



Crook County

Community Development Department
Planning Division
300 NE 3rd Street, Room 12
Prineville, OR 97754
(541)447-3211

REPLAT 217-22-002105-PLNG

December 21, 2022

OWNERS: FNF NV Brasada LLC
c/o Alan Cornelius
16986 SW Brasada Ranch Rd
Powell Butte, OR 97753

SURVEYOR: DOWL
c/o Adam Conway
963 SW Simpson Ave, Ste 200
Bend, OR 97702

REQUEST: This is a request to Replat Brasada Ranch Phase 14, to modify the lot dimensions of Lots 746-750, 755, 760-761, Lot X, and split Lot Z into three lots resulting in an additional two lots than what was previously approved.

Map/TaxLot	Lot Number	Current	Proposed
161426CB03200	746	15,566 SF	16,884 SF
161426CB03100	747	15,958 SF	17,028 SF
161426CB03000	748	16,147 SF	16,853 SF
161426CB02900	749	13,598 SF	14,701 SF
161426CB02800	750	12,690 SF	13,788 SF
161426CB02200	755	5,770 SF	7,776 SF
161426CB01700	760	5,625 SF	7,300 SF
161426CB01600	761	7,390 SF	9,354 SF
161427D003300	X	19.64 acres	19.39 acres
161426CB00900	Z	3.04 acres	88,388 SF
	AB	0	33,878 SF
	AC	0	10,257 SF

LOCATION: The lots do not have assigned situs addresses, and are located along the west side of SW Spirit Rock Drive, and along SW Goldfield Ct., Powell Butte, within Phase 14.

ZONING: Exclusive Farm Use Zone, EFU-3 (Powell Butte Area)
Destination Resort Overlay

BACKGROUND

The subject lots were lawfully established through Brasada Ranch Phase 14. The purpose of the Replat is to adjust the size of individual lots and create two additional lots from Lot Z for use of the Phase 14 residents.

I. APPLICABLE CRITERIA

Oregon Revised Statutes

Chapter 92 – Subdivisions and Partitions

92.010 Definitions

92.185 Reconfiguration of lots or parcels and public easements; vacation; notice; utility easements

Crook County Code

Title 18 Zoning

Chapter 18.116 Destination Resort Overlay

II. FINDINGS OF FACT

Oregon Revised Statutes

ORS 92.010 Definitions

(13)“Replat” means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

FINDING: The applicant requests a replat to adjust the size of individual lots and create two additional lots from Lot Z. In accordance with the above definition, a reconfiguration of the existing lots and an increase or decrease in the number of subdivision lots is permitted through a “replat”. The applicable criteria are addressed below.

ORS 92.185 Reconfiguration of lots or parcels and public easements; vacation; notice; utility easements.

The act of replatting shall allow the reconfiguration of lots or parcels and public easements within a recorded plat. Except as provided in subsection (5) of this section, upon approval by the reviewing agency or body as defined in ORS 92.180, replats will act to vacate the platted lots or parcels and easements within the replat area with the following conditions:

- (1) A replat, as defined in ORS 92.010 shall apply only to a recorded plat.*
- (2) Notice shall be provided as described in ORS 92.225 (4) when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.*
- (3) Notice, consistent with the governing body of a city or county approval of a tentative plan of a subdivision plat, shall be provided by the governing body to the owners of property adjacent to the exterior boundaries of the tentative subdivision replat.*
- (4) When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body’s notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the governing body in writing within 14 days of the mailing or other service of the notice.*

(5) A replat shall not serve to vacate any public street or road.

(6) A replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter.

FINDING: The proposed replat is occurring within a recorded subdivision, Phase 14 of Brasada Ranch. Phase 14 is not considered an undeveloped subdivision under ORS 92.225. Notice is being provided to all adjacent owners of property within 750' of the Phase 14 tentative subdivision replat. No easements described under subsection (4) above will be affected by the replat. No streets or roads are proposed to be vacated through the current action, and the proposal has been found to comply with the applicable sections of the Crook County Code, specifically Title 17 & 18. The request complies.

