) All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot and shall be confined to the owner's premises.*

**Finding:** These are general code criteria for property zoned RR(M)-5. The proposed subdivision lots will be subject to the above codes.

*18.40.040 Yard and setback requirements.*

*In an RR(M)-5 zone, the following yard and setbacks shall be maintained:*

*(1) The front setback shall be a minimum of 20 feet from a property line fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting of a major collector ROW, and 80 feet from an arterial ROW unless other provisions from combining accesses are provided and approved by the county.*

*(2) There shall be a minimum side yard of 10 feet for all uses, except in the case of a nonresidential use adjacent to a residential use the minimum side yard shall be 20 feet.*

*(3) The minimum rear yard shall be 20 feet.*

**Finding:** The proposed lots are sized to allow the RR(M)-5 property line setbacks to be met. None of the properties are adjacent to areas of intensive agricultural use so the 100-foot setback requirements do not apply. Property line setbacks will be reviewed at the time of proposed development.

*Chapter 18.40.050 Dimensional standards.*

*In an RR(M)-5 zone, the following dimensional standards shall apply:*

*(1) Percent of Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of 30 percent of the total lot area.*

*(2) Building Height. No building or structure, nor the enlargement of any building or structure, shall be hereafter erected to exceed two stories or more than 30 feet in height.*

**Finding:** The proposed lots are large enough to accommodate development and meet the RR(M)-5 zone requirements for lot coverage. No building or structure shall be taller than 30 feet. Lot coverage and building height shall be reviewed at the time of proposed development.

*18.40.060 Signs.*

*In an RR(M)-5 zone, the following signs are permitted:*

*(1) Business signs provided the aggregate of the signs do not exceed an area equal to one square foot of sign face for each foot of lot frontage or 100 square feet of sign face, whichever is the least, and the sign is not in or extending over a street ROW.*

*(2) The specific types, sizes, design and number of permitted commercial signs shall conform to the general provisions governing signs found in CCC 18.124.040.*

**Finding:** The proposed subdivision has not proposed a sign. Site plan and sign application approvals will be required prior to the placement or installation of any signs. No commercial development is proposed.

*18.40.070 Off-street parking and loading.*

*In an RR(M)-5 zone, off-street parking and loading shall be provided in accordance with the provisions of Chapter 18.128 CCC.*

**Finding:** The proposed lots are large enough to accommodate off-street parking for the development of single-family dwellings (one (1) space per dwelling).

*18.40.080 Site plan review.*

*In an RR(M)-5 zone, an outright use except for single-family dwellings and farm use permitted shall be subject to the provisions of this section. Before a new building may be constructed or an existing building enlarged or substantially altered, a site development plan shall be submitted to the planning director for approval. Construction and development of the site plan shall be in conformance with plans approved by the planning director. In considering a site plan for a proposed use in an RR(M)-5 zone, the planning director shall take into account the impact of the proposed use on nearby residential and commercial property, on the capacity of the street to carry traffic and serve its function and on the appearance from or along a street. The planning director may require as a condition of approval:*

*(1) An increase in the required yards.*

*(2) Additional off-street parking.*

*(3) Screening of the proposed use by a fence or landscaping.*

*(4) Limitations on signs or lighting.*

*(5) Limitations on the number, size and location of ingress, egress and other point of access.*

*(6) Any other conditions considered necessary to achieve the purpose of this title.*

**Finding:** The proposed subdivision is designed for single-family dwelling development; the above standards are not applicable or required.



*18.40.090 Lot size.*

*In an RR(M)-5 zone, the following lot size shall apply:*

*The minimum property size for a new parcel shall be five acres in size.*

**Finding:** All proposed seven lots are larger than five acres.

*18.40.110 Wildlife policy applicability.*

*The residential density limitations and the lot and parcel size limitations found in Wildlife Policy 2 of the Crook County comprehensive plan do not apply to any nonresource zones.*

**Finding:** The property lies in the County's general winter deer habitat. Wildlife Policy 2 is not applicable as the zoning is not designated a resource zone. The Oregon Department of Fish and Wildlife, Prineville office has been contacted for comment, a response has not been received.

