



**Crook County**  
**Community Development Department**  
300 NE 3<sup>rd</sup> Street, Prineville, OR 97754  
(541)447-3211  
plan@co.crook.or.us

**STAFF REPORT**

**Appeal File Number: 217-22-000451-PLNG**

**Appeal of Brasada Ranch Subdivision Phase 15 Tentative Plan Review (217-22-001013-PLNG)**

**April 21, 2022**

**OWNER:** FNF NV Brasada, LLC  
c/o Brent McLean  
16986 SW Brasada Ranch Road  
Powell Butte, Oregon 97753

**AGENT:** Adam Conway  
DOWL  
963 SW Simpson Ave., Suite 200  
Bend, Oregon 97702

**APPELLANT:** BR Community Coalition  
c/o Megan K. Burgess, Peterkin Burgess  
222 NW Irving Avenue  
Bend, OR 97703

<b>LOCATION:</b>	<u>Map</u>	<u>Section</u>	<u>Tax Lots:</u>
	16S 14E	26	2805
	16S 14E	26	2806

**NEWSPAPER &  
NEIGHBOR**

**NOTICE:** April 14, 2022

**HEARING**

**DATE:** April 28, 2022

**I. BACKGROUND**

Brasada Ranch was approved by Crook County as a destination resort through a mapping process that was completed in 2002. Crook County subsequently approved a Development Plan and Final Development Plan for the property in 2004 (C-CU-DES-001-03). This process is described in detail in the Applicant's burden of proof statement and amended burden of proof statement. Phase 1 of Brasada Ranch was approved in December 2004. Phase 2, the original overnight/cabin development, was approved in September 2005. Phases 3 – 14 followed. Phase 12 was approved in spring 2019 as a non-residential phase for resort operations and utilities. Three phases include overnight lodging, and the remaining phases include single family home development.

On March 9<sup>th</sup>, 2022, a Planning Commission hearing was held for tentative plan approval of the 15<sup>th</sup> subdivision phase. The Planning Commission approved the tentative plan with amended findings and conditions, which were incorporated into the decision, and notice sent on March 17, 2022. The appeal deadline was identified as March 29, 2022, 4:00 p.m. The Planning Commission's decision is attached as Attachment A to this report.

The identified Appellant submitted its appeal application on March 29, 2022, prior to the 4:00 p.m. deadline. This memo serves as a summary of the Appellants grounds for appeal. Please reference their complete grounds for appeal in their application along with the identified criterion below.

## **II. PROCESS ON APPEAL**

Crook County Code 18.172.110(4) states that all hearings of appeal from a planning commission final decision shall be based on the record made before the planning commission. The appeal is not a new hearing and is based on the record. The appellate body, at its option, may elect to admit additional testimony and evidence in accordance with CCC 18.172.110(12)(a).

The Appellant is required to provide a written transcript of the relevant portion of the proceedings. CCC 18.172.110(11).

Following the hearing, the appellate body may affirm, overrule, or modify the decision. The appellate body may also remand the decision with instructions to consider additional facts, issues, or criteria.

There are four issues identified in the appellants' notice of appeal. In brief summary, those issues are:

1. The Appellant states that the applicant has not met the condition of approval from the final development plan.
2. The Appellant states that easements are required to be depicted on the final plat, and that additional information to be submitted with the final plat includes specific information concerning the width and location of sidewalks.
3. The Appellant objects to a finding regarding the interior resort trail system.
4. The Appellant objects to findings and a description of applicable legal precedent regarding overnight lodging units.

Each of these issues is examined in greater detail below, including the findings of the Planning Commission decision, the detailed objections of the Appellant, and a response from Staff.

## **III. GROUNDS FOR APPEAL**

### **APPEAL ISSUE #1 – C-CU-DES-001-03 (Final Development Plan Conditions of Approval)**

**APPELLANT'S APPEAL GROUNDS:** The Appellant states that the applicant has not met the condition of approval from the final development plan. The final development plan approval includes Condition #15 which states:

*"15. The applicant shall provide a detailed depiction of the final location, surfacing, and size of all trails within a phase prior to preliminary plat approval for each phase of resort development."*

The Appellant states that "the final location, surfacing and size of all trails must be shown prior to preliminary plat approval. Applicant must be required to comply with its past development commitments and the County's past conditions of approval. Final trails and trail easements must be shown and specified on final subdivision plats."

The Appellant also cites the 2003 approval, which states the following:

*"The Applicant proposes to construct a network of walking, biking, and equestrian trails throughout the resort property. The contemplated location of such trails is set forth on the Development Plan Map. However, the trails on the Development Plan Map are conceptual in nature and are subject to modification as each phase of the resort develops. The final location, surfacing, and size of the trails will be depicted on future subdivision plats."*

**STAFF RESPONSE TO APPEAL GROUNDS:** Staff researched past decisions and verified the above quoted language is accurate. Staff has not received a response from the applicant responding to this appeal issue.<sup>1</sup>

## **APPEAL ISSUE #2 – FINAL PLAT REQUIREMENTS**

### ***Chapter 17.20 Final Plat***

#### ***17.20.050 Information on plat***

*(9) Easement. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be property referenced in the owner's certificates of dedication.*

#### ***17.20.060 Supplemental information with plat.***

*(8) Improvement. If grading, and/or street improvements, and/or sewer and/or water facilities are required as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:*

*(a) Cross sections of the proposed streets showing width of roadways, types of surfacing, curb locations, width and location of sidewalks.*

---

<sup>1</sup> Staff notes that Appellant encourages the County review the Development Plan "in detail on appeal to hold Applicant accountable...." With exception to the proposed trails, the development commitments, and conditions of approval from the original final development plan approval have continued to be met with each subdivision phase. The Appellant cites no other original conditions of approval or development commitments not in compliance.

**ORIGINAL FINDING:** The Applicant has experience preparing final plats and has entered into an agreement with DOWL, a Bend engineering/surveying firm to prepare the final plat consistent with the requirements of 17.20.010, any requirements of the Crook County Surveyor, and Oregon Revised Statutes. The final plat for Phase 15 will be submitted for review after approval of the tentative plan, and will be subject to the requirements in Chapter 17.20.

**APPELLANT'S APPEAL GROUNDS:** The Appellant cites 17.20.050(9) and 17.20.060(8)(a) as part of their grounds for appeal, and states that easements are required to be depicted on the final plat, and that additional information to be submitted with the final plat includes specific information concerning the width and location of sidewalks.

**STAFF RESPONSE TO APPEAL GROUNDS:** The above code citations were not included in the decision, and have been included here since they were referenced by the Appellant. The original finding included in the decision regarding Chapter 17.20 cites the general final plat requirements, and requires compliance with those criterion as a condition of approval once the final plat is submitted. Final plat review is not conducted until the final plat has been submitted for review. The criterion of that chapter does not apply to the approval of the tentative plan.

### **APPEAL ISSUE #3 – IMPROVEMENT AGREEMENT REQUIREMENTS**

#### ***17.40.030 Improvements in subdivisions***

*(5) Sidewalks. Sidewalks may be required to be installed on at least one side of a public street and in any special pedestrian way within the subdivision; except that in the case of primary or secondary arterials, or special type industrial districts, the planning commission may approve a subdivision without sidewalks, if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings per gross acre, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets involved.*

**ORIGINAL FINDING:** As part of the original development plan, the destination resort was approved for a trail system throughout the entire development. The initial conceptual plans have been formalized through each subsequent subdivision phase, and a proposed trail map was submitted with the phase 15 application. The trail map depicts proposed trails for phase 15, proposed trails for future phases, existing trails that will be removed, and existing trails that will remain. These alternative pedestrian routes are proposed instead of sidewalks throughout the proposed phase, which is in accordance with the above criterion.

**APPELLANT'S APPEAL GROUNDS:** The Appellant cites staff's finding within their grounds for appeal. They object to the finding, stating that:

"the trail system has not been formalized through each subdivision phase as required. The only way to "formalize" the trails in each phase and ensure compliance with conditions of approval that remain from the original Development Plan and Final Development Plan is to modify the Decision to make it clear that as a specific condition of approval Applicant must show the final location, surfacing, and size of trails on final subdivision plats. Formalizing the trail system should have been achieved by platting the trail easements and building the trail system at subdivision construction just like sidewalks in other subdivisions."



**STAFF RESPONSE TO APPEAL GROUNDS:** The applicable criterion requires some form of pedestrian route through the proposed phase, unless the area that the streets serve contains “single-family dwellings per gross acre”, then the requirement of sidewalks shall not apply if there is evidence of no special pedestrian activity along the streets. Staff based the original finding off the information submitted by the applicant, which included a trail map that depicts proposed trails for Phase 15, proposed trails for future phases, existing trails that will be removed, and existing trails that will remain. It is the responsibility of the applicant and their surveyor to ensure that all dedications are included in the final plat. If the proposed trails are removed from the plan by the applicant, the county court will need to amend all findings related to trails to reflect the changes.

**17.40.080 Agreement for improvements.**

*Prior to final approval of a subdivision plat or partition map by the county, or when otherwise required by county code, the subdivider or person otherwise required shall either install required improvements and repair existing streets and other facilities damaged in the development of the property or execute and file with the county an agreement between himself/herself and the county specifying the period in which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the county may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the subdivider or person otherwise subject to this section. The agreement shall also provide for reimbursement of the county for the cost of inspection by the county.*

**ORIGINAL FINDING:** The improvements occurring within the proposed subdivision phase consist of road and utility construction. The Applicant intends to file and record a final plat for phase 15 prior to completion of the infrastructure improvements. The Applicant intends to enter into an Improvement Agreement with the County, providing a good and sufficient form of security consistent with the Crook County Code for the completion of the infrastructure improvements. The road and utility improvements are anticipated to be constructed in the spring/summer of 2022.

The Applicant is also requesting that the county accept a bond in accordance with section 18.116.040, for 19 Overnight Lodging Units. The units are proposed to be built within four years, with 16 of those units already having been approved for development permits through the county, and three remaining.

The requested bond will be subject to the criterion in 17.40.090 below, and the request is further addressed in those findings.

**17.40.090 Bond.**

*(1) Type of Security. The subdivider or person otherwise subject to this section shall file with the agreement, in form acceptable to county counsel, to assure the full and faithful performance thereof, one of the following:*

*(a) A surety bond executed by a surety company authorized to transact business in the state of Oregon;*

*(b) An irrevocable bank letter of credit issued by a federally licensed financial institution;  
or*

(c) Cash.

*(2) Amount Required. Such security of full and faithful performance shall be for a sum approved by the county as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of county inspection. In addition, the security will include an amount equal to 20 percent of all other costs to serve as contingency.*

*(3) Default Status. If the subdivider or person otherwise subject to this section fails to carry out provisions of the agreement and the county has unreimbursed costs or expenses resulting from such failure, the county shall call on the collateral for reimbursement. If the realized amount of the collateral exceeds costs and expenses incurred by the county, it shall release the remainder. If the realized amount of the collateral is less than the cost and expense incurred by the county, the subdivider or person otherwise subject to this section shall be liable to the county for the difference.*

**ORIGINAL FINDING:** The Applicant has proposed that a bond be approved for the required road and utility improvements, and the remaining 19 overnight lodging units that are required to be in compliance with the destination resort ratio criteria. To ensure the request is in compliance, a condition of approval has been included stating that prior to the final plat being submitted for review, a bond in conformance with CCC 17.40.090 shall be submitted to county counsel for review and approval.

**APPELLANTS APPEAL GROUNDS:** The Appellant cites the above criterion and states that if the trails are not constructed prior to the closure of lot sales, they need to be guaranteed through an improvement agreement. They then cite an improvement agreement from 2005, Document No. 2005-199244. They state that the improvement agreement included an exhibit, identified as the final development plan, and cites the condition related to “the final location, surfacing, and size of the trails shall be depicted on future subdivision plats.”

**STAFF RESPONSE TO APPEAL GROUNDS:** Staff researched the above-mentioned improvement agree, and its validity. Per Eric Blaine, Crook County Counsel, the 2005 Improvement Agreement established a completion date for the specified improvements of two years after the final plat was recorded, with options for up to three (3) one-year extensions. Section 27 of that Agreement states that the Agreement expires 1 year after the Completion Date, as that date might be extended.

As a component of that Improvement Agreement, Brasada Ranch Inc. was required to submit to the County a bond securing the completion of the specified infrastructure improvements. The bond’s penal sum was \$42 million. Although at the time of writing this staff report the exact date that this bond was released could not be recalled, Mr. Blaine has advised that the bond had been released many years ago, and was not currently active.

Although the condition related to trails is included in the staff report exhibit of that document, that does not necessarily indicate that the agreement was to be held until all subdivision phases provided trails. Based on the expiration of the improvement agreement, and the \$42 million dollar bond having been released by the County, the cited improvement agreement has been satisfied, is no longer valid, and should not be relied upon for review of the appeal.

#### **APPEAL ISSUE #4 – OVERNIGHT LODGING UNITS**

## **Title 18 Zoning**

### **Chapter 18.116 – Destination Resort Overlay**

#### **18.116.030 Definitions**

*(5) “Overnight lodgings” means permanent, separately rentable accommodations, which are not available for residential use. Overnight lodgings include hotel rooms, lodges, cabins and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.*

#### **18.116.040 – Standards**

*(3) Developments shall include meeting rooms, restaurants with seating for at least 100 persons, and a minimum of 150 separate rentable units for overnight lodging, oriented toward the needs of visitors rather than area residents. However, the rentable units may be phased in as follows:*

*(\*\*\*)*

*(b) The number of units approved for residential sale shall not be more than two units for each unit of permanent overnight lodging provided under subsection (3)(a)(i) of this section; provided, however, after an applicant has constructed its first 150 permanent overnight lodging units, the county may approve a final development plan modification to increase the ratio of units approved for residential sale to units of permanent overnight lodging from two to one to two and one-half to one.*

**ORIGINAL FINDING:** Since the original approval of the development plan, the Crook County Code and Comprehensive Plan were amended to allow an increase in the maximum ratio of permanent housing to overnight lodging units within destination resorts from 2:1 to 2.5:1 (AM-11-0028). The 2011 action included a Master Plan amendment (C-CU-DES-001-03) to implement the changed ratio for Brasada Ranch.