Crook County Code

Title 18 Zoning

Chapter 18.116 Destination Resort Overlay

18.116.040 Standards

(*)**

(3) Development 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.

(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.

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

(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 percent of the anticipated costs to construct the overnight lodging units to the county in accordance with CCC [17.40.080](#) and [17.40.090](#);

(ii) Such agreement and security shall have a maximum term of four 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: 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 currently has 244 overnight lodging units. The 2.5:1 ratio would allow 610 residential units. The following table illustrates the number of residential lots approved within each phase, and takes into account the consolidations that have occurred over the years.

<i>Phase</i>	<i>Residential Lots Initially approved</i>	<i>Lots Consolidated</i>	<i>Net Lots</i>
1	201	16	185
3	92	4	88
4	127	6	121
6	33	0	33
8	16	0	16
9	26	0	26
10	22	0	22
11	31	1	30
13	27	0	27

14	51	4	47
15	50	0	50
Total			645

Although the number of residential lots is over the allowed amount, The resort bonded the remaining units through approval 217-21-001013-PLNG, which has been approved by the county.

The current action would bring that number to 647 approved lots within the resort. Through the current action, the additional lots being created would be a split of Lot Z. Lot AB would contain accessory residential development that would serve the residents within Phase 14, with no dwellings allowed on that lot, and Lot AC would contain open space/community park site. To ensure a dwelling unit will not be constructed on Lot AB, the applicant submitted a deed restriction for the property restricting the construction of any dwellings. To ensure compliance, a condition of approval is included stating that prior to the final plat being filed, a deed restriction shall be filed with the county for restricting the development of a dwelling on Lot AB. If in the future a dwelling is constructed on Lot AB, the lot shall be counted as a residential lot towards the required overnight lodging unit ratio.

III. DECISION

Approved, subject to the conditions of approval listed below.

IV. CONDITIONS OF APPROVAL

1. A final plat is to be filed no later than 4:00 p.m. on January 3, 2025, in accordance with Section 17.24.060 of the Crook County Code.
2. Past due property taxes, if any, are to be paid with evidence of payment from Tax Collector provided to Planning Department prior to filing the final map.
3. The proposed replat shall meet the requirements of Crook County Code Chapter 17 and Oregon Revised Statutes Chapter 92.
4. Prior to the final plat being filed, a deed restriction shall be filed with the county for restricting the development of a dwelling on Lot AB. If in the future a dwelling is constructed on Lot AB, the lot shall be counted as a residential lot towards the required overnight lodging unit ratio.

APPEALS: This decision becomes final twelve (12) days from the date of mailing of this decision, unless appealed. Appeals of this decision must be made by January 3, 2023, at 4:00 p.m., in accordance with CCC 18.172. If no appeal is received, a final plat for the replat of the subject lots can be submitted for review on January 4, 2023.

