



RECORD No. 217 23-000192 For Office Use Only PLNG

Crook County Community Development/Planning Division
300 NE 3rd Street, Room 12, Prineville Oregon 97754

RECEIVED
MAR 09 2023

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www.co.crook.or.us

Crook County
Community Development

Comprehensive Plan Map, and Text Amendments

PROPERTY OWNER:

Last Name: RMG Destinations, LLC First Name: Dennis Pahlisch
Mailing Address: 210 SW Wilson Ave., Ste 100
City: Bend State: OR Zip: 97702
Day Time Phone: (541) 385 - 6762 Cell Phone: () -
Email: Dennisp@pahlisch.com

AGENT/REPRESENTATIVE:

Last Name: Jones First Name: Jerry
Mailing Address: 210 SW Wilson Ave., Ste 100
City: Bend State: OR Zip: 97702
Day Time Phone: (541) 385 - 6762 Cell Phone: () -
Email: Jerryj@Pahlisch.com

PROPERTY INFORMATION:

Township 16 Range 14 Section 00 Tax Lo 3900
Size of property: _____ acres Zone: EFU3
Physical address: 18550 SW Alfalfa Rd
Subdivision name, if applicable: Hidden Canyon Lot _____ Block _____

FLOOD PLAIN:

Is the subject property located within a Flood Plain Zone? Yes _____ No X
If yes, what zone: _____

DETAILED EXPLANATION:

Legislative amendments to Implement ORS 197.445(4)(b)(B). The Applicant proposes two
legislative amendments: one to the Crook County Comprehensive Plan(the "Plan")to change
Page 70, Exhibit A, 4 from 75 phased units of overnight lodging to 50 phased units of overnight
lodging and one to the Crook County Zoning Ordinance(the "CCZO")18.116.040(3)(a)(i)to change
75 phased units of overnight lodging to 50 phased units of overnight lodging. The two
legislative amendments are post-acknowledgment amendments subject to ORS 197.610
and 197.615-197.625 and the implementing administrative rules in OAR 660-018.

IMPORTANT NOTICE: The Crook County Planning Department is required to review all applications for accuracy and to determine whether the staff and/or the Planning Commission have the information needed to make a decision. The County has 30 days to determine whether the application is complete. Within that 30-day period, the Planning Department will request additional information, if necessary. A decision on your application will be postponed until the information is received. State law requires that all information to support an application be available for public inspection at our office 20-days before a public hearing. Any information submitted after this date may require a postponement of the hearing date if necessary. Please make sure your application is complete. The burden of proof lies with the applicant.

PROPERTY OWNERS SIGNATURES:

By signing below, I/WE agree to meet the standards governing the laws as outlined in the State of Oregon's OAR, ORS, Crook County Code, and/or the Crook County Comprehensive Plan. I/We agree that all the information contained in this application is true to the best of my knowledge.

Property Owner Signature:  Date 11/2/22

Print name: Dennis Pahlisch

Property Owner Signature: _____ Date _____

Print name: _____

Agent/Representative Signature:  Date 11/2/22

Print name: Jerry Jones, Jr

Crook County Community Development



Community Development Department

Phone: 541-447-3211 Fax: 541-416-2139
bld@co.crook.or.us

AUTHORIZATION FORM

Let it be known that

Jerry Jones Jr.

(Print Name Clearly)

Has been retained to act as my authorized agent to perform all acts for development on my property noted below: These acts include: Pre- application conference, filing applications and/or other required documents relative to all Permit applications.

Physical address of property:

and described in the records of CROOK COUNTY as:

Township 16 South, Range 14 East, Section 10, Tax lot 3900

The costs of the above actions, which are not satisfied by the agent, are the responsibility of the undersigned property owner.