The Applicant states that Brasada Ranch currently has 243 overnight lodging units. The 2.5:1 ratio would allow 607.5 units, rounded to the nearest whole number as 608. The following table represents the information provided by the Applicant for the location and number of residential lots within the different subdivision phases (not reflecting replat consolidations):

<b>Phase</b>	<b>Number of Residential Lots</b>
1	201
3	92
4	127
6	33
8	16
9	26
10	22

11	31
13	27
14	51
Total	626

Although the total above reflects 626 residential units, through subsequent replats 42 of those lots have been consolidated into 21 lots, totaling 605 residential lots. Phase 15 proposes 50 additional lots which will bring the total number of residential units to 655, 48 more than the ratio currently allots. 48 more residential lots would require 19 additional overnight lodging units. The Applicant has proposed in accordance with CCC 18.116.040(3)(d), that the remaining required overnight lodging units be bonded for to ensure completion and compliance with the ratio. The Applicant states that 16 of these units have been permitted by the county and are projected to be completed within two years. The remaining three units will be permitted and completed within 4 years. The approval of the bond will ensure the criterion is met. The totals listed above were listed in the burden of proof provided by the Applicant but have not been illustrated to demonstrate compliance. To ensure compliance, a condition of approval is included stating that prior to submittal of the final plat for review, the Applicant shall provide a map to the planning department illustrating and depicting the number of residential lots and overnight lodging units within the destination resort. The map shall also include and depict the lots that have been recently replated and combined by the developer and private landowners. Providing this map will provide further evidence towards compliance with the required ratio.

**APPELLANTS APPEAL GROUNDS:** The Appellant cites a Court of Appeals decision, *Central Oregon Landwatch vs. Deschutes County*, 285 Or App 267 (2017). They state that the applicant's response to Mr. Anderson's response during the initial review of the Phase 15 tentative plan review is not an accurate summary of the court of appeals decision. The coalition contests the statement from the applicant's agent that the overnight lodging units are owned by the resort, and states that some are owned by private individuals which requires a different analysis through ORS 197.435(5)(b). The Appellant goes on to state that the condition required for mapping overnight lodging units is sufficient, but that:

"The Decision should be modified so the Applicant is required to submit evidence sufficient to enable the planning department to determine whether and which overnight lodging units qualify under either the first or second sentence of ORS 197.435 (5)(b) as interpreted by the Oregon Court of Appeals, and CCC 18.116.030(5)."

**STAFF RESPONSE TO APPEAL GROUNDS:** All phases submitted by the destination resort have demonstrated compliance with the required ratio heretofore. Staff's condition requiring a map would demonstrate further compliance, and any other evidence submitted would be reviewed for consistency with the applicable criterion.

At present, there is no bond or improvement agreement for the "missing" overnight lodging units. The decision of the Planning Commission, however, required that such documents be in place prior to the construction of the proposed improvements.

Respectfully,



Brent Bybee, Planning Manager  
Crook County Community Development Department

# Attachment A

## March 15, 2022 Planning Commission Decision



**Crook County**  
**Community Development Department**  
300 NE 3<sup>rd</sup> Street, Prineville, OR 97754  
(541)447-3211  
plan@co.crook.or.us

**PLANNING COMMISSION DECISION**

**Brasada Ranch Subdivision Phase 15 Tentative Plan Review**

**File Number: 217-21-001013-PLNG**

**March 17, 2022**

**OWNER:** FNF NV Brasada, LLC  
c/o Brent McLean  
16986 SW Brasada Ranch Road  
Powell Butte, Oregon 97753

**AGENT:** Adam Conway  
DOWL  
963 SW Simpson Ave., Suite 200  
Bend, Oregon 97702

<b>LOCATION:</b>	<u>Map</u>	<u>Section</u>	<u>Tax Lots:</u>
	16S 14E	26	2805
	16S 14E	26	2806

**NEWSPAPER &  
NEIGHBOR**

**NOTICE:** February 15, 2022

**HEARING**

**DATE:** March 9, 2022

**APPEAL**

**DEADLINE:** March 29, 2022, 4:00 p.m.

**REQUEST:** Brasada Ranch Development LLC (the Applicant) requested approval from Crook County for the 15<sup>th</sup> Phase of development within the Brasada Ranch destination resort. Phase 15 is the eleventh single family residential phase and includes 50 lots.

**I. BACKGROUND**

Brasada Ranch was approved by Crook County as a destination resort through a mapping process that was completed in 2002. Crook County subsequently approved a Development plan and Final Development Plan for the property in 2004 (C-CU-DES-001-03). This process is described in detail in the Applicant's burden of proof statement and amended burden of proof statement. Phase 1 of Brasada Ranch was approved in December 2004. Phase 2, the original overnight/cabin development, was approved in September 2005. Phases 3 – 14 followed. Phase 12 was approved in spring 2019 as

a non-residential phase for resort operations and utilities. Three phases include overnight lodging, and the remaining phases include single family home development.

**PROPERTY CHARACTERISTICS:** The total resort area is approximately 1800 acres and includes a mix of single-family homes and overnight lodging units. The resort includes a golf course, restaurants, and other recreational amenities. Phase 15 includes approximately 53.3 acres, with 45.71 acres of that land developed for residential lots and 7.59 acres for road right of way. Phase 15 will be accessed from an extension of SW Spirit Rock Drive.

**COMMENTS:** At the time of this staff report, the Planning Department has received no comments from the public regarding Phase 15 of Brasada Ranch. Members of the subdivision review committee met on January 24, 2022, to get a project update from the Applicant and the consultant team. Comments and recommendations from the Subcommittee are included in this report for review by the Planning Commission.

## **II. APPLICABLE CRITERIA**

### **Crook County Code**

#### **Title 17 Subdivisions**

##### **Chapter 17.12 General Requirements and Subdivision Review Committee**

##### **Chapter 17.16 Tentative Plans**

##### **Chapter 17.20 Final Plat**

##### **Chapter 17.36 Design Standards**

##### **Chapter 17.40 Improvements**

##### **Chapter 17.60 Fees**

#### **Title 18 Zoning**

##### **Chapter 18.116 Destination Resort Overlay**

## **III. FINDINGS OF FACT**

### ***Crook County Code***

#### ***Title 17 Subdivisions***

##### ***Chapter 17.12 General Requirements and Subdivision Review Committee***

##### ***17.12.010 Scope of regulation.***

*Before a plat of any subdivision or the map of any partition may be made and recorded, the person proposing the subdivision or the partition or his authorized agent or representative shall make an application in writing to the county for approval of the proposed subdivision or the proposed partition in accordance with the requirements and procedures established by this title.*

##### ***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 Chapter 92 ORS.*

**FINDING:** The owner of the subject property is FNF NV Brasada, LLC, and their agent is Adam Conway with DOWL Engineering. On December 14, 2021, the agent submitted the subject subdivision application for approval in accordance with the requirements and procedures established by this title. The review of the proposed subdivision is found to be in compliance with the Crook County Comprehensive Plan, the Crook County Code, and ORS 92, as evidenced by the findings in this report.

***17.12.030 Subdivision review committee.***

*There is hereby established a subdivision review committee to review all tentative subdivision plans and make recommendations to the planning commission. The committee shall consist of the following members:*

- (1) County planning director (who will be chairman).*
- (2) County engineer or designated representative.*
- (3) County legal counsel.*
- (4) County roadmaster.*
- (5) County sheriff.*
- (6) Fire chief.*
- (7) County sanitarian.*
- (8) County assessor.*
- (9) City engineer, planner, and/or street superintendent.*
- (10) State Forestry Representative for fire protection.*
- (11) Other members or ex officio members of the committee may be designated by the county planning commission and may include, among others, as follows:*
  - (a) Public utility representative(s).*
  - (b) Irrigation district representative(s).*
  - (c) School district representative.*
  - (d) Department of Environmental Quality.*
  - (e) Department of Transportation.*
  - (f) Postal department.*



*(g) Other state or federal agencies.*

**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.*

**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.*

**17.12.060 Committee review factors.**

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

*(1) Preliminary plat requirements.*

*(2) Conformance to the zoning ordinance.*

*(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.*

*(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.*

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

*(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.*

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

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

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

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

*(11) Possible conflicts with easements acquired by the public for access through or use of 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.*

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

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

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

*(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:** On January 24, 2022, a subdivision conference was held at the Crook County Planning Department. Members of the committee present were Will VanVactor (Community Development Director), Brent Bybee (Planning Manager), Hannah Elliott (Senior Permit Technician), Jon Soliz (Assessor), Chris Haindel (Sanitarian), Eric Blaine (County Counsel), Russ DeBoodt (Crook County Fire & Rescue Division Chief), Adam Conway (DOWL Engineering), and Bob O'Neal (Road Master).

**Meeting Minutes:**

Brent Bybee covered the characteristics of the proposal and the application process. He then addressed the applicable criteria.

Adam Conway addressed that they would be shy on the Overnight Lodging Units, and that they would be bonding for those remaining units. He stated that they need 19 additional units, with 16 of those units being currently permitted or under construction, and three remaining.

Bybee asked how the ratio is maintained, and Conway responded that the overnight lodging units are owned by the resort. Bybee brought up the multiple replats to combine properties, and if they've been incorporated into the calculations. Conway responded yes.

Will Van Vactor then covered timing of the new bonding language being adopted by the county.

Eric Blaine then discussed the risk associated with pursuing the bonding language without it being officially adopted yet.

Bybee then said that staff would coordinate with the Applicant on timing for approval in conjunction with the bonding language being adopted to ensure it would be captured in the decision.

Conway then addressed fire access, and stated that it would be single access, similar to Phase 14. He stated that the units would be required to have fire sprinklers if acceptable to CCF&R. He also stated

that they are exploring other access option through BLM land which will hopefully alleviate fire concerns.

Russ DeBoodt confirmed the sprinkler exemption was allowable for more than 30 lots accessing a road, and that he was happy to see Brasada exploring other access options through BLM land. He also clarified that the sprinkler exemption is meant to address structural fire concerns, not necessarily wildfire. He noted that the proposed phase is in a higher risk area due to topography, but no concerns with the use of sprinklers in the dwellings. He then goes onto speak about the new commercial site plan review process CCF&R requires.

Bybee then moved onto water and sewer facilities.

Conway stated that phase 15 would be supported by the existing system, and that proposed expansions in the past are now active and can support the proposed number of lots.

Bybee then moved onto road standards and asked if Bob O'Neal had any concerns.

O'Neal stated he had the same concerns about access regarding one way in and one way out, and that hopefully future phases will address that.

Bybee then addressed the effect of the development on the scenic or natural beauty of the area, and stated that in discussions with Alan Cornelius, the architectural review process and lot design/orientation considers preserving neighboring landowner views. Conway confirmed this.

Bybee then discussed the developments potential to conflict with agricultural uses. O'Neal discussed that the area surrounding is most likely open range grazing, requiring landowners to install fences to keep grazing out.

Bybee then brought up the criteria related to natural hazards and pointed out that Brasada may be in a geohazard area. DeBoodt stated that Brasada is listed in the county's natural hazards mitigation plan.

Bybee then addressed the criterion related to retention of the maximum feasible amount of vegetation and other natural amenities and pointed out that it conflicts with the community being Firewise.

Wildlife habitat was then discussed, and Conway stated that the effects were mitigated in the original development plan for the destination resort.

Bybee then brought up easements and access to BLM land, and Conway responded stating that there were none identified.

Bybee then discussed slope and geologic conditions for the property. Conway responded stating that the topography has been similarly managed on earlier phases and that development was avoiding slopes more than 25%. Bybee had the concern that the development is stacked below each other and highlighted the importance of ensuring the development is engineered to avoid slide hazards that could damage neighboring property or people. Conway stated building codes standards and setbacks would address those concerns.

Protective covenants and deed restrictions were addressed, and Conway stated they would be similar to previous phases.

Bybee then brought up tax assessment and started that discussion.

Jon Soliz responded stating they had been communicating with Brasada and talked about the disqualification of farmland. He stated that he did a rough preliminary estimate on the amount of land devoted to Phase 15 on tax lot 2806, and stated it was 32 acres. Conway asked if tax lot 2805 was disqualified in Phase 14, and Soliz responded that only part of it was. Soliz stated on tax lot 2806, the total remaining disqualification amount is \$23,294.65. Soliz then stated on tax lot 2805 he estimated 24 acres were being utilized towards Phase 15 and the remaining disqualification amount is \$20,026.20. He stated this was all preliminary and estimations. Soliz then discussed collecting on the open space areas between the arms of the subdivision areas since trails are located to the north and south running from east to west, and that it would be collected now. With the additional acreage included, the total disqualified acreage for the proposed phase would be roughly 70 acres. He estimated the total remaining disqualification amount for the open space areas to be approximately \$14,000.

Bybee then wrapped up the meeting, and the timing on the bonding language update was further discussed again.

## **Chapter 17.16 Tentative Plans**

### **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, and shall submit 15 copies of said plan together with all required accompanying material to the planning department at least 30 days prior to the planning commission meeting at which submittal of the plan is desired. The county shall take final action within 120 calendar days for land located within an urban growth boundary or 150 calendar days for all others as required by state law upon receipt of a complete application. An outline development plan or a tentative plan for a subdivision shall be accompanied by an application for a subdivision as provided by the planning department, together with the appropriate filing fee. The date of filing shall be the date when the outline development plan or tentative plan is submitted in completed form, together with the appropriate filing fee, required supplemental material and subdivision application form, are actually received by the planning department. (Ord. 231 § 1 (Exh. A), 2010; Ord. 19 § 3.010, 2003)*

**FINDING:** The Applicant has complied with the tentative plan application requirements, referencing supplemental materials which describe the proposed Phase 15 development, and those materials provided adequate detail to allow Crook County to review and analyze the proposed subdivision. Many of the references are compiled in the Phase 1 Tentative Plan notebooks, submitted and approved in 2004.

### **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:** According to the Applicant, the Brasada development is an efficient and unified treatment that remains consistent with the comprehensive plan's policy regarding orderly development. The Applicant has retained the planning and engineering expertise of DOWL and other consultants to help ensure that the resort continues to meet these requirements.