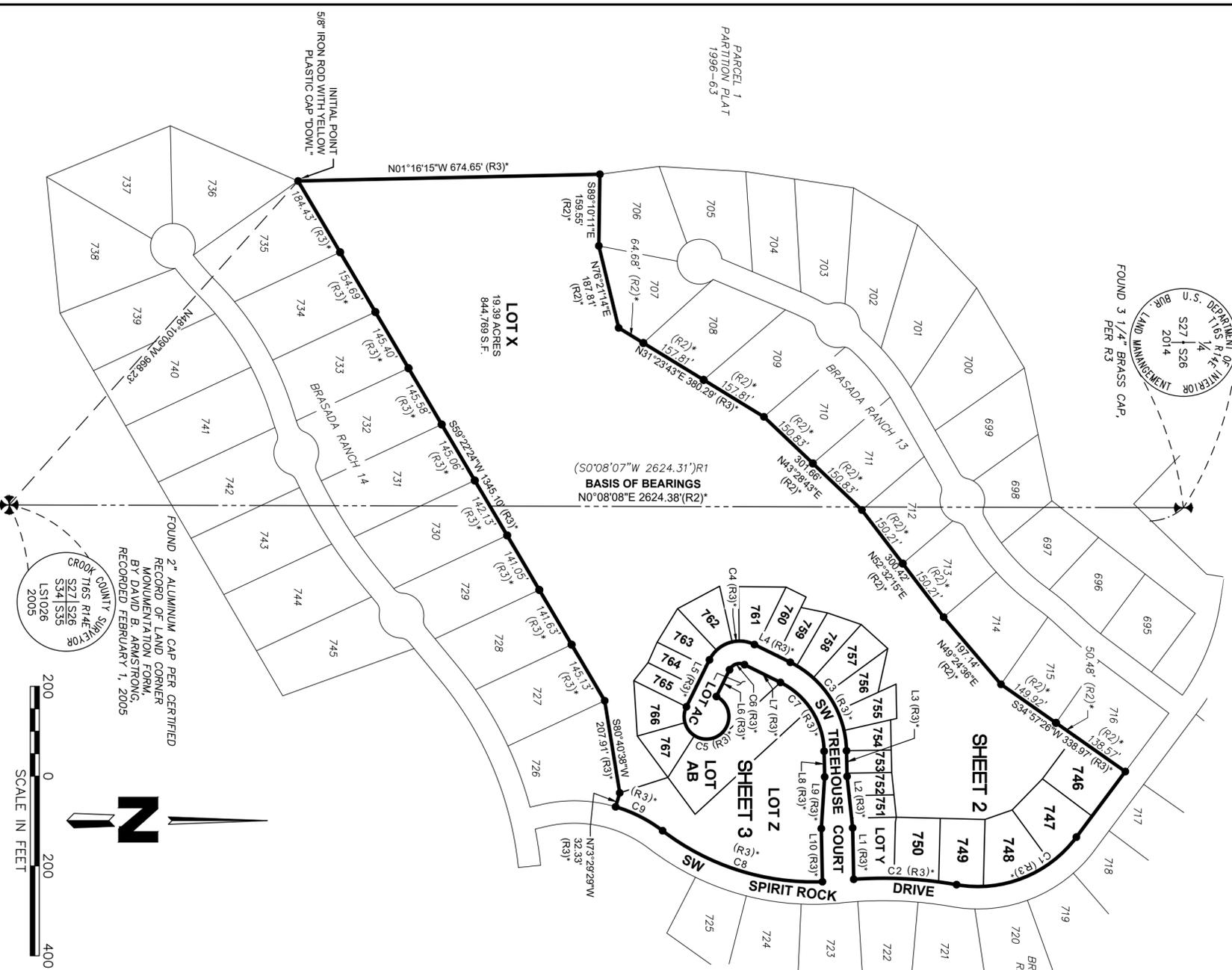
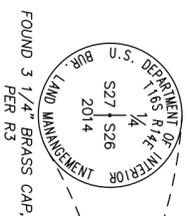


Brent Bybee, Planning Manager
Crook County Community Development

cc: Property Owner/Agent
County Departments
Crook County Fire Protection
750ft Property Owners

TREEHOUSES AT BRASADA RANCH

A REPLAT OF LOTS 746 THROUGH 767, LOT X, LOT Y, AND LOT Z, BRASADA RANCH 14,
 LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 26,
 TOWNSHIP 16 SOUTH, RANGE 14 EAST,
 WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON
 217-20-XXXX-PLNG (C-CU-DES-001-03)
 SEPTEMBER 2022



FOUND 2" ALUMINUM CAP PER CERTIFIED
 RECORD OF LAND CORNER
 MONUMENTATION FORM,
 BY DAVID B. ARMSTRONG,
 RECORDED FEBRUARY 1, 2005

CROOK COUNTY SURVEYOR
 S271 S26
 S34 S35
 L51026
 2005

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO REPLAT A PORTION OF THE LANDS OWNED BY FNF NV BRASADA, LLC, IN ACCORDANCE WITH THE OREGON REVISED STATUTES (O.R.S. CHAPTER 92), AND WITH THE APPROVAL AS GRANTED PER CROOK COUNTY PER APPLICATION C-CU-DES-001-03.