**Chapter 18.124 SUPPLEMENTARY PROVISIONS**

*18.124.010 Access – Minimum lot frontage.*

*Every lot shall abut a street, other than an alley, for at least 50 feet.*

**Finding:** Based on the tentative plan submitted by the Applicant, the proposed lots each have a minimum road frontage of 50 feet.

**CONCLUSION**

Based on the information provided by the Applicant, written and oral testimony and other information in the record, and on review of the applicable State and County requirements by staff and the subdivision review committee, the Planning Commission found the applicant met the burden of proof for the proposed seven- lot Mueller subdivision.

**GENERAL REQUIRED CONDITIONS:**

1. The approval is based upon the information submitted by the Applicant. Any substantial change will require a new application.
2. Within two years after the date of approval of the tentative plan for a subdivision, the Applicant shall prepare and submit a final plat that is in conformance with the tentative plan as approved.
3. Separate land use approvals (site plan reviews for the residential properties) are to be obtained for all dwellings and other structures to be built on the RR(M)-5 zoned lots. Addresses will be issued at the time of site plan review.

4. The necessary building and on-site permits are to be obtained for all dwellings and other structures.
5. All outdoor lighting shall comply with CCC 18.126 Outdoor Lighting.
6. All dwellings and structures with habitable space which include bedrooms are required to have fire sprinklers.

#### CONDITIONS REQUIRED PRIOR TO APPROVAL OF THE FINAL PLAT

7. The final plat shall reflect the road and right of way, as a private road, along with any reservations or restrictions relating to such road.
8. The right of way shall be clearly indicated on the final plat as a private road, along with any reservations or restrictions relating to such road. The road name, SE Mueller Court, shall be depicted on the final plat.
9. The owners of all subdivision lots will be required to participate in a Road Maintenance Agreement. A copy of the proposed Road Maintenance Agreement will be required prior to submittal of the final plat.
10. All drainage facilities, utility lines and water lines, are to be shown on the final plat.
11. The final plat shall be prepared in accordance with the requirements of CCC 17.20 (Final Plat), including, but not limited to, all information set forth in Crook County Code 17.20.050 must be included on the final plat
12. All taxes must be paid to the Crook County Tax Collector's office. Any back taxes will be required to be paid prior to recording the final subdivision plat.
13. The Applicant shall record deed restrictions for each lot to include the fire-wise guidelines, in consultation with the CCFRD.
14. All requirements of the Crook County Sanitarian are to be adhered to. The applicants are responsible for providing information regarding the location of domestic wells on adjacent properties to ensure that on-site disposal systems on the subdivision lots are located at least 100 feet from any domestic wells.
15. Improvements, including the road, shall be constructed to Crook County design standards and shall be completed prior to approval of the final plat or the Applicant shall provide financial assurances to ensure that improvements can be completed.
16. The Developer agrees to maintain the road until the entire subdivision is completed,

and road improvements are approved by the County Road Superintendent.

17. The Applicant will provide road cross sections to the Road Superintendent and Planning Department. Roads will be designed to meet the standards for 21-99 PADT.

Attachment A – Tentative Plan

Dated this \_\_\_\_\_ day of July, 2025

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Hunter Neuharth, Planning Commissioner

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Katie McDonald, Senior Planner  
Crook County Planning Department

The above approval may be appealed in writing to the Crook County Court no later than 4:00 pm on August 4, 2025 (twelve calendar days from the effective date of this approval) on payment of the required appeal fee. The appellant must also provide written transcripts of the relevant meeting tapes at the appellant's expense.

Appeals must be submitted to the Crook County Planning Department, 300 NE 3<sup>rd</sup> Street, Prineville, OR, and must be received together with the appeal fee by the Planning Department no later than the above time and date.