The Applicant states that the proposed Brasada Ranch development has incorporated home sites and recreational facilities into the natural terrain. The Applicant states that the golf course follows natural canyons, a trail system weaves through home sites on both the north and south side of Alfalfa Road, and home sites in Phase 15 will offer spectacular views of the Cascade Mountains. All future homesites and residential units are near open space. The overall design for Brasada Ranch is effective, efficient, and unified in its correlation with natural terrain.

Agricultural operations will continue on the Brasada Ranch property. Grazing and other operations will continue to support the resort's equestrian facilities. The proposed development is not expected to interfere with agricultural activities on adjacent properties.

Development at Brasada Ranch will be served by standard utilities and a network of roads and existing trails. Infrastructure will be extended along the proposed extension of SW Spirit Rock Drive and the proposed new cul-de-sac road in the phase 15 development.

Fifty percent of the gross acreage of Brasada Ranch will be preserved as open space. No natural streams, lakes or water sources exist on the subject property. (Water and irrigation features do exist on the golf course and within other resort areas).

Special terrain features and natural vegetation have been preserved and will continue to be evaluated and protected where practical in the establishment of lot lines. Home construction will accommodate natural features on individual lots where appropriate.

In summary, the Applicant states that the proposed Phase 15 is effective, efficient and contributes to the orderly development of the property and provides for the preservation of natural features and special terrain.

*(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 resort's Final Development Plan approval addressed compatibility with the surrounding area. Crook County made findings and determined that the destination resort development at Brasada Ranch was compatible with the surrounding area, subject to conditions of approval designed to minimize any potential impacts. As the development of the resort has progressed, the Applicant has demonstrated compliance with each of the original 33 approval conditions, ensuring compatibility with the area surrounding the project site.

The destination resort will not create an excessive demand on public facilities and services. The Final Development Plan and subsequent Tentative Plan and Site Plan approvals have addressed domestic water supplies, sewage disposal and transportation facilities. The Applicant has demonstrated that they have existing treatment capacity at the resort's wastewater treatment plant to accommodate additional residential development. The contract with Avion provides water for domestic and fire use. Infrastructure (water and sewer) will be extended from SW Spirit Rock Drive in this Phase of the development. The Applicant has mitigated off-site transportation impacts as documented in agreements with Crook County and the Oregon Department of Transportation (ODOT). The Applicant completed the overlay of Alfalfa Road from the resort entrance to the intersection with the Powell Butte Highway and completed installation of the resort's sewage treatment plant.

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

**FINDING:** The Applicant states that they have a track record of successful development in Central Oregon and that they have continued investment in Brasada Ranch since acquiring the property. They state that they have the capability and experience to complete the proposed development of Phase 15.

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

**FINDING:** Crook County's approval of the Final Development Plan (C-CU-DES-01-03) found that the proposed resort development would not have adverse impacts on neighboring properties, natural resource quality, area livability, or public services and facilities. Proposed Phase 15 of the development is consistent with the County's approved final development plan.

Improvements for the 50 lots will be provided through continuation of SW Spirit Rock Drive and the extension of utilities. The infrastructure will be bonded and developed after recording the final plat. The tentative plan identifies preliminary utility layouts. Final construction plans will be reviewed and approved by the Avion Water and Crook County Fire and Rescue. Housing types are reviewed by the Brasada Ranch Architectural Review team at the time of proposed building permits. Crook County is asked to review road designs, although since the Applicant has requested that the improvements be bonded, they will need to hire an Oregon certified professional engineer to review the development. Conditions have been included addressing this.

#### **17.16.030 Outline Development Plan**

*If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth in this section. The information shall deal with enough of the area surrounding the proposed subdivision to demonstrate the relationship of the subdivision to adjoining land uses, both existing and allowable under applicable zoning.*

*(1) The map(s) which are part of the outline development plan may be in general schematic form, but shall be to scale, and shall contain the following information:*

- (a) The existing topographic character of the land.*
- (b) Existing and proposed land uses and the approximate location of buildings and other structures on the project site and adjoining lands.*
- (c) The character and approximate density of the proposed subdivision.*
- (d) The approximate location of streets and roads within and adjacent to the subdivision.*
- (e) Public uses including schools, parks, playgrounds, and other public open spaces or facilities.*
- (f) Common open spaces and facilities and a description of the proposed use of these spaces or facilities.*
- (g) Landscaping, irrigation and drainage plans.*

*(2) Written statements which are part of the outline development plan shall contain the following information:*

- (a) An explanation of the character of the subdivision and the manner in which it has been planned and will be designed to be in compliance with the comprehensive plan, zoning and this title.*
- (b) A statement and description of all proposed on-site and off-site improvements proposed.*
- (c) A statement of the proposed financing for completion of the subdivision as proposed.*
- (d) A statement of the present ownership of all the land included within the subdivision.*
- (e) A general schedule of development and improvements.*
- (f) A statement setting forth expected types of housing and other uses to be accommodated, traffic generation, population and sectors thereof to be served, and any other information relative to demands on public services and facilities and public needs.*
- (g) A statement relative to compatibility with adjoining and area land uses, present and future.*

*(3) Planning commission review of an outline development plan is intended only as a review relative to applicable zoning provisions and therefore is intended more as a service to the developer than as a commitment of approval. Pursuant thereto, planning commission approval or general acceptance of an outline development plan for a subdivision shall constitute only a provisional and conceptual approval or acceptance of the proposed subdivision. (Ord. 231 § 1 (Exh. A), 2010; Ord. 19 § 3.030, 2003)*

**FINDING:** The Applicant submitted a tentative plan for the proposed subdivision phase, which is not a provisional or conceptual approval or acceptance of the proposed subdivision. A final plat will still need to be reviewed by the county, but additional review of the tentative plan will not be required, and the criterion related to outline development plans are addressed throughout this report.

***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. (Ord. 231 § 1 (Exh. A), 2010; Ord. 19 § 3.040, 2003)*

**FINDING:** The Applicant has provided tentative plan drawings, a burden of proof statement and incorporates, by reference, the previously approved Development Plan, all in accordance with CCC 17.16.010. The tentative plan submitted complies with the requirements of 17.16.050 through 17.16.080.

***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. (Ord. 19 § 3.050, 2003)*

**FINDING:** The proposed subdivision area is 53.3 acres in size. In accordance with the above criterion, the tentative plan that was submitted included detailed drawings meeting the 1"=100' requirement.

***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:** The Applicant submitted a tentative plan which addressed the criterion in subsection (1) above, addressing the general information required.

*(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 or 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.*

*(g) Contour lines related to some established bench mark 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.*

*(h) Zoning classification of lands within and adjacent to the proposed subdivision.*

*(i) Names and addresses of all adjoining property owners.*

**FINDING:** The above criterion requires the tentative plan to illustrate the existing conditions listed in subsection (a) – (i). Adjacent roads to the proposed phase include SW Paragon Court & SW Spirit Rock Drive, which are identified with their names and widths. The proposed roads within the subdivision have not yet been named, but the location and widths have been identified on the face of the tentative plan. Both subject properties are within Section 26, which is identified on the first page of the tentative plan. No city boundaries, special districts, or existing survey monuments are within the proposed subdivision phase. There are no existing structures, irrigation canals and ditches, pipelines, waterways, or railroads within the proposed subdivision phase, and all topographic features are illustrated by the contours provided on the tentative plan. There are also no watercourses or areas subject to flooding or highwater tables within the proposed phase. No easements exist within or adjacent to the subdivision, and with the proposed phase completely undeveloped there are no existing sewer lines, water mains, culverts, or other underground and overhead utilities. Page 2 of the tentative plan however does identify existing utilities along SW Paragon Court to the west of the proposed phase that will tie into the development.

The pipe size, grades, and locations will match that of the previous phase, and are illustrated on the tentative plan for the proposed phase. Contour lines have been included in the tentative plan at intervals of five feet. The zoning is identified on the first page of the tentative plan and the adjacent landowners are identified as either Brasada, or the Bureau of Land Management (BLM).

*(3) Information Concerning Proposed Subdivision.*

*(a) Location, names, width, typical improvements cross-sections, approximate grades, curve radii and lengths of all proposed streets, and the relationship to all existing and projected streets.*

*(b) Location, width and purpose 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.*

*(f) Proposed use, location, approximate area and dimensions of any lot which is intended for nonresidential use.*

*(g) An outline of the area proposed for partial recording is contemplated or proposed.*

*(h) Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal, and all utilities.*

*(i) Description and location of any proposed community facility.*

*(j) Storm water and other drainage facility plans.*

*(k) Legal access to proposed subdivision.*

**FINDING:** The above criterion requires the tentative plan to illustrate the proposed conditions listed in subsection (a) – (k). Although the streets have not yet been named, the tentative plan illustrated their location, width, improvement cross-sections, approximate grades, curve radii, and lengths. The proposed easements identified on the tentative plan are for public utilities, and a condition of approval has been included requiring these to be dedicated prior to the sale of any lots affected. A benchmark was identified, and the location, approximate area and dimensions of each lot, and proposed lot and block numbers were identified on the tentative plan with no areas for public use or improvements identified. All the proposed lots will be utilized for residential use. The source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal, and all utilities were addressed in the original approval of the destination resort development plan. No new community facilities are proposed through the request, stormwater will be addressed through on-site filtration, and the proposed phase will have access by SW Spirit Rock Drive which was permitted in past phases for the destination resort.

**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:** According to the Applicant, the same CC&Rs that apply to the original residential phases of the Brasada Ranch development will apply to Phase 15. The Applicant notes that the current CC&Rs are subject to refinement and finalization as the resort's development proceeds.

*(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.*

**FINDING:** The water supply for Brasada Ranch was addressed in the approval of the Final Development Plan for the destination resort. Previous applications incorporated the March 2003 Water Supply System Master Plan, prepared by WH Pacific, Inc. (Phase 1 Tentative Plan). The Master Plan described domestic water consumption, fire protection, irrigation requirements, source facility need, storage sizing and design criteria for the water distribution system.

The Final Development Plan application included the Avion Water Company, Inc. agreement and the associated Public Utility Commission approval for the contract with FNF NW BRASADA LLC. Avion Water continues to provide water for fire and domestic uses in all Phases of the Brasada Ranch resort development. In addition, the Oregon Water Resources Department has authorized a water right transfer to permit the use of COID (Central Oregon Irrigation District) agricultural water rights to irrigate the golf course. The Applicant has confirmed that an adequate water supply is available for both domestic and fire uses.

*(3) Statement from each 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:** According to the Applicant, letters from Central Electric Coop and Brasada Ranch Utility LLC demonstrate commitments to provide power, telephone, and cable service. These were included as Exhibit T in the Phase 1 Tentative Plan application. These utilities continue to serve all phases of the development. Since Phase 1, Cascade Natural gas has extended lines to Brasada Ranch and now provides natural gas to the development.

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

**FINDING:** The Water Supply Master Plan and associated Avion Water Company Water Service Agreement describe and assure adequate water for fire protection for the proposed Phase 15 residential development. The subject property is located within the Crook County Rural Fire Protection District and the Fire District will be asked to review design plans for Phase 15.

*(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 attached a current Western Title subdivision guarantee Status of Record Title, dated December 3, 2021.

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

**FINDING:** No variances are requested for the Phase 15 subdivision.

*(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.*

*(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 approved by the irrigation district or other water district holding the water rights, or when there is no such district, by the district watermaster or their representative serving the county area. Every plat and tentative plan shall indicate the water right that is to be transferred to each parcel or lot. (Ord. 231 § 1 (Exh. A), 2010; Ord. 19 § 3.080, 2003)*

**FINDING:** In addition to water provided by Avion Water for fire and domestic water uses, the Central Oregon Irrigation District Board authorized a transfer of irrigation water rights to accommodate the golf course and other common area irrigation uses. This transfer has been approved by the Oregon Water Resources Department. The proposed Phase 15 development does not impact water rights at Brasada Ranch. The Applicant states that the Avion Water Company Inc. contract demonstrates a perpetual supply of domestic water for the project. Avion provides domestic water for fire and domestic water usage. Hydrants are spaced and pressure is available per 2019 Oregon Fire Code requirements. The final plat for Brasada Ranch Phase 15 is required to be reviewed by the Central Oregon Irrigation District. No water rights are anticipated to be affected by the proposed development.

***17.16.090 Approval of tentative subdivision plan.***

*(1) Tentative Plan Review. The planning commission shall, within 60 days from the first regular planning commission meeting following submission of a tentative subdivision plan to the planning commission, review the tentative plan and all reports and recommendations of appropriate officials and agencies. The planning commission may approve, modify, or disapprove the tentative plan for the proposed subdivision, and shall set forth findings for said decision.*

*(2) Tentative Plan Approval. Approval or disapproval of the tentative plan by the planning commission shall be final unless the decision is appealed to the county court. The county court may review the planning commission's decision on its own motion. County court review shall be conducted in accordance with Chapter 17.48 CCC, and failure to do so within the required time limit shall be deemed to indicate acceptance of the planning commission's decision.*

**FINDING:** The tentative plan was submitted on December 14, 2021. No meetings are regularly scheduled for the end of December due to the holidays, making the next regularly scheduled hearing date January 12, 2022. A hearing for the Planning Commission to review the proposal was then scheduled for March 9, 2022, within the 60-day requirement. Following a decision from the Planning Commission, a 12-day appeal period will follow where the decision can be appealed to the County Court. The County Court may also request to review the Planning Commission's decision within the 12-day appeal period, and failure to make that request within that time frame shall indicate acceptance of the Planning Commission Decision.

*(3) Tentative Plan Approval Relative to Final Plat. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such tentative plan shall be binding upon the county for purposes of the preparation of the plat and the county may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for proposed subdivision.*

*(4) Planning Commission Report. The decision of the planning commission shall be set forth in writing in a formal report and, in the case of approval, be noted on three copies of the tentative plan, including references to any attached documents describing conditions. One copy of the planning commission report shall be sent to the subdivider, one copy sent to the county court, and the planning commission shall retain one copy. Such action shall be completed within five working days of the date of planning commission decision.*

**FINDING:** Once the Planning Commission has approved the tentative plan, a final plat will need to be reviewed to ensure it is in conformance with the approved tentative plan. Any changes to the tentative plan that are required by the county shall only be necessary for compliance with the conditions of approval outlined in the tentative plan approval. Once the tentative plan has been approved by the Planning Commission, notice will be sent to all parties and affected agencies or county departments within the 5-day time period described above.