THE BASIS OF BEARINGS IS NORTH 00°08'08" EAST BETWEEN THE SOUTHWEST CORNER OF SECTION 26 AND THE WEST ONE-QUARTER CORNER OF SECTION 26, TOWNSHIP 16 SOUTH, RANGE 14 EAST, WILLAMETTE MERIDIAN, AS SHOWN ON THE PLAT "BRASADA RANCH 13" RECORDED JUNE 24, 2019 AS INSTRUMENT NO. MF 2019-293872 OFFICIAL RECORDS OF CROOK COUNTY, OREGON

THE NORTHWESTERLY BOUNDARY OF THIS PLAT WAS PLACED BY HOLDING FOUND MONUMENTS AND RECORD COURSES AS SHOWN ON THE PLAT OF BRASADA RANCH 13 (REFERENCE 2).

THE WESTERLY, SOUTHERLY, AND EASTERLY BOUNDARY OF THIS PLAT AND THE RIGHT OF WAY OF SW TREEHOUSE COURT WAS PLACED BY HOLDING FOUND MONUMENTS AND RECORD COURSES AS SHOWN ON THE PLAT OF BRASADA RANCH 14 (REFERENCE 3).

THE REMAINING BOUNDARY LINES WERE PLACED AT THE DIRECTION OF THE OWNER AND WITHIN THE FNF NV BRASADA, LLC PROPERTY.

REFERENCES

- (R1) BOUNDARY SURVEY BY DAVID B. ARMSTRONG, LS 1026 RECORDED FEBRUARY 1, 2005 AS CROOK COUNTY SURVEY NO. 2423
- (R2) BRASADA RANCH 13, BY BRIAN C. COURSEN, LS 86998, RECORDED JUNE 24, 2019 AS INSTRUMENT NO. MF 2019-293872, OFFICIAL RECORDS OF CROOK COUNTY, OREGON.
- (R3) BRASADA RANCH 14, BY BRIAN C. COURSEN, LS 86998, RECORDED JUNE 19, 2021 AS INSTRUMENT NO. MF 2021-310593, OFFICIAL RECORD OF CROOK COUNTY, OREGON.

LEGEND

- ✦ FOUND SECTION CORNER MONUMENT (AS NOTED)
- I FOUND QUARTER SECTION MONUMENT (AS NOTED)
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DOWL" PER REFERENCED SURVEY
- SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DOWL"
- ⊗ REMOVED EXISTING PIN SET IN (R3), AS APPROVED BY CROOK COUNTY SURVEYOR. PIN IS BEING REMOVED AS TO NOT BE MISTAKEN AS THE RECONFIGURED REAR PROPERTY LINE.
- () RECORD DATA SAME AS MEASURED PER REFERENCE (NOTED)(SEE SHEET 1)
- PUE PUBLIC UTILITY EASEMENT
- S.F. SQUARE FEET

AREA SUMMARY

LOTS 746 THRU 767	4.68 ACRES = 203,792 S.F.
LOT AB	1.01 ACRES = 44,135
LOT X	19.39 ACRES = 844,789 S.F.
LOT Y	0.29 ACRES = 12,663 S.F.
LOT Z	2.03 ACRES = 88,388 S.F.
TOTAL PLATTED AREA	27.40 ACRES = 1,193,747 S.F.