(Please Print Clearly)

PROPERTY OWNER

Signature: [Signature] Date: 11/2/22
Print Name: Dennis Pahlisch (owner of RMG Destinations LLC)
Mailing address: 210 SW Wilson Ave., Ste 100
City: Bend State: OR Zip: 97702
Home Phone: (541) 385 - 6762 / Cell Phone: () -
Email: Dennisp@pahlisch.com

AGENT

Signature: [Signature] Date: 11/2/22
Print Name: Jerry Jones
Mailing address: 210 SW Wilson Ave., Ste 100
City: Bend State: OR Zip: 97702
Home Phone: (541) 385 - 6762 / Cell Phone: () -
Email: Jerryj@pahlisch.com

CHECKLIST FOR COMPLETING THIS APPLICATION

1. Complete application form including the appropriate signatures
2. Include a detailed statement describing the proposal
3. Burden of Proof addressing all applicable criteria and supplemental information
4. Payment of fees
5. Submit a copy of the current “deed”

APPLICABLE CRITERIA

Title 18, Chapter 18.168 (Legislative Amendment)
Title 18, Chapter 18.170 (Quasi-Judicial Amendment)

Supplemental Information

1. COMPREHENSIVE PLAN:

- a. Describe in detail the proposed “Comprehensive Plan” amendment.
- b. Explain in detail how this request is in compliance with the statewide planning goals.
- c. Explain how this amendment is consistent with the Crook County – Prineville Area Comprehensive Plan.
- d. Explain how this “Comprehensive Plan” amendment would serve the public’s interest.

2. TEXT AMENDMENT:

- a. Submit the proposed language of the proposed “Text” amendment.
- b. Explain how this request is in compliance with the Crook County – Prineville Area Comprehensive Plan and purpose of the code in effect.
- c. Explain how this “Text” amendment would serve the public’s interest.

3. MAP AMENDMENT:

- a. Describe in detail the proposed “Map” amendment.
- b. Explain how the “Map” amendment complies with statewide planning goals, and how it is in compliance with those statewide goals.
- c. Explain how this “Map” amendment is consistent with the Crook County – Prineville Area Comprehensive Plan.



March 8, 2023

Via US Mail

Mr. Will VanVactor, Director
Crook County Community Development Department
Planning Division
300 NE 3rd Street, Room 12
Prineville, Or 97754

Re: Submittal of Legislative Amendments by RMG Destinations, LLC to the Crook County Zoning Ordinance(the "CCZO")and the Crook County Comprehensive Plan(the "Plan")to Implement ORS 197.445(4)(b)(B) To Allow 50 Phased Overnight Lodging Units instead of 75 Phased Overnight Lodging Units in Destination Resorts.

Dear Mr. VanVactor,

This office represents a Crook County property owner, RMG Destinations, LLC ("RMG") and the property owner's representative, Mr. Jerry Jones. This letter and its attachments are an application to Crook County (the "County") by RMG to initiate legislative amendments to the Plan and the CCZO in order to bring the Plan and the CCZO into compliance with ORS 197.445(4)(b)(B) to allow 50 phased overnight lodging units instead of 75 phased overnight lodging units in Destination Resorts.

RMG owns the Hidden Canyon Destination Resort property in the County. A County property owner may initiate a legislative amendment to the CCZO and the Plan. CCZO 18.168.020(1). This application qualifies as a legislative amendment as defined in CCZO 18.168.010(2).

Enclosed with this letter are the following required documents:

1. One copy of an original completed and signed County "Comprehensive Plan, Map and Text Amendments" application form.
2. One copy of an original completed and signed County "Authorization Form".
3. One copy of a detailed statement describing the proposal, required by CCZO Chapter 18.168, "Legislative".
4. One copy of a Burden of Proof statement addressing the applicable approval criteria and providing necessary supplemental information including the proposed Plan and CCZO text amendments.

The Applicant will submit a check in the amount of \$8925.00 made payable to Crook County, Oregon as the applicable fee for a text amendment to the Plan(\$6015.00) and a text amendment to the CCZO without Measure 56 notice(\$2910.00), based on the "Planning Fee Totals" contained on the County website, as of the date of this submittal.

Will VanVactor
March 8, 2023
Page 2

Please notify Mr. Jones and me of the County's application completeness determination, the Crook County Planning Commission hearing date and the Crook County Court public hearing date.

Very truly yours,

A handwritten signature in blue ink that reads "Michael C. Robinson". The signature is written in a cursive style with a large, sweeping initial "M".