#### **17.16.100 Specific approval requirements.**

*In addition to the requirements set forth by the provisions 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 platted the subdivision bearing that name. All plats must continue the lot and block numbers of the plat of the same name, last filed.*

**FINDING:** The tentative plan meets requirements of 17.16.100. The Applicant states that they have consistently named plats to include “Brasada Ranch” in plat names. The Phase 15 proposal is consistent with previous plat names. Phase 15 has continued numbering the proposed lots in order from Phase 14, with the proposed lots identified as 768-792.

*(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 tentative plan for Brasada Ranch Phase 15 shows all adjacent developments. The extension of SW Spirit Rock Drive from Phase 14, one cul-de-sac, and a new U-shaped street with double access along SW Paragon Ct are the new streets in Phase 15. All roads within the Brasada development are held for private use and are maintained by the Developer or the Homeowner’s Association. The tentative plan complies with CCC 18.116 Destination Resort Overlay Zone.

*(3) No tentative plan for a proposed subdivision or planned unit development located within the urban growth boundary, but outside the city, shall be approved unless the subject proposal has been submitted to the city planning commission for review and until such time that a written review and recommendation therefrom has been received and considered.*

**FINDING:** The subject property is not located within the urban growth boundary and is not subject to City Planning Commission review.

*(4) Approval or denial shall take into consideration the subdivision review committee and city planning commission’s (when applicable) recommendations and the factors listed in CCC 17.12.060. (Ord. 303 § 1 (Exh. C), 2017; Ord. 231 § 1 (Exh. A), 2010; Ord. 19 § 3.100, 2003)*

**FINDING:** The criteria addressed during the subdivision review committee meeting has been included in this report. Findings for those criteria address the discussions that occurred. Since approval or denial of the request includes reviewing those recommendations, the request complies.

#### ***Chapter 17.20 Final Plat***

**FINDING:** The Applicant has experience preparing final plats and has entered into an agreement with DOWL, a Bend engineering/surveying firm to prepare the final plat consistent with the requirements of

17.20.010, any requirements of the Crook County Surveyor, and Oregon Revised Statutes. The final plat for Phase 15 will be submitted for review after approval of the tentative plan, and will be subject to the requirements in Chapter 17.20.

### **Chapter 17.36 Design Standards**

#### **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.*

*(1) Purpose. The purpose of these standards is to ensure that roads be constructed according to minimum standards. The construction of roads to these standards is one requirement for possible acceptance by the county as a "county road" but does not assure acceptance by the county court.*

*(2) Definitions.*

*(a) "Public road" means a road that has been dedicated for public use or has been adjudicated by the circuit court as a public road.*

*(b) "County road" means a road that has been accepted as a "county road" by formal action of the county court. After acceptance, the road will be maintained by the county.*

*(c) "Driveway" is an access road serving only two permanent residences. No construction standard is required; provided, however, approval is required as provided in CCC 17.36.020(1)(d).*

*(3) Compliance Required. 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 roads proposed within Phase 15 will be Public Roads of private access that are privately maintained. These roads must be built to the minimum standards agreed upon in the Master Plan originally approved for the destination resort. Findings addressing this are included below.

#### **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 area, the commission may require an arrangement of lots and roads such as to permit a later resubdivision 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 sufficiency of access and road surface for emergency services purposes.*

*(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 for a subdivision, the commission shall determine whether improvements to existing roads, adjacent to or within the tract, are required and may require such improvements as a condition of approval of the tentative plan.*

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

*(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.*

*(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.*

*(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.*

*(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.*



*(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.*

*(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.*

*(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 radii 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.*

*(11) Marginal Access Streets. Where a land division abuts or contains an existing or proposed collector or arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear of side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

*(12) Alleys. Alleys shall be provided in commercial and industrial districts, unless the planning commission approves other permanent provisions for access to off-street parking and loading facilities. The minimum width of an alley in a residential block when platted shall be 16 feet. Alleys shall be provided in commercial and industrial districts and shall not be less than 20 feet. The corner of all alleys shall be curved with a radius of not less than 10 feet.*

*(13) Access Crossing Public Lands. Where the provisions of public access requires the crossing of public lands, approval shall be obtained of the subdivision from the agency having jurisdiction over said public lands crossed prior to commission approval of the preliminary plat.*

*(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 commission approval of the preliminary plat.*

*(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 the Oregon Department of Transportation Oregon Standard Specifications for Construction.*

*(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 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.*

*(17) Cul-De-Sacs.*

*(a) For subdivisions subject to Chapter 17.28, 18.48 or 18.52 CCC, a cul-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 constraints, existing development patterns, or compliance with other applicable county requirements preclude a street extension.*

*(b) Where the county determines that a cul-de-sac is allowed, all of the following standards shall be met:*

*(i) The cul-de-sac shall not exceed a length of 400 feet, except where the county roadmaster determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.*

*(ii) The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code.*

*(iii) The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway between it and adjacent developable lands. Such accessways shall conform to subsection (13) of this section.*

*(18) For existing parcels lawfully created before land development requirements (prior to December 17, 1973), Crook County will accept applications for site plan approval without proof of legal access and without compliance with otherwise applicable road standards. This exception shall not apply to applications to partition even if the original parcel was created prior to December 17, 1973. Furthermore, this chapter shall not apply to any property however created after December 17, 1973.*

**FINDING:** Brasada Ranch and Crook County agreed to road standards for the development in the original Final Development Plan. Brasada Ranch roads are private and allow for roadway widths of 20 feet and greater and up to 12% grades on hillside conditions. The proposed road sections for Brasada Ranch Phase 15 are consistent with these conditions. Crook County Fire and Rescue has reviewed the proposed extension of SW Spirit Rock Drive and has found that it will be sufficient for emergency service access.

#### **17.36.030 Subdivision ways and public roads**

*(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 Amd. 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 contained 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 grade shall be eight percent.*

*(5) Drainage. Adequate drainage for the main roadbed 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:** Road standards were addressed in the final development plan for the entire destination resort. The standards agreed upon within that decision have been applied to all of the phases for Brasada Ranch.

The following language is from the 2008 final development plan approval and applies to the proposed phase:

“A system of private roadways connecting to the primary and secondary access roads is to provide for vehicular circulation within Phase I and later phases. Some residences are to be directly accessed by roadways, while others are to be accessed by cul-de-sacs.

The existing “underpass” is to be retained for access to facilities to the south of Shumway Road.

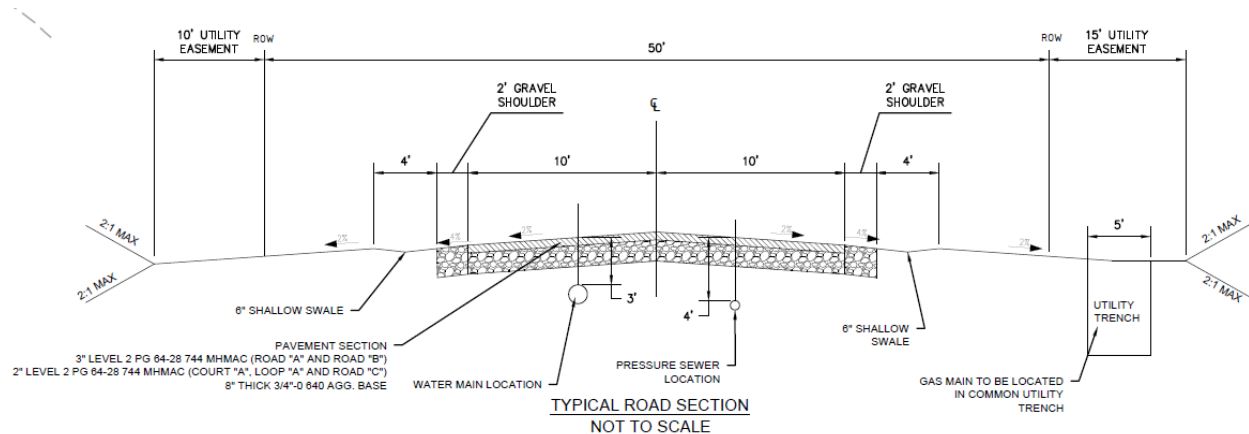
The Applicant proposes that the following standards be followed for private internal roads:

- (1) All roadway designs to be submitted to the Crook County Road Department for review prior to construction.
- (2) Minimum pavement width to be 20 feet, with two foot gravel shoulders, a thickened edge, or a curb on each side.
- (3) Minimum right-of-way width to be 30 feet, or a lesser amount when it is demonstrated that proposed easements and rights-of-way accommodate the proposed roadway and necessary utilities.
- (4) Maximum road grade to be 12%. Road grades to be designed at the flattest reasonable gradient, with 12% sections minimized.
- (5) The structural section for a roadway to be determined a soils investigation and geological recommendations from a professional engineer or geologist.

A system of foot, bicycle, electric cart, and horse trails is proposed to be constructed within Phase I, and connected to those in later phases in the future. The submitted plan shows general locations of trails, but detailed information on trails required by the preliminary conditions of approval has not yet been submitted. The historic irrigation trestle on the property is to be retained in connection with a trail.”

The above requirements have been included as a condition of approval within this report.

The Applicant stated within the application materials that the proposed roads would meet the requirements from the original final development plan approval. Within the tentative plan submitted by the Applicant, the following road section design was illustrated.



Since the proposed road system will be in compliance with the approved requirements for the final development plan by having illustrated compliance within the tentative plan or through conditions of approval, the request complies.

### **17.36.040 Reserve Strips**

*(1) Reserve Strips. Reserve strips or plugs controlling access to roads will not be approved unless deemed necessary by the commission for the protection of public safety and welfare.*

*(2) Alignment. All proposed roads 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.*

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

*(4) Intersection Angles. Roads 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. Sight distance requirements shall be determined by the standards contained in the most recent edition of American Association of Highway and Transportation Officials "Geometric Design of Highways and Streets."*

*(5) Road Names. Except for extensions of existing roads, no road 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 county building department. The developer shall provide all street signs.*

*(6) Marginal Access Streets. Where a land division abuts or contains an existing or proposed collector or arterial road, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access*

*reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

*(7) Alleys. Alleys shall comply with the city of Prineville standards for alleys.*

*(8) Access Crossing Public Lands. Where the provision of public access requires the crossing of public lands, approval shall be obtained by the developer of the subdivision from the agency having jurisdiction over said public lands crossed prior to commission approval of the preliminary plat.*

**FINDING:** No reserve strips have been proposed for Phase 15. All proposed roads ending in a “T” intersection are not within 200’ of other “T” intersections within the proposed phase or other past phases. No dead-end roads have been proposed, all roads will extend to future phases of the destination resort as illustrated on the tentative plan submitted with the application. None of the proposed street intersections will have an acute angle of less than 80 degrees. All road names will need to be approved by the county prior to approval of the final plat, and through that approval compliance with the above criterion will be reviewed. As provided in previous phases, all the signs will be provided by the developer for the private road system. No marginal streets will be required, the proposal contains no alleys within the City of Prineville, and none of the proposed access within Phase 15 will cross public lands.

#### ***17.36.050 Maintenance of roads.***

*When possible, the developer of any road shall provide a method for the future maintenance of the road. Prior to approval of an EFU-2 or EFU-3 Rural Road serving more than one residence, the Applicant or developer shall establish an enforceable road maintenance agreement binding on all participating parcels subject to partition by the applicant or developer and running with the land. Any approval of an EFU-2 or EFU-3 Rural Road shall contain a disclaimer that approval does not represent an opinion or determination by Crook County that any such road will provide a safe or adequate travelling surface for vehicular or other traffic and that any such road is not eligible for county maintenance.*

**FINDING:** As agreed upon within the approval for the overall destination resort, all roads within the Brasada development are held for private use and are maintained by the Developer or the Homeowner’s Association. The standards above related to EFU zoned properties are not applicable due to the destination resort overlay.

#### ***17.40.010 Improvement Procedures***

*In addition to other land use and permitting requirements, improvements to be installed by an owner and/or developer, either as a requirement of this title, a land use permit, or other applicable regulations, shall conform to the requirements of this chapter.*

*(1) Plan Review and Approval. Improvement work shall not be commenced until plans therefor have been reviewed and approved by Crook County (hereinafter “County”) or a designated representative thereof. Such review and approval shall be at the expense of the owner/developer. To the extent necessary for evaluation of a proposed development, such improvement plans shall be required before approval of the tentative plan of a subdivision or the preliminary development plan of a planned unit development.*

*(2) Notification. Improvement work shall not commence until after the county is notified and approval thereof has been granted, and if work is discontinued for any reason (for a continuous period of more than 14 days) work shall not be resumed until after the county is notified and approval thereof is granted. The cost of such inspections and approvals shall be borne by the owner/developer.*

*(3) Improvements as Platted. Improvements shall be designed, installed and constructed as platted and approved, and plans thereof shall be filed with the final plat at the time of recordation.*

*(4) Inspection. Improvements shall be constructed under the inspection and approval of a registered professional engineer (hereinafter "PE") licensed to practice in Oregon. Expenses incurred thereof shall be borne by the developer. The county, through said PE, may require changes in typical sections and details of improvements if unusual conditions arise during construction to warrant such changes in the public interest.*

*(a) The county shall accept inspections of a PE to certify the proper completion of designated improvements. Expenses incurred for such inspections shall be borne solely by the owner/developer.*

*(b) All certifications performed pursuant to subsection (4)(a) of this section shall include the unambiguous statement that the improvements have been properly completed and include the stamp and signature of the PE.*

*(c) At the request of the owner/developer, the county may (but shall not be obligated to) engage a PE to certify the proper completion of designated improvements, and the costs for such inspections shall be borne by the owner/developer.*

*(d) Nothing herein shall preclude the county from engaging its own inspectors to review the certification provided by the owner/developer's PE, and the costs for such review shall be borne by the owner/developer.*

*(5) Utilities. Underground utilities including but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers, and storm water drains to be installed in streets shall be constructed by the owner/developer prior to the surfacing of the streets.*

*(6) As-Built Plans. A map showing public improvements as built shall be filed with the county upon completion of the improvements, and a copy thereof shall be recorded with the final plat.*

**FINDING:** The Applicant states that the proposed roads and utilities will be bonded for and constructed in the spring/summer of 2022. Construction plans are typically reviewed and approved by utility providers, Crook County Fire and Rescue, and the Crook County Road Department (although it is noted that the roads in Brasada Ranch are private and are not subject to County jurisdiction). The Applicant has also proposed bonding the remaining 19 overnight lodging units.