CURVE #	RADIUS	ARC LENGTH	CENTRAL ANGLE	CHORD
C1 (R3)*	275.00'	303.13'	63°09'26"	N21°35'19"W 288.02'
C2 (R3)*	945.00'	230.70'	13°59'15"	N2°59'46"E 230.13'
C3 (R3)*	225.00'	245.59'	62°32'23"	N57°29'41"E 233.58'
C4 (R3)*	75.00'	117.81'	90°00'00"	N18°46'30"W 106.07'
C5 (R3)*	50.00'	235.62'	270°00'00"	S18°46'30"E 70.71'
C6 (R3)*	25.00'	39.27'	90°00'00"	S18°46'30"E 35.36'
C7 (R3)*	175.00'	191.02'	62°32'23"	S57°29'41"W 181.67'
C8 (R3)*	555.00'	382.40'	39°28'37"	N17°38'16"E 374.88'
C9 (R3)*	325.00'	118.37'	20°52'02"	S26°56'34"W 117.71'

LINE #	BEARING AND DISTANCE
L1 (R3)*	S88°45'52"W 114.38'
L2 (R3)*	N83°47'48"E 115.48'
L3 (R3)*	N88°45'52"E 57.09'
L4 (R3)*	N26°13'30"E 89.50'
L5 (R3)*	N63°46'30"W 116.38'
L6 (R3)*	S63°46'30"E 66.38'
L7 (R3)*	S26°13'30"W 89.50'
L8 (R3)*	S88°45'52"W 57.09'
L9 (R3)*	N88°16'03"W 115.48'
L10 (R3)*	S88°45'52"W 118.34'

SHEET INDEX

- SHEET 1 - BOUNDARY, LOT X, REFERENCES, NARRATIVE, LEGEND, AREA SUMMARY, AND SHEET LAYOUT
- SHEET 2 - LOTS 746-760, LOT X, LOT Y, SW TREEHOUSE COURT, CURVE TABLE
- SHEET 3 - LOTS 762-767, LOT AB, LOT X, LOT Z, SW TREEHOUSE COURT, SEWER AND WATER EASEMENT DETAIL, CURVE TABLE
- SHEET 4 - NOTES
- SHEET 5 - DECLARATION, TAX CERTIFICATIONS, APPROVALS, RECORDATION AND SURVEYORS CERTIFICATE

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 DECEMBER 11, 2012
 BRIAN C. COURSEN
 86998