Michael C. Robinson

Enclosures

CC: Mr. Dennis Pahlisch(via email)(w/ encls.)
Mr. Jerry Jones(via email)(w/ encls.)

<p>BEFORE THE CROOK COUNTY PLANNING COMMISSISON (the “Planning Commission”) and THE CROOK COUNTY COURT (the “County Court”)</p>	<p>)))</p>	<p>APPLICATION NARRATIVE DEMONSTRATING COMPLIANCE WITH APPLICABLE APPROVAL CRITERIA</p>
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A Legislative Application(the “Application”)Submitted by RMG Destinations, LLC, a Crook County Property Owner(the “Applicant”) Pursuant to Crook County Zoning Ordinance(the “CCZO”)18.168.020(1) to Amend the Crook County Comprehensive Plan(the “Plan”)Chapter III, “Land Use” and CCZO 18.116.040(3)(a)(1) to Implement ORS 197.445(4)(b)(B) in Order to Allow 50 Per Phase Overnight Lodging Units Instead of 75 Per Phase Overnight Lodging Units in Destination Resorts

1. INTRODUCTION.

RMG Destinations, LLC, the Applicant, owns and is developing the Hidden Canyon destination resort(“Hidden Canyon”). Hidden Canyon is a fully-entitled destination resort with all land use, transportation and utility elements required by the then-applicable state of Oregon (“state”) and Crook County(the “County”)standards. Those standards include a requirement that seventy-five(75) overnight unit be established, for each phase.

Since Hidden Canyon’s approval, State law has changed to allow fifty(50)phased overnight units. However, the County has not amended the Plan and the CCZO to implement amended ORS 197.445(4)(b)(B). This Application requests that the Planning Commission recommend, and that the County Court adopt, the proposed amendments to the Plan and the CCZO so that the County’s land use standards for phased overnight lodging units in destination resorts are consistent with state law.

The only effect of the approval of the Application is to make the Plan and the CCZO conform with ORS 197.445(4)(b)(B). The Application will have no adverse effect on private or public services, including state and County transportation facilities, because the individual phase number of overnight lodging units will be reduced by 25 units from the current individual phase requirement. The Application, if approved, will apply to County destination resorts approved after the effective date of the approval of the Application, or those already approved destination resorts where the property owners which make an application to amend the approval to take advantage of these amendments provided by the Application.

The Applicant understands that if the County Court adopts the proposed amendments, it must submit a subsequent permit application after the amendments' effective date in order to apply the amendments to Hidden Canyon.

2. Classification of the Application; Application Review Procedure.

A. Classification of the Application.

The Application is a legislative post-acknowledgement amendment to the County's acknowledged Plan and land use regulations, the CCZO. The Application is properly characterized as a legislative application because it adopts new law by amending a Plan provision and a CCZO regulation and also meets the definition of "legislative matters" in CCZO 18.168.010(2).

The Application is a post-acknowledgment amendment to the County's acknowledged Plan and land use regulations because it proposes to amend both of these standards that have been "acknowledged" as consistent with the Oregon Statewide Planning Goals(the "Goals").

B. Application Review Procedure.

The procedure for review of a legislative post-acknowledgement amendment is as follows:

- a. the County deems the Application complete for processing.
- b. the County determines the date of the Planning Commission hearing and gives notice to the Department of Land Conservation and Development("DLCD")thirty-five(35)days before the hearing date.
- c. the County also gives notice to the public of the hearing date by publication in the local newspaper of record.
- d. the Planning Commission holds the first public hearing and makes a recommendation on the Application to the County Court.
- e. the County Court holds the second and final public hearing and decides whether to approve the Application. If it decides to do so, the County Court adopts an ordinance amending the Plan and the CCZO. The County must give notice of its decision to adopt the amendments proposed in the Application to everyone who testified before the Planning Commission and the County Court and to DLCD within twenty(20)days of adoption of the decision. If no one who receives notice of the County Court's decision files an appeal with the Land Use Board of Appeals("LUBA") within 21 days of the date of mailing of the notice of decision, the amendments to the Plan and CCZO are deemed acknowledged as consistent with the Goals. An applicant may submit an application based on the amendments after the effective date of the County Court's ordinance enacting the Application.