Since an improvement agreement is being applied for, the following conditions of approval are included in accordance with the above criterion, and shall be required prior to submittal of the final plat for review by the county:

- i. The Applicant's engineer or contractor will prepare an estimate of the cost to complete all proposed improvements that will be bonded.
- ii. Construction of the proposed improvements shall not commence until after the county is notified and approval of the bond thereof has been granted. If work is discontinued for any reason (for a continuous period of more than 14 days) work shall not be resumed until after the county is notified and approval thereof is granted.

The following conditions are not required prior to submission of the final plat, and apply generally to the proposed improvements being bonded:

- iii. The proposed road and utility improvements shall be designed and constructed in substantial conformance with what is approved in the tentative plan.
- iv. The inspection of improvements shall be completed under the inspection and approval of a registered professional engineer licensed to practice in Oregon. Said professional may be chosen by the developer. The cost of inspections and reviews by the professional engineer shall be borne by the developer. All reviews and approvals provided by the professional engineer to the county for review shall include an unambiguous statement that the improvements have been properly completed and shall include a stamp and signature from the professional engineer.
- v. All utilities that have been proposed to be constructed under the streets in the proposed phase shall be constructed prior to the streets being surfaced.
- vi. Upon completion of the street and utility improvements, a map of the as built plans will be filed with the Crook County Planning Department.
- vii. The proposed overnight lodging units to be bonded will require development review by the Crook County Community Development Department, to ensure compliance with the applicable Planning, Building, and Onsite sewage disposal requirements. Only the initial development plans for the overnight lodging units will need to be reviewed and approved by the professional engineer chosen by the developer, all final reviews for the structures will be reviewed by the applicable county departments.

**17.40.030 Improvements in subdivisions.**

*The following improvements as required shall be installed at the expense of the subdivider:*

*(1) Streets. Streets, including alleys and curbs, within the subdivision, adjacent thereto, and those outside the subdivision required to be improved as a condition of subdivision approval, shall be improved to specifications set forth by this title and other applicable regulations. Catch basins shall be installed and connected to drainage facilities in accordance with specifications in this and other applicable regulations, and in accordance with additional specifications imposed by the county to meet specific conditions. Upon completion of street improvements, monuments shall be reestablished in accordance with this title and Oregon Statutes at every street intersection and all points of curvature and points of tangency at their center lines.*

**FINDING:** As addressed earlier in this report, the proposed streets will meet the specifications of this title, with road standards having been agreed upon in the original development plan approval for the



destination resort. Catch basins have been provided in the tentative plan, and to ensure compliance a condition of approval has been included requiring that once the street improvements are completed, monuments shall be reestablished in accordance with this title and Oregon Statutes at every street intersection and all points of curvature and points of tangency at their center lines. Proof of this shall be recorded in an Affidavit of Post Monumentation with the Crook County Clerk and provided to the Planning Department prior to any building permits being issued for any of the proposed lots.

*(2) Surface Drainage and Storm Sewer System. Drainage facilities as required within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area and shall provide proof of compliance with stormwater drainage requirements as may be imposed by the State of Oregon Department of Environmental Quality or the county roadmaster.*

**FINDING:** The tentative plan submitted briefly illustrates surface drainage and stormwater drainage throughout the proposed phase. Further evidence will need to be provided to comply with the above criterion. A condition of approval has been included stating that prior to the final plat being submitted for review, a drainage plan shall be submitted to the county which considers the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve the proposed phase and shall provide proof of compliance with stormwater drainage requirements as may be imposed by the State of Oregon Department of Environmental Quality. The drainage plan shall also be stamped and signed by a licensed professional engineer in the State of Oregon.

*(3) Sanitary Sewers. Sanitary sewers as required shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.*

*(4) Water System. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to the serving system shall be installed to specifications and the serving water system purveyor. The design shall take into account provisions for extension beyond the subdivision.*

**FINDING:** The tentative plan submitted with the application includes sewer lines that serve the proposed phase and connect to the existing system for the destination resort. Water lines are also provided on the tentative plan, serving the proposed area, extending from previous phases, and terminating in locations where proposed future phases may occur. As identified in the subdivision review committee meeting, Crook County Fire & Rescue provided comment that hydrants are an outright requirement, and that by requiring the homes to be equipped with home fire sprinklers, Brasada Ranch does not need to meet the secondary egress requirement in the fire code.

*(5) Sidewalks. Sidewalks may be required to be installed on at least one side of a public street and in any special pedestrian way within the subdivision; except that in the case of primary or secondary arterials, or special type industrial districts, the planning commission may approve a subdivision without sidewalks, if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings per gross acre, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets involved.*

**FINDING:** As part of the original development plan, the destination resort was approved for a trail system throughout the entire development. The initial conceptual plans have been formalized through each subsequent subdivision phase, and a proposed trail map was submitted with the phase 15 application. The trail map depicts proposed trails for phase 15, proposed trails for future phases, existing trails that will be removed, and existing trails that will remain. These alternative pedestrian routes are proposed instead of sidewalks throughout the proposed phase, which is in accordance with the above criterion.

*(6) Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the planning commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.*

**FINDING:** No bicycle routes are identified within the proposed phase. The criterion does not apply.

*(7) Street Name Signs. Street name signs shall be installed at all street intersections. One street sign shall be provided at the intersection of each street. Two street signs shall be provided at four-way intersections.*

**FINDING:** Street signs must be provided in accordance with the above criterion. There are multiple intersections identified on the tentative plat within the proposed phase 15, including a four-way intersection. A condition of approval is included requiring the developer to install street name signs at each intersection, with one sign at the intersection of each street, and two signs provided at the four-way intersection.

*(8) Streetlights. Streetlights shall be installed and shall be served from an underground source of supply as feasible.*

**FINDING:** Streetlights were not illustrated on the tentative plan, but underground power is illustrated within the proposed utility easements. To ensure compliance, a condition of approval is included stating that if streetlights are provided, they shall be installed and served from an underground power source where feasible.

*(9) Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires including but not limited to communication, street lighting and cable television, shall be placed underground as feasible.*

**FINDING:** The proposal illustrated on the tentative plan utility easements to serve the proposed phase. The initial development plan for the destination resort provided letters from Central Electric Coop and Brasada Ranch Utility LLC demonstrating commitments for power, telephone, and cable service. To ensure compliance, a condition of approval is included stating that all utilities shall be located underground where feasible.

#### ***17.40.050 Approval of improvements.***

*Prior to acceptance by the county, an inspector selected as described by CCC 17.40.010(4) will approve the proper completion of all required improvements. The developer shall pay for all costs of inspection.*

**FINDING:** The Applicant has proposed road and utility improvements throughout the proposed subdivision phase and will be bonding for the 19 remaining overnight lodging units. As provided in CCC 17.40.010(4) of this report, a condition has been included regarding improvement inspections which will address the requirements of this criterion.

***17.40.060 Acceptance of improvements.***

*Improvements shall receive preliminary acceptance after inspection at the time the improvements are constructed. The county shall consider final acceptance within one year after construction is complete.*

**FINDING:** The above criterion requires preliminary and final approval of the bonded improvements. The proposed overnight lodging units will be continually reviewed by a licensed engineer and the Community Development Department. The development process requires multiple preliminary reviews and approvals, and continual inspections from Building Codes. Once completed, Building Codes will review the development for final occupancy. The following condition for roads and utilities is included to ensure compliance. Upon the initial completion of any road and utility improvements, prior to applying asphalt, the development shall be reviewed and approved by the licensed professional engineer the applicant hires, as well as the Crook County Road Master. During construction, the Road Master will be given the opportunity to inspect road improvements during the initial stages of base rock and asphalt placement. Once the road and utility components have been completed, and paved, the licensed professional engineer and Road Master shall provide final approval.

***17.40.070 Building permits.***

*No building permit shall be issued upon lots to receive and be served by sanitary sewer and water service as improvements required pursuant to this title unless such improvements are in place and serviceable or bonded as provided in Article II of this chapter. All improvements required pursuant to this title and other applicable regulations shall be completed, in service and approved by the county prior to the sale and occupancy of any building unit erected upon a lot within the subdivision, partition, or planned unit development. Prior to sale and occupancy, and as a condition of acceptance of improvements, the county may require a one-year maintenance surety bond in an amount not to exceed 10 percent of the value of all improvements to guarantee maintenance of said improvements for a period of not less than one year from the date of acceptance.*

**FINDING:** The proposed phase will be served by a community water and sewer system. As proposed in the application, the improvements will be bonded, constructed, and in service prior to the development of any of the subdivision lots. To ensure compliance, a condition of approval has been included stating all road and utility improvements required pursuant to this title and other applicable regulations shall be completed, in service and approved by the county prior to the sale and occupancy of any building unit erected upon a lot within the subdivision.

***17.40.080 Agreement for improvements.***

*Prior to final approval of a subdivision plat or partition map by the county, or when otherwise required by county code, the subdivider or person otherwise required shall either install required improvements and repair existing streets and other facilities damaged in the*

*development of the property or execute and file with the county an agreement between himself/herself and the county specifying the period in which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the county may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the subdivider or person otherwise subject to this section. The agreement shall also provide for reimbursement of the county for the cost of inspection by the county.*

**FINDING:** The improvements occurring within the proposed subdivision phase consist of road and utility construction. The Applicant intends to file and record a final plat for phase 15 prior to completion of the infrastructure improvements. The Applicant intends to enter into an Improvement Agreement with the County, providing a good and sufficient form of security consistent with the Crook County Code for the completion of the infrastructure improvements. The road and utility improvements are anticipated to be constructed in the spring/summer of 2022.

The Applicant is also requesting that the county accept a bond in accordance with section 18.116.040, for 19 Overnight Lodging Units. The units are proposed to be built within four years, with 16 of those units already having been approved for development permits through the county, and three remaining.

The requested bond will be subject to the criterion in 17.40.090 below, and the request is further addressed in those findings.

**17.40.090 Bond.**

*(1) Type of Security. The subdivider or person otherwise subject to this section shall file with the agreement, in form acceptable to county counsel, to assure the full and faithful performance thereof, one of the following:*

*(a) A surety bond executed by a surety company authorized to transact business in the state of Oregon;*

*(b) An irrevocable bank letter of credit issued by a federally licensed financial institution;  
or*

*(c) Cash.*

*(2) Amount Required. Such security of full and faithful performance shall be for a sum approved by the county as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of county inspection. In addition, the security will include an amount equal to 20 percent of all other costs to serve as contingency.*

*(3) Default Status. If the subdivider or person otherwise subject to this section fails to carry out provisions of the agreement and the county has unreimbursed costs or expenses resulting from such failure, the county shall call on the collateral for reimbursement. If the realized amount of the collateral exceeds costs and expenses incurred by the county, it shall release the remainder. If the realized amount of the collateral is less than the cost and expense incurred by the county, the subdivider or person otherwise subject to this section shall be liable to the county for the difference.*

**FINDING:** The Applicant has proposed that a bond be approved for the required road and utility improvements, and the remaining 19 overnight lodging units that are required to be in compliance with the destination resort ratio criteria. To ensure the request is in compliance, a condition of approval has been included stating that prior to the final plat being submitted for review, a bond in conformance with CCC 17.40.090 shall be submitted to county counsel for review and approval.

### ***Chapter 17.60 Fees***

**FINDING:** The Applicant submitted the required fees for the tentative subdivision phase review when the application was submitted. All other fees related to final plat review and filing the final plat will be required upon submission of the reviews.

### ***Title 18 Zoning***

#### ***Chapter 18.116 – Destination Resort Overlay***

##### ***18.116.040 – Standards***

**FINDING:** The original approval of the tentative plan and final development plan for the Brasada Ranch destination resort addressed all the standards in 18.116.040 (see C-CU-DES-001-03). Many of the standards in 18.116.040 apply to the overall development, and standards that apply directly to the proposed Phase 15 are discussed below as well.

*(1) Development shall be located on a tract that contains at least 160 acres.*

*(2) Development shall not be located on high value farmland.*

**FINDING:** The entire acreage of Brasada Ranch is approximately 1,800 acres. No resort development will be located on high value farmland.

*(3) Developments shall include meeting rooms, restaurants with seating for at least 100 persons, and a minimum of 150 separate rentable units for overnight lodging, oriented toward the needs of visitors rather than area residents. However, the rentable units may be phased in as follows:*

*(a) A total of 150 units of overnight lodging shall be provided as follows:*

*(i) At least 75 units of overnight lodging, not including any individually owned homes, lots or units, shall be constructed or guaranteed prior to the closure of sale of individual lots or units through an agreement and security provided to the county in accordance with CCC 17.40.080 and 17.40.090.*

*(ii) The remainder shall be provided as individually owned lots or units subject to deed restrictions that limit their use to overnight lodging units. The deed restrictions may be rescinded when the resort has constructed 150 units of permanent overnight lodging as required by this subsection.*

**FINDING:** According to the Applicant, there are a total of 243 overnight lodging units in Brasada Ranch, meeting the above requirement for total overnight lodging units.

*(b) The number of units approved for residential sale shall not be more than two units for each unit of permanent overnight lodging provided under subsection (3)(a)(i) of this section; provided, however, after an applicant has constructed its first 150 permanent overnight lodging units, the county may approve a final development plan modification to increase the ratio of units approved for residential sale to units of permanent overnight lodging from two to one to two and one-half to one.*

**FINDING:** Since the original approval of the development plan, the Crook County Code and Comprehensive Plan were amended to allow an increase in the maximum ratio of permanent housing to overnight lodging units within destination resorts from 2:1 to 2.5:1 (AM-11-0028). The 2011 action included a Master Plan amendment (C-CU-DES-001-03) to implement the changed ratio for Brasada Ranch.