RENEWS: 12/31/2023

DOWL

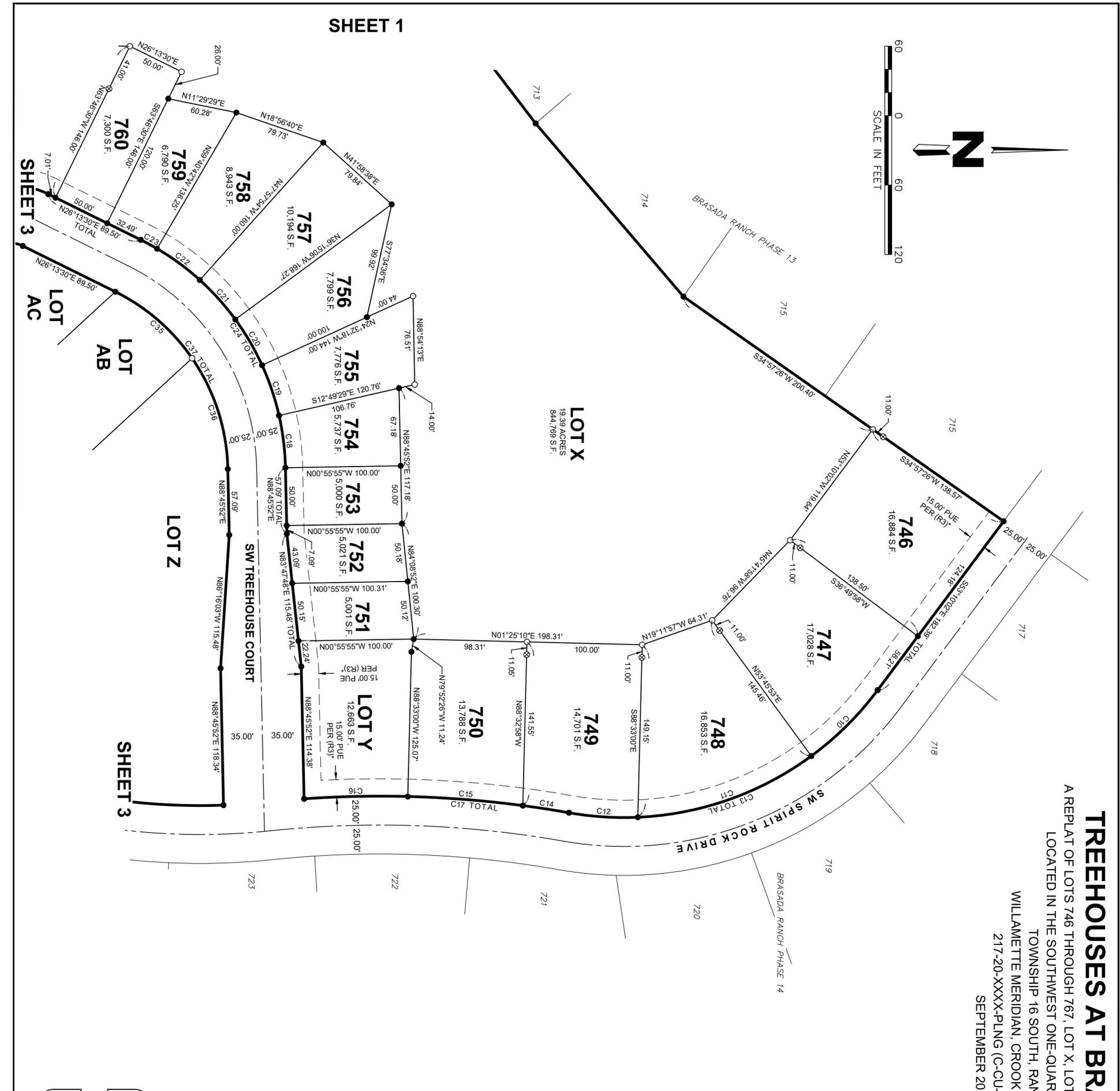
WWW.DOWL.COM

663 SW Simpson Avenue, #200
 Bend, Oregon 97702
 541-385-4772

SHEET 1 OF 5

TREEHOUSES AT BRASADA RANCH

A REPLAT OF LOTS 746 THROUGH 767, LOT X, LOT Y, AND LOT Z, BRASADA RANCH 14,
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 WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON
 217-20-XXXX-PLNG (C-CU-DES-001-03)
 SEPTEMBER 2022



CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CENTRAL ANGLE	CHORD
C10	275.00'	81.27'	16°55'56"	S44°42'05"E 80.97'
C11	275.00'	161.85'	33°43'13"	S19°22'30"E 159.52'
C12	275.00'	60.01'	12°30'17"	S3°44'15"W 59.90'
C13	275.00'	303.13'	63°09'26"	S21°35'19"E 288.02'
C14	945.00'	40.48'	2°27'16"	S8°45'46"W 40.48'
C15	945.00'	100.19'	6°04'28"	S4°29'54"W 100.14'
C16	945.00'	90.03'	5°27'32"	S1°16'06"E 90.00'
C17 TOTAL	945.00'	230.70'	13°59'16"	S2°59'46"W 230.13'
C18	225.00'	45.51'	11°35'22"	S82°58'12"W 45.43'
C19	225.00'	48.00'	11°42'48"	S71°19'07"W 45.92'
C20	225.00'	48.00'	11°42'48"	S69°36'18"W 45.92'
C21 TOTAL	225.00'	48.00'	11°42'48"	S47°53'30"W 45.92'
C22	225.00'	48.00'	11°42'48"	S36°10'42"W 45.92'
C23	225.00'	16.09'	4°05'48"	S28°16'24"W 16.08'
C24 TOTAL	225.00'	245.60'	62°32'22"	S57°29'41"W 233.58'
C35	175.00'	88.95'	29°07'21"	N40°47'10"E 88.00'
C36	175.00'	102.07'	33°25'02"	N72°03'22"E 100.53'
C37 TOTAL	175.00'	191.02'	62°32'23"	S57°29'41"W 181.67'

LEGEND

- ✦ FOUND SECTION CORNER MONUMENT (AS NOTED)
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- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DOWL" PER REFERENCED SURVEY
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SHEET 1

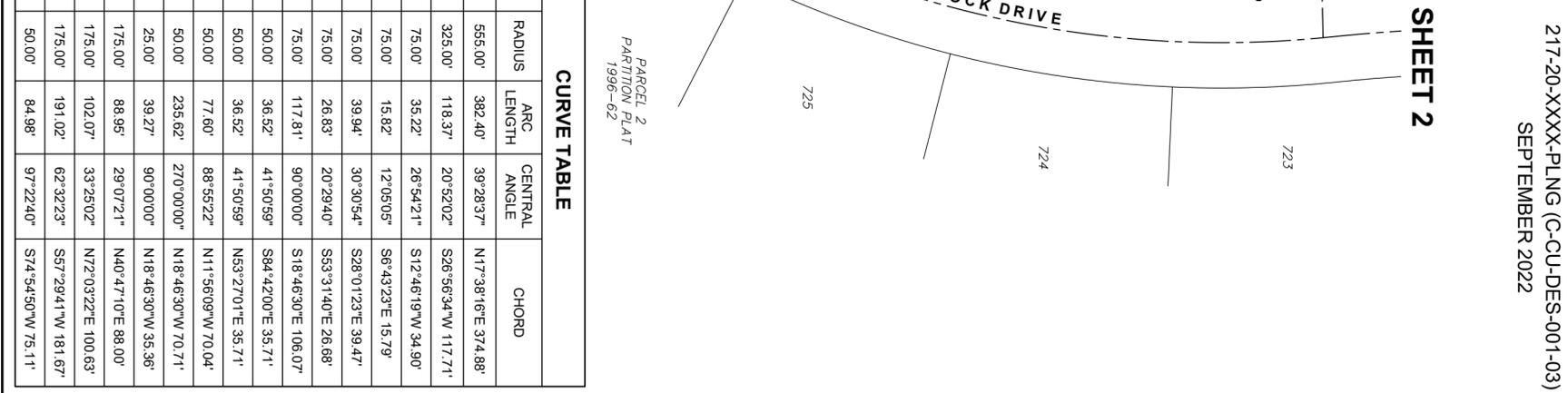
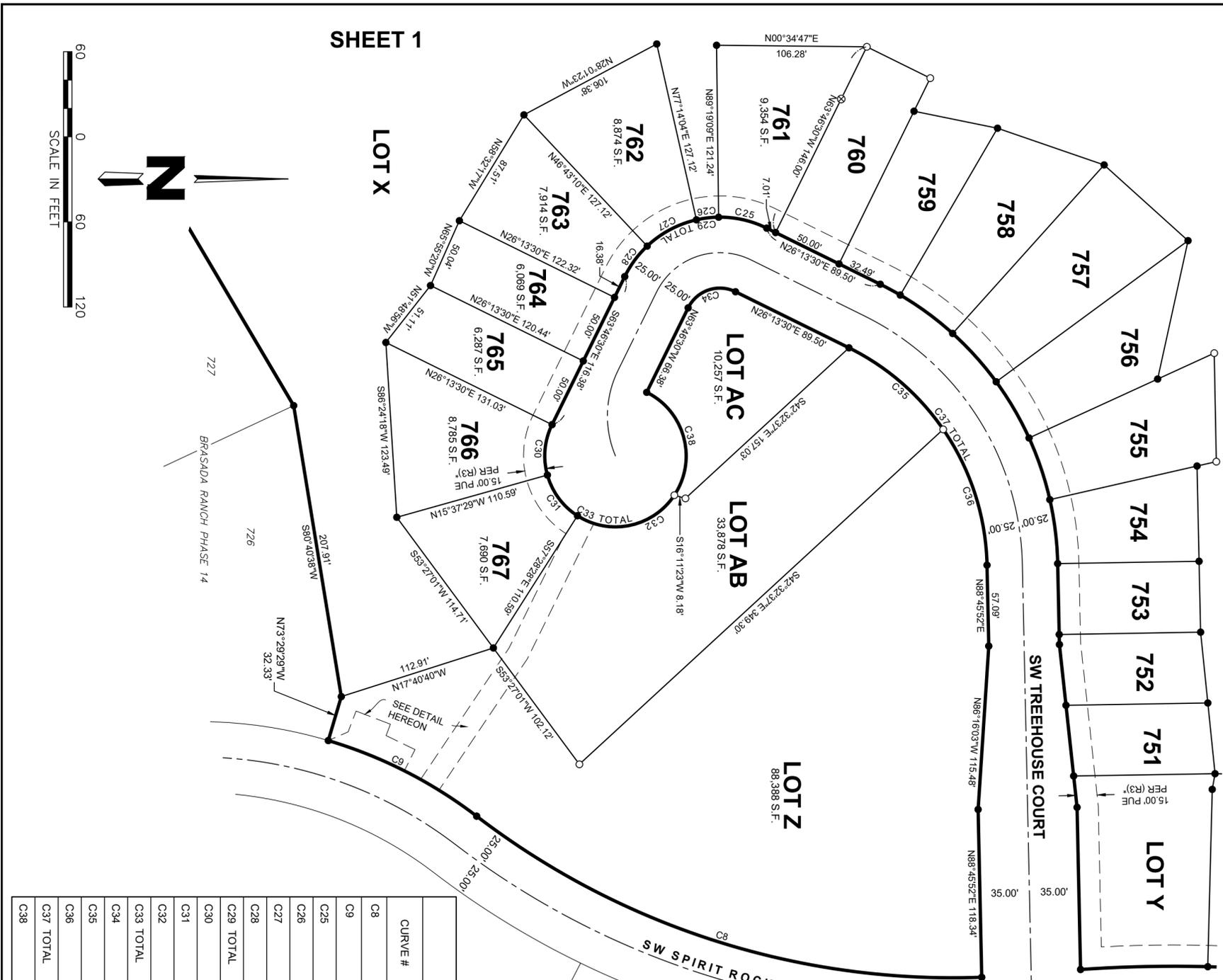
SHEET 3