The Applicant states that Brasada Ranch currently has 243 overnight lodging units. The 2.5:1 ratio would allow 607.5 units, rounded to the nearest whole number as 608. The following table represents the information provided by the Applicant for the location and number of residential lots within the different subdivision phases (not reflecting replat consolidations):

<i><b>Phase</b></i>	<i><b>Number of Residential Lots</b></i>
1	201
3	92
4	127
6	33
8	16
9	26
10	22
11	31
13	27
14	51
Total	626

Although the total above reflects 626 residential units, through subsequent replats 42 of those lots have been consolidated into 21 lots, totaling 605 residential lots. Phase 15 proposes 50 additional lots which will bring the total number of residential units to 655, 48 more than the ratio currently allots. 48 more residential lots would require 19 additional overnight lodging units. The Applicant has proposed in accordance with CCC 18.116.040(3)(d), that the remaining required overnight lodging units be bonded for to ensure completion and compliance with the ratio. The Applicant states that 16 of these units have been permitted by the county and are projected to be completed within two years. The remaining three units will be permitted and completed within 4 years. The approval of the bond will ensure the criterion is met. The totals listed above were listed in the burden of proof provided by the Applicant but have not been illustrated to demonstrate compliance. To ensure compliance, a condition of approval is included stating that prior to submittal of the final plat for review, the Applicant shall provide a map to the planning department illustrating and depicting the number of residential lots and overnight lodging units within the destination resort. The map shall also include and depict the lots that have been recently replated and combined by the developer and private landowners. Providing this map will provide further evidence towards compliance with the required ratio.

*(c) The development approval shall provide for the construction of other required overnight lodging units within five years of the initial lot sales.*

**FINDING:** The Applicant has proposed bonding the remaining 19 overnight lodging units to comply with the ratio. The Applicant stated in the burden of proof that 16 of the overnight lodging units have been permitted and will be completed in two years, and the remaining three will be permitted and completed within four years. The criterion is met.

*(d) In a phased development, after completing construction of the initial 150 units of overnight lodging units described in subsection (a) of this section, in lieu of fully constructing required overnight lodging units, an Applicant may request at the time it submits a tentative plan application to guaranty construction of any overnight lodging units required per subsection (b) of this section if the following requirements are met:*

*(i) The applicant shall provide an agreement and security in amount equal to or greater than 130% of the anticipated costs to construct the overnight lodging units to the county in accordance with CCC17.40.080 and 17.40.090;*

*(ii) Such agreement and security shall have a maximum term of four (4) years and must require construction of the required overnight lodging units to be complete (as evidenced by a certificate of occupancy issued by the Crook County Building Department) prior to the expiration of such term; and*

*(iii) The applicant must demonstrate to the hearing authority's satisfaction that the need to provide a guaranty is the result of factors outside the applicant's control (e.g., a lack of necessary construction materials or shortage of necessary labor to complete construction). Routine development costs changes, labor disputes, competition from other entities, or events that are the inherent risks of business do not qualify.*

**FINDING:** The Applicant has proposed bonding for the remaining 19 overnight lodging units as part of their application. As conditioned in this report, the Applicant's engineer or contractor shall prepare an estimate of the cost to complete all proposed improvements that will be bonded. 16 of the units have been permitted and according to the Applicant will be completed in two years. The Applicant states that the remaining three will be permitted and constructed within four years meeting the above criterion. To ensure compliance, a condition of approval is included stating that the Applicant will need to submit to county counsel for review an agreement and security in an amount equal to or greater than 130% of the anticipated costs to construct the overnight lodging units in accordance with CCC17.40.080 and 17.40.090. The Applicant shall also demonstrate that the need for the guaranty is the result of factors outside the Applicant's control (e.g., a lack of necessary construction materials or shortage of necessary labor to complete construction). Routine development costs changes, labor disputes, competition from other entities, or events that are the inherent risks of business do not qualify.

*(4) Prior to closure of sale of individual lots or units, all required developed recreational facilities, key facilities intended to serve the entire development, and visitor-oriented accommodations shall be either fully constructed or guaranteed by providing an agreement and security in accordance with CCC 17.40.080 and 17.40.090. In phased developments, developed recreational facilities, key facilities intended to serve a particular phase, and required visitor-oriented accommodations shall be either fully constructed prior to sales in that phase or guaranteed by providing an agreement and security in accordance with CCC 17.40.080, 17.40.090, and, if applicable, 18.116.040(3)(d). Nothing in this subsection shall be interpreted to require the construction of all approved phases of a destination*

*resort; provided, that the destination resort as developed complies with the minimum development requirements of subsections (3), (5), and (7) of this section.*

**FINDING:** All required recreational facilities, key facilities intended to serve the entire development, and visitor-oriented accommodations have been fully constructed. The criterion is met.

*(5) At least \$7,000,000 shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities, and roads. Not less than one-third of this amount shall be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index.*

**FINDING:** The obligation to construct all developed recreational facilities has been met. The resort developers have completed an 18-hole golf course, which meets the requirement for recreational facility investment. The Sports Center, equestrian facilities and general recreational facilities have been constructed. Visitor facilities including restaurants and meeting rooms have been completed. The resort has met required improvements.

*(6) Commercial uses are limited to those listed in CCC 18.116.070(8). Such uses must be internal to the resort, and are limited to the types and levels of use necessary to meet the needs of visitors to the resort. Industrial uses of any kind are not permitted.*

**FINDING:** There are no new proposed commercial uses requested for Phase 15.

*(7) At least 50 percent of the site shall be dedicated to permanent open space, excluding yards, streets and passing areas.*

**FINDING:** The Applicant acknowledges the obligation to assure 50% open space for the overall Brasada Ranch destination resort. Table 1 was provided by the Applicant and summarizes the platted lands within Brasada Ranch, identifying the acreage designated as open space.

**Table 1**

Phase	Plat Area	Designated Open Space	Notes
Phase 1	255.4 acres	93.2 acres	Golf lot 1; lots A-G
Phase 2	51.9 acres	19.1 acres*	Golf Lot 1, tract Z
Phase 3	165 acres	95.4 acres	Golf lot 1, lots A-C
Phase 4	201.9 acres	100.1 acres	Lots A-D
Phase 5	13.7 acres	See below**	
Phase 6	44.0 acres	13.6 acres	Lot K
Phase 7	6.0 acres	See below***	
Phase 8	29.3 acres	13.5 acres	Lots M and N
Phase 9	32.3 acres	8.4 acres	Lots Q-S
Phase 10	62.8 acres	44.4 acres	Lot T
Phase 11	34.9 acres	0.0 acres	
Phase 12	78.0 acres	74.3 acres	Golf Lot 12-1; Lots U and V
Phase 13	22.7 acres	0.9 acres	Lot W
Phase 14	57.1 acres	23.0 acres	Lots x-z



<b>Total Currently Platted</b>	1,055 acres	471.6 acres	44.7% open space
--------------------------------	-------------	-------------	------------------

\*Lots A and B include open space as trails, native vegetation and lawn areas that are not included in this calculation

\*\* Lots H and J include open space as trails, native vegetation and lawn areas that are not included in this calculation

\*\*\* Lot L includes open space as trails, native vegetation, and lawn areas, not included in this calculation.

The Applicant states that the total open space calculation is progressing per the master plan and the requirement for 50% open space will not be compromised. The lots within the proposed tentative plan for Phase 15 were anticipated at the time of the master plan. The code requires the 50% open space requirement to be met at the time of completion for all subdivision phases. The Applicant submitted an open space map as part of their application materials. This map demonstrates that once all phases have been completed, 57.9% of the resort area will remain as dedicated open space.

*(8) If the site includes a resource site designated on the county's Goal 5 inventories as significant, the resource site shall be protected in accordance with the adopted Goal 5 management plan for the site. Sites designated for protection pursuant to Goal 5 shall also be preserved by design techniques, open space designation, or a conservation easement sufficient to protect the resource values of the resource site. Any conservation easement created pursuant to this subsection shall be recorded with the property records of the tract on which the destination resort is sited prior to development of the phase of which the resource site is a part.*

*(9) Riparian vegetation within 100 feet of natural lakes, rivers, streams and designated significant wetlands shall be retained as set forth in CCC 18.124.090.*

**FINDING:** (Goal 5 resources) and (9) (riparian areas) are not affected by the proposed Phase 15 development.

*(10) The dimensional standards otherwise applicable to lots and structures in underlying zones pursuant to Chapters 18.16 through 18.112 and 18.120 through 18.140 CCC shall not apply within destination resorts. The planning commission shall establish appropriate dimensional standards during final development plan review.*

*(11) Except where more restrictive minimum setbacks are called for, the minimum setback from exterior property lines, excluding public or private roadways through the resort, for all development (including structures and site-obscuring fences of over three feet in height but excepting existing buildings and uses) shall be as follows:*

*(a) Two hundred fifty feet for commercial development listed in CCC 18.116.070, including all associated parking areas;*

*(b) One hundred feet for visitor-oriented accommodations other than single-family residences, including all associated parking areas;*

*(c) Twenty-five feet for above-grade development other than that listed in subsections (11)(a) and (b) of this section;*

*(d) Twenty-five feet for internal roads;*

*(e) Twenty-five feet for golf courses and playing fields;*

*(f) Twenty-five feet for jogging trails, nature trails and bike paths where they abut private developed lots, and no setback where they abut public roads and public lands;*

*(g) The setbacks of this section shall not apply to entry roadways, landscaping, utilities, and signs.*

**FINDING:** According to the Applicant, the minimum setbacks for structures and internal roads will be met. Lots are set back a minimum of fifty (50) feet from the exterior property boundary. This exceeds the requirement for a setback of twenty-five (25) feet for above grade residential development.

*(12) Alterations and nonresidential uses within the 100-year flood plain and alterations and all uses on slopes exceeding 25 percent are allowed only if the Applicant submits and the planning commission approves a geotechnical report that demonstrates adequate soil stability and implements mitigation measures designed to mitigate adverse environmental effects. Such alterations and uses include, but are not limited to:*

*(a) Minor drainage improvements which do not significantly impact important natural features of the site;*

*(b) Roads, bridges, and utilities where there are no feasible alternative locations on the site; and*

*(c) Outdoor recreational facilities, including golf courses, bike paths, trails, boardwalks, picnic tables, temporary open sided shelters, boating facilities, ski lifts, and runs.*

**FINDING:** There are no mapped flood hazard areas in Phase 15. As illustrated in the tentative plan, the proposed trails for phase 15 will not be located on slopes in excess of 25 percent. Based on those facts, a geotechnical report shall not be required. According to the Applicant, site drainage design has been analyzed and reviewed as part of preliminary plans and a detailed design will be provided with final construction drawings. Site drainage generally includes preservation of natural drainage ways, minimal concentration of stormwater, and stormwater disposal through surface infiltration whenever possible. The Applicants states that they believe these design recommendations are appropriate for the proposed development. The layout of the proposed housing lots has been designed to accommodate natural drainage ways.

**18.116.060 Permitted uses.**

*(3) Residential Accommodations.*

*(a) Single-family dwellings;*

**FINDING:** The use of Phase 15 for single family residential dwellings is allowed by CCC 18.116.060(3).

**IV. DECISION**

Approved, subject to the conditions below.

## **V. CONDITIONS OF APPROVAL**

1. Within two years after the date of final approval of the tentative plan, a final plat shall be submitted in substantial conformance with the approved tentative plan.
2. All utility easements shall be dedicated prior to the sale of any lots.
3. Prior to the final plat being submitted for review, Crook County Fire & Rescue shall review and approve the tentative plan. Proof of approval shall be provided to the Planning Department.
4. Original development plan road conditions:
  - a. The existing “underpass” is to be retained for access to facilities to the south of Shumway Road.
  - b. All roadway designs to be submitted to the Crook County Road Department for review prior to construction.
  - c. Minimum pavement width to be 20 feet, with two foot gravel shoulders, a thickened edge, or a curb on each side.
  - d. Minimum right-of-way width to be 30 feet, or a lesser amount when it is demonstrated that proposed easements and rights-of-way accommodate the proposed roadway and necessary utilities.
  - e. Maximum road grade to be 12%. Road grades to be designed at the flattest reasonable gradient, with 12% sections minimized.
  - f. The structural section for a roadway to be determined a soils investigation and geological recommendations from a professional engineer or geologist.
5. Once the street improvements are completed, monuments shall be reestablished in accordance with this title and Oregon Statutes at every street intersection and all points of curvature and points of tangency at their center lines. Proof of this shall be recorded in an Affidavit of Post Monumentation with the Crook County Clerk and provided to the Planning Department prior to any building permits being issued for any of the proposed lots.
6. Prior to the final plat being submitted for review, a drainage plan shall be submitted to the county which considers the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve the proposed phase and shall provide proof of compliance with stormwater drainage requirements as may be imposed by the State of Oregon Department of Environmental Quality. The drainage plan shall also be stamped and signed by a licensed professional engineer in the State of Oregon.
7. Upon the initial completion of any road and utility improvements, prior to applying asphalt, the development shall be reviewed and approved by the licensed professional engineer the applicant hires, as well as the Crook County Road Master. During construction, the Road Master

will be given the opportunity to inspect road improvements during the initial stages of base rock and asphalt placement. Once the road and utility components have been completed, and paved, the licensed professional engineer and Road Master shall provide final approval.

8. The developer shall install street name signs at each intersection, with one sign at the intersection of each street, and two signs provided at the four-way intersection.
9. If streetlights are provided, they shall be installed and served from an underground power source where feasible.
10. All utilities shall be located underground where feasible.
11. All road and utility improvements required pursuant to this title and other applicable regulations shall be completed, in service and approved by the county prior to the sale and occupancy of any building unit erected upon a lot within the subdivision.
12. All conditions of the Final Development Plan approval (C-CU-DES-001-03) shall continue to be met.
13. The final plat shall be reviewed by Central Oregon Irrigation District.
14. Bonding/Improvement Agreement Conditions
  - a. Prior to submission of the final plat:
    - i. Prior to the final plat being submitted for review, a bond in conformance with CCC 17.40.090 shall be submitted to county counsel for review and approval.
    - ii. the Applicant will need to submit to county counsel for review an agreement and security in an amount equal to or greater than 130% of the anticipated costs to construct the overnight lodging units in accordance with CCC17.40.080 and 17.40.090. The Applicant shall also demonstrate that the need for the guaranty is the result of factors outside the Applicant's control (e.g., a lack of necessary construction materials or shortage of necessary labor to complete construction). Routine development costs changes, labor disputes, competition from other entities, or events that are the inherent risks of business do not qualify.
    - iii. The Applicant's engineer or contractor will prepare an estimate of the cost to complete all proposed improvements that will be bonded.
    - iv. Construction of the proposed improvements shall not commence until after the county is notified and approval of the bond thereof has been granted. If work is discontinued for any reason (for a continuous period of more than 14 days) work shall not be resumed until after the county is notified and approval thereof is granted.
  - b. General conditions:
    - i. The proposed road and utility improvements shall be designed and constructed in substantial conformance with what is approved in the tentative plan.