SHEET 2 OF 5

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C9	325.00'	118.37'	20°52'02"	S26°56'34"W 117.71'
C25	75.00'	35.22'	28°54'21"	S12°46'19"W 34.90'
C26	75.00'	15.82'	12°05'05"	S6°43'23"E 15.79'
C27	75.00'	39.94'	30°30'54"	S28°01'23"E 39.47'
C28	75.00'	26.83'	20°29'40"	S53°31'40"E 26.68'
C29 TOTAL	75.00'	117.81'	90°00'00"	S18°46'30"E 106.07'
C30	50.00'	36.52'	41°50'59"	S84°42'00"E 35.71'
C31	50.00'	36.52'	41°50'59"	N53°27'01"E 35.71'
C32	50.00'	77.60'	88°55'22"	N11°56'09"W 70.04'
C33 TOTAL	50.00'	235.62'	270°00'00"	N18°46'30"W 70.71'
C34	25.00'	39.27'	90°00'00"	N18°46'30"W 35.36'
C35	175.00'	88.95'	29°07'21"	N40°47'10"E 88.00'
C36	175.00'	102.07'	33°25'02"	N72°03'22"E 100.63'
C37 TOTAL	175.00'	191.02'	62°32'23"	S57°29'41"W 181.67'
C38	50.00'	84.98'	97°22'40"	S74°54'50"W 75.11'

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SEWER AND WATER EASEMENTS
 1" = 30'

SEE LEGEND - SHEET 1

SHEET 3 OF 5

SHEET 1

SHEET 2