- ii. The inspection of improvements shall be completed under the inspection and approval of a registered professional engineer licensed to practice in Oregon. Said professional may be chosen by the developer. The cost of inspections and reviews by the professional engineer shall be borne by the developer. All reviews and approvals provided by the professional engineer to the county for review shall include an unambiguous statement that the improvements have been properly completed and shall include a stamp and signature from the professional engineer.
  - iii. All utilities that have been proposed to be constructed under the streets in the proposed phase shall be constructed prior to the streets being surfaced.
  - iv. Upon completion of the street and utility improvements, a map of the as built plans will be filed with the Crook County Planning Department.
  - v. The proposed overnight lodging units to be bonded will require development review by the Crook County Community Development Department, to ensure compliance with the applicable Planning, Building, and Onsite sewage disposal requirements. Only the initial development plans for the overnight lodging units will need to be reviewed and approved by the professional engineer chosen by the developer, all final reviews for the structures will be reviewed by the applicable county departments.
15. Prior to submittal of the final plat for review, the Applicant shall provide a map to the planning department illustrating and depicting the number of residential lots and overnight lodging units within the destination resort. The map shall also include and depict the lots that have been recently replatted and combined by the developer and private landowners.

Respectfully,



Michael Warren, Chair  
Crook County Planning Commission



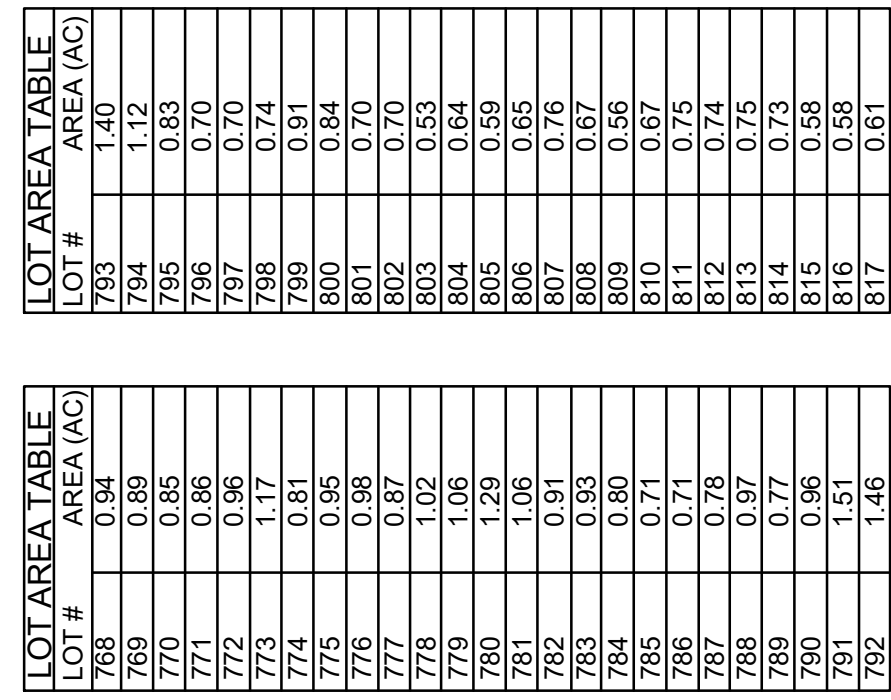
Brent Bybee, Planning Manager  
Crook County Community Development Department

Attachment A – Tentative Plan Maps  
Attachment B – Open Space Exhibit  
Attachment C – Trail Exhibit

# Attachment A

## Tentative Plan Maps



[illegible]

LOT #	AREA (AC)
7933	1.40
7934	1.12
7935	0.83
7936	0.70
7937	0.70
7938	0.74
7939	0.91
8000	0.84
8011	0.70
8022	0.70
8033	0.83
8044	0.64
8055	0.59
8066	0.65
8077	0.76
8088	0.67
8099	0.96
8100	0.67
8111	0.75
8122	0.73
8133	0.75
8144	0.73
8155	0.58
8166	0.58
8177	0.61

PLANNER/ENGINEER:

PROPERTY DATA:

ZONE: DESTINATION RESORT OVERLAY  
EFU 3

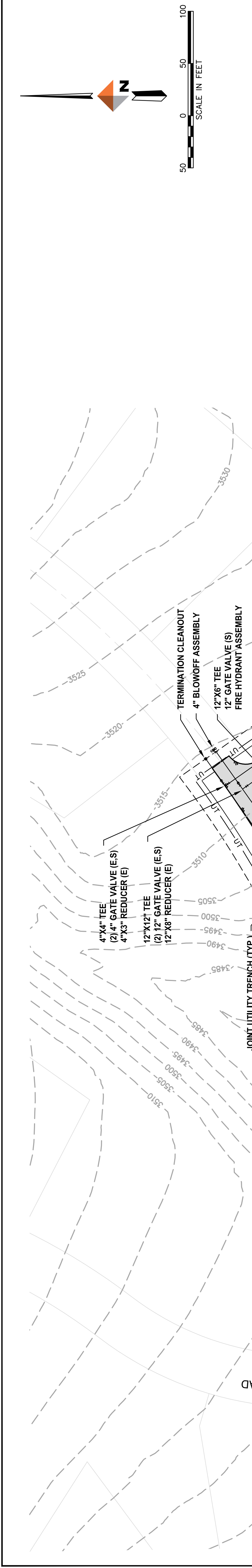
PROPOSED USE:	PROPOSED 50 LOT SUBDIVISION
WATER:	AVION
SEWER:	OREGON WATER UTILITIES
POWER:	CENTRAL ELECTRIC COOP

CONCEPTUAL LOT LINES ARE SHOWN, BUT SUBJECT TO CHANGE WITH TENTATIVE PLAN APPLICATIONS. THE NUMBER OF LOTS IS ALSO SUBJECT TO CHANGE.

THERE ARE NO KNOWN, NATURAL HAZARDS OR LOCALLY OR  
FEDERALLY DESIGNATED HISTORIC AND CULTURAL RESOURCES







## CROOK COUNTY, OREGON

# TP2.0

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C55	148.96	435.00	19.62	S35° 14' 11"W	148.24
C57	98.10	50.00	112.41	N21° 37' 52"E	83.10
C58	76.65	50.00	87.84	S58° 14' 38"E	69.37
C59	87.05	50.00	99.75	S35° 33' 03"W	76.46
C61	144.48	485.00	17.07	S33° 57' 37"W	143.95
C62	119.18	485.00	14.08	S49° 32' 03"W	118.88
C64	108.00	435.00	14.22	S49° 27' 40"W	107.72
C65	20.75	435.00	2.73	S40° 56' 57"W	20.74
C66	105.89	485.00	12.51	S41° 10' 29"E	105.68
C67	467.26	960.00	27.89	N70° 30' 58"E	462.67
C69	88.08	485.00	10.41	N5° 55' 10"E	87.96
C70	29.99	485.00	3.54	N12° 53' 41"E	29.99
C71	131.31	485.00	15.51	N22° 25' 21"E	130.91
C72	2.39	485.00	0.28	N30° 19' 11"E	2.39
C74	134.28	325.00	23.67	N18° 37' 28"E	133.32
C75	237.38	325.00	41.85	N14° 08' 11"W	232.14
C76	237.38	325.00	41.85	N55° 59' 10"W	232.14
C77	237.38	325.00	41.85	S82° 09' 51"W	232.14
C78	237.38	325.00	41.85	S40° 18' 53"W	232.14
C79	74.31	325.00	13.10	S12° 50' 21"W	74.15

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C32	47.67	375.00	7.28	S9° 55' 48"W	47.63
C33	165.41	375.00	25.27	S26° 12' 27"W	164.07
C34	127.17	375.00	19.43	S48° 33' 32"W	126.56
C35	127.17	375.00	19.43	S67° 59' 19"W	126.56
C36	127.17	375.00	19.43	S87° 25' 07"W	126.56
C37	127.17	375.00	19.43	N73° 09' 04"W	126.56
C38	127.17	375.00	19.43	N53° 43' 15"W	126.56
C39	127.17	375.00	19.43	N34° 17' 26"W	126.56
C40	127.17	375.00	19.43	N14° 51' 37"W	126.56
C41	165.40	375.00	25.27	N7° 29' 26"E	164.06
C42	67.64	375.00	10.33	N25° 17' 36"E	67.55
C44	133.36	435.00	17.57	N21° 40' 40"E	132.84
C45	92.46	435.00	12.18	N6° 48' 20"E	92.28
C47	251.85	725.00	19.90	S78° 47' 19"W	250.59
C48	321.44	725.00	25.40	S56° 08' 08"W	318.81
C49	437.34	485.00	51.67	S69° 16' 01"W	422.67
C50	267.17	485.00	31.56	N69° 07' 10"W	263.80
C51	20.67	485.00	2.44	S40° 50' 14"W	20.67
C52	122.87	485.00	14.52	S49° 18' 57"W	122.54
C54	87.51	435.00	11.53	S50° 48' 37"W	87.37

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C8	491.63	910.00	30.95	N68° 58' 58"E	485.67
C10	333.14	435.00	43.88	N65° 51' 35"W	325.06
C11	322.53	435.00	42.48	S79° 57' 33"W	315.20
C12	116.04	435.00	15.28	S51° 04' 34"W	115.69
C13	110.68	775.00	8.18	S47° 31' 32"W	110.59
C14	252.86	775.00	18.69	S60° 57' 50"W	251.74
C15	251.01	775.00	18.56	S79° 35' 22"W	249.91
C16	129.04	435.00	17.00	N7° 46' 55"W	128.57
C17	137.38	485.00	16.23	N7° 23' 54"W	136.92
C18	176.96	775.00	13.08	S60° 53' 38"E	176.58
C19	160.29	775.00	11.85	S68° 25' 37"E	160.00
C20	60.44	775.00	4.47	S60° 16' 05"E	60.42
C22	114.10	435.00	15.03	S65° 32' 55"E	113.78
C23	171.38	435.00	22.57	S84° 21' 00"E	170.28
C25	32.82	485.00	3.88	N86° 18' 06"E	32.81
C26	92.61	435.00	12.20	N89° 32' 15"W	92.44
C28	76.44	485.00	9.03	S88° 52' 43"W	76.36
C29	6.80	485.00	0.80	S3° 47' 44"W	6.80
C30	143.17	485.00	16.91	S12° 39' 14"W	142.65
C31	118.36	435.00	15.59	S14° 05' 01"W	118.00

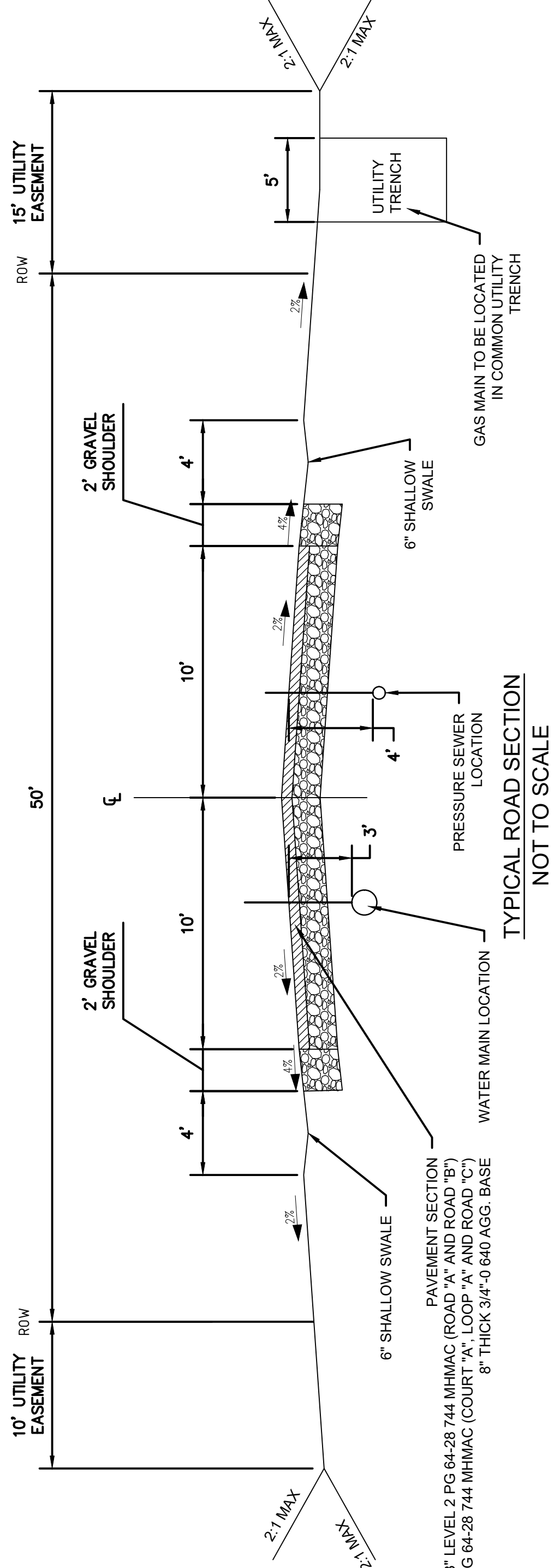
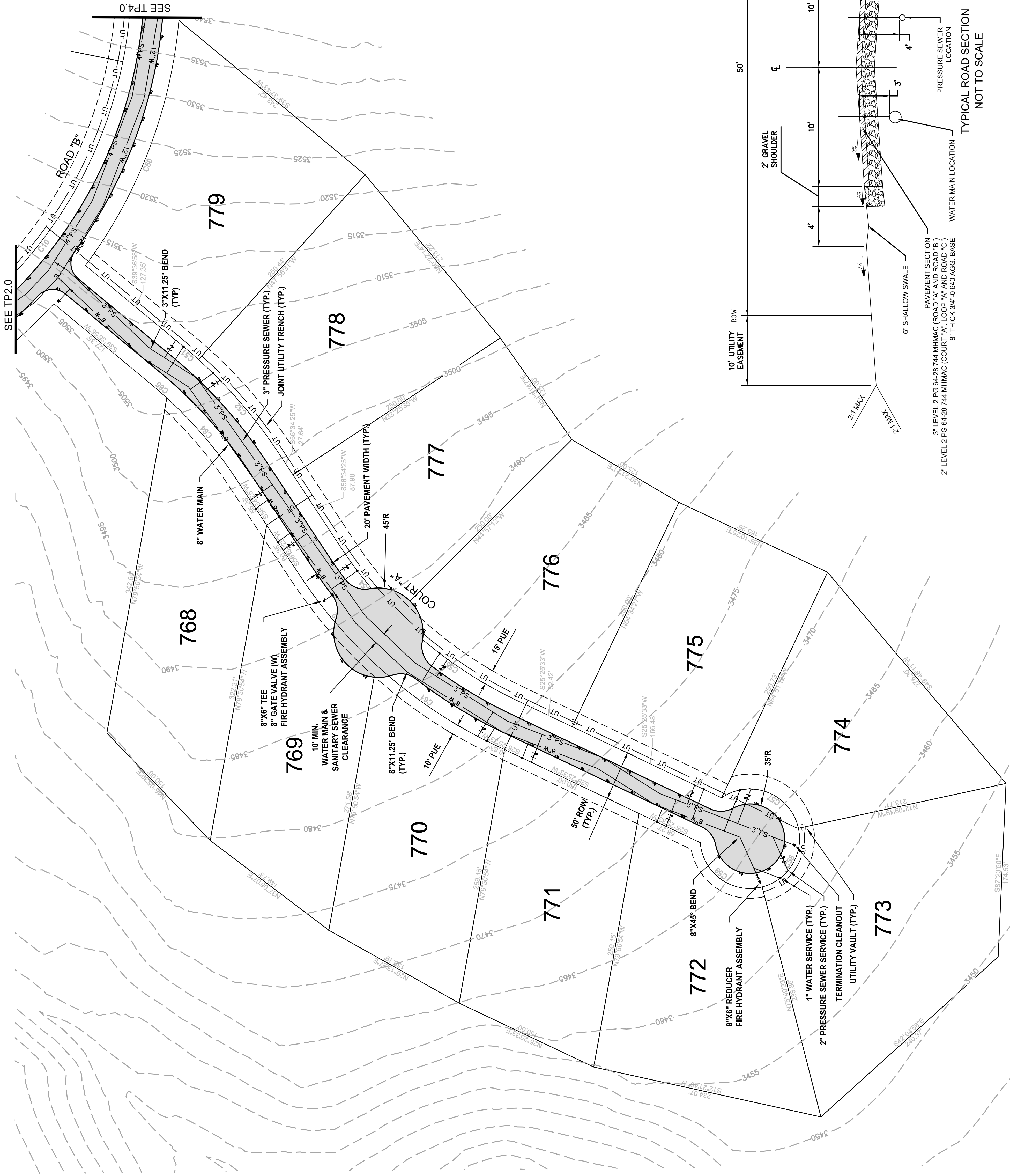
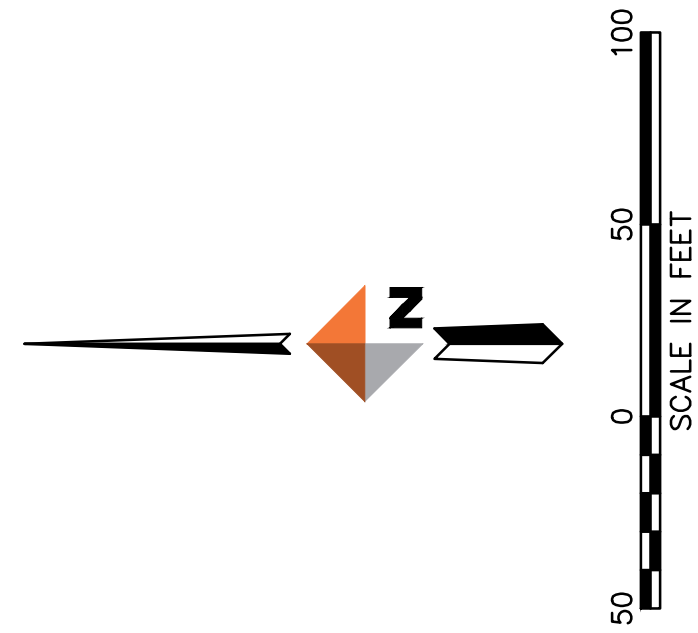


[illegible]

**TENTATIVE PLAN**  
**BRASADA RANCH PHASE 15**

PROJECT	14665.01
DATE	11/05/2021
	© DOWL 2020

TP3.0









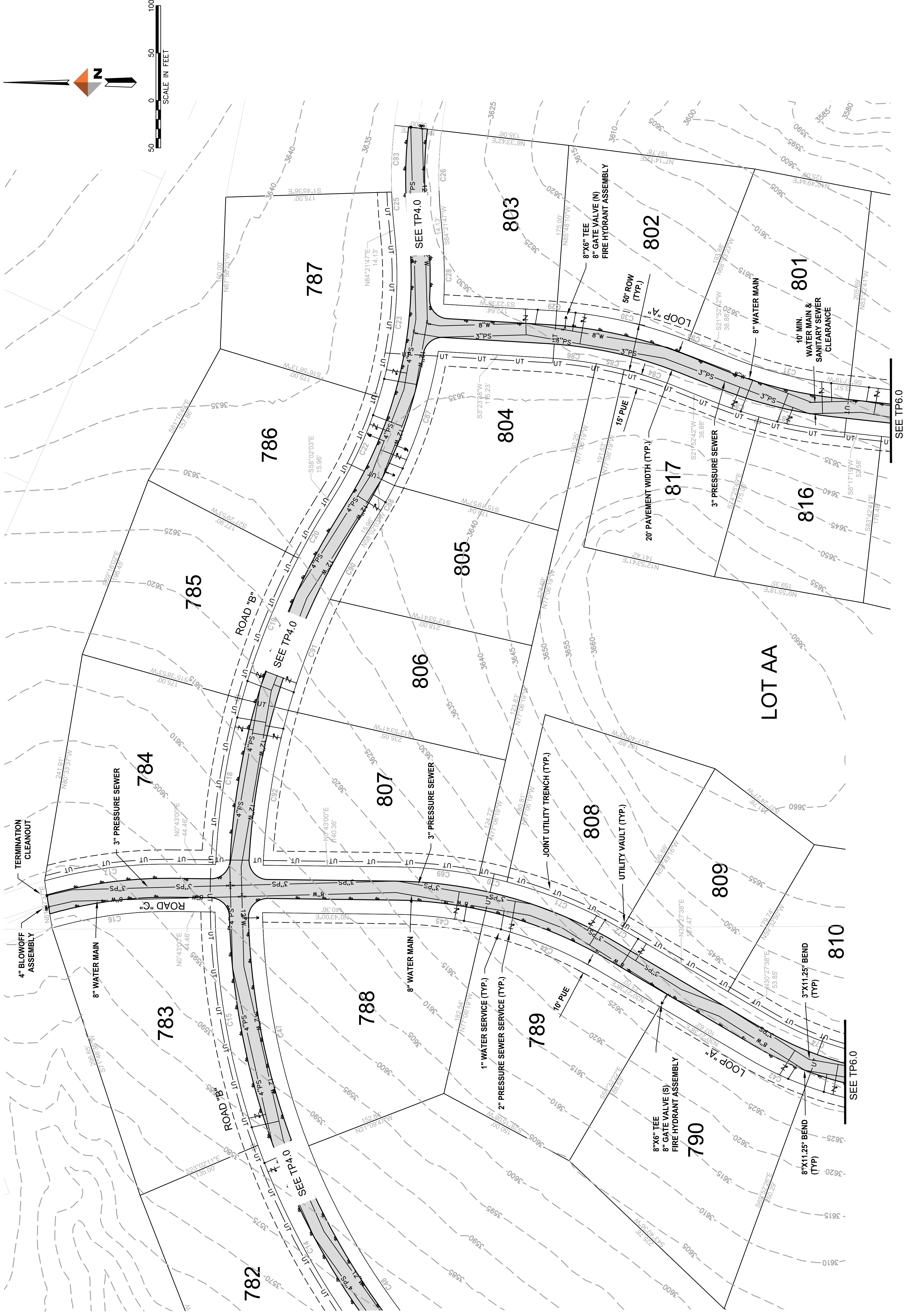
[illegible]

TENTATIVE PLAN  
BRASADA RANCH PHASE 15

CROOK COUNTY, OREGON

PROJECT	14665.01
DATE	11/05/2021
© DOWL 2020	

TP5.0







# Attachment B

## Open Space Exhibit

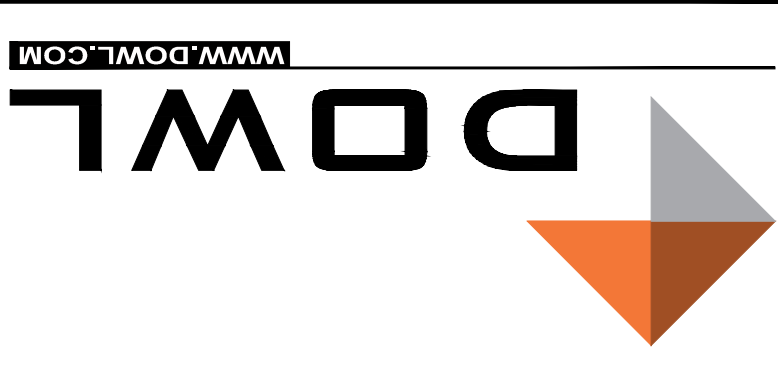


EXHIBIT A



OPEN SPACE SUMMARY			
PLATTED PHASE	PLAT AREA (ACRES)	DESIGNATED OPEN SPACE (ACRES)	NOTES
BRASADA RANCH PHASE 1	255.4	93.2	GOLF LOT 1, LOTS A-G
BRASADA RANCH PHASE 2	51.9	19.1	GOLF LOT 1, LOT Z
BRASADA RANCH PHASE 3	165.0	95.4	GOLF LOT 1, LOTS A-C
BRASADA RANCH PHASE 4	201.9	100.1	LOTS A-D
BRASADA RANCH PHASE 5	13.7	0.0	LOT K
BRASADA RANCH PHASE 6	44.0	13.6	
BRASADA RANCH PHASE 7	6.0	0.0	
BRASADA RANCH PHASE 8	29.3	13.5	LOT M AND N
BRASADA RANCH PHASE 9	32.3	8.4	LOTS P-S
BRASADA RANCH PHASE 10	62.8	44.4	LOT T
BRASADA RANCH PHASE 11	34.9	0.0	EXCLUDES LOTS U, U1, U2, U3 AND 24' MAINTENANCE ROAD
BRASADA RANCH PHASE 12	78.0	60.0	LOT W
BRASADA RANCH PHASE 13	22.7	0.9	LOTS X-Z
BRASADA RANCH PHASE 14	57.1	23.0	
SUBTOTAL CURRENTLY PLATTED	1055.0	471.6	44.7% OPEN SPACE
UNPLATTED/FUTURE			
BRASADA RANCH PHASE 7A	4.9	0.0	
BRASADA RANCH PHASE 15	53.3	3.0	COMMON LOT AA
FUTURE LOTS	65.5	3.8	COMMON LOTS BB AND CC
UNPLATTED LOT 1	55.6	55.6	
UNPLATTED LOT 2	146.5	146.5	
UNPLATTED LOT 3	24.2	24.2	
UNPLATTED LOT 4	326.8	326.8	
UNPLATTED LOT 5	36.6	0.0	EQUESTRIAN CENTER
UNPLATTED LOT 6	12.9	0.0	RANCH HOUSE AND SURROUNDING DEVELOPMENT
SUBTOTAL UNPLATTED/FUTURE	726.3	559.9	77.1% OPEN SPACE
TOTAL	1781.3	1031.5	57.9% Open Space

REVISIONS		DESCRIPTION	BY
REV	DATE		



BRASADA RANCH  
OPEN SPACE EXHIBIT

CROOK COUNTY, OREGON

PROJECT	14665.01
DATE	12/30/2020
© DOWL 2020	
SHEET	



# Attachment C

## Trail Exhibit



# EXHIBIT B



**Disclaimer:** CROOK COUNTY MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER MATTER. THE COUNTY IS NOT RESPONSIBLE FOR POSSIBLE ERRORS, OMISSIONS, MISUSE, OR MISINTERPRETATION. COUNTY DIGITAL INFORMATION IS PREPARED FOR INTENDED FOR, SURVEY OR ENGINEERING PURPOSES OR THE AUTHORITY AND/OR PRECISE LOCATION OF BOUNDARIES, FIXED HUMAN WORKS, AND/OR THE SHAPE AND CONTOUR OF THE EARTH. NO REPRESENTATION IS MADE CONCERNING THE LEGAL STATUS OF ANY APPARENT ROUTE OF ACCESS OR DATA DERIVED FROM THE CROOK COUNTY ASSessor's OFFICE MAY NOT BE CURRENT. DATA USED AS SCHEDULES AND RESOURCES PERMIT PLEASE NOTIFY CROOK COUNTY GIS OF ANY ERRORS (541) 416-9390.

PROPOSED TRAIL  
EXISTING TRAIL (TO BE ABANDONED)  
EXISTING TRAIL (TO REMAIN)  
PROPOSED TRAIL (FUTURE)  
PROPOSED PHASE 15 BOUNDARY

DISCLAIMER: PROPOSED TRAIL SYSTEM  
AS SHOWN IS CONCEPTUAL ONLY AND  
IS SUBJECT TO CHANGE.