3. Relevant Approval Criteria.

The Application is subject to the following approval standards. The Application is subject to the Goals and the OARs, in addition to the Plan and CCZO, because it is a post-acknowledgment amendment:

- 1) Applicable Goals.
- 2) Applicable Oregon Administrative Rules (“OARs”) implementing the respective Goals.
- 3) Applicable Plan goals and policies.
- 4) Applicable CCZO standards

4. ORS 197.445(4)(b)(B); Proposed Amendments to the Plan and CCZO.

A. **ORS 197.445(4)(b)(B).** This statute applies to destination resorts in Eastern Oregon, including Crook County. The statute previously required at least 75 units of overnight lodging per phase in a Crook County destination resort. The Oregon Legislature amended the statute in 2007 to reduce the requirement from 75 per phase overnight lodging units to the currently required 50 per phase overnight lodging units. However, as explained above, the Plan and CCZO still require 75 per phase overnight lodging units. This amendment will make the Plan and CCZO consistent with ORS 197.445(4)(b)(B).

The statute provides as follows:

“ORS 197.445(1) Visitor-oriented accommodations including meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodging shall be provided. However, the rentable overnight lodging units may be phased in as follows:

“On lands in eastern Oregon, as defined in ORS 321.805 (Definitions for ORS 321.805 to 321.855):

(B)At least 50 units of overnight lodging must be constructed prior to the closure of sale of individual lots or units.”

B. Proposed Amendments to the Plan and the CCZO.

a. CCCP Chapter III, “Land Use”, 4, “Destination Resort” at Plan Page 4.

The Plan standard regulating phased overnight lodging units currently provides:

“Rentable units may be phased in with at least 75 units of overnight lodging, not including any individually owned homes, lots, or units, constructed or guaranteed through surety bonding or equivalent financial assurances prior to the closure of sale of individual lots or units.”

This Application proposes to amend the Plan standard as follows:

“Rentable units may be phased in with at least ~~75~~ 50 units of overnight lodging, not including any individually owned homes, lots, or units, constructed or guaranteed through surety bonding or equivalent financial assurances prior to the closure of sale of individual lots or units”

b. CCZO 18.116.040(3)(a)(1), “Destination Resort Overlay”.

The CCZO standard regulating phased overnight lodging units is consistent with the Plan and currently provides:

“(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 CCCP 17.40.080 and 17.40.090.”

The Application proposes to amend the CCZO standard as follows:

“(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~~ 50 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 CCCP 17.40.080 and 17.40.090.”

5. Demonstration that Applicable Approval Standards are Satisfied.

A. The Goals.

The Goals apply to post-acknowledgment amendments such as this Application. ORS 197.250 and 197.27; Plan at page 2.

a. The Applicable and Inapplicable Goals.

There are nineteen Goals. Not all of the Goals apply to this Application. This section addresses the following applicable Goals:

1) Goal 1, “Citizen Involvement”;

- 2) Goal 2, “Land Use Planning”; and
- 3) Goal 8, “Recreational Needs”

The County can find that Goal 3, “Agricultural Lands”, Goal 4, “Forest Lands”, Goal 5, “Natural Resources, Scenic and Historic Areas, and Open Spaces”, “Goal 6 “Air, Water and Land Resources Quality” and Goal 7 “Areas Subject to Natural Hazards”, do not apply to the Application because destination resorts in the County are mapped on the Plan for that use and the CCZO implements the Plan map designations through the Destination Resort Overlay Zone and because the Application does not affect any destination resort with Goals 5, 6 or 7 designations in addition to the Destination Resort map designation.

The County can also find that Goal 9, “Economic Development”, Goal 10, “Housing”, Goal 12, “Transportation”, Goal 13, “Urbanization”, and Goal 14, “Urbanization”, do not apply to the Application because it has no effect on the subject matter of these Goals. Goal 12, “Transportation” is not affected by the Application because the Application will result in fewer per phase vehicle trips from overnight lodging units on State and County transportation facilities.

Finally, the County can find that Goal 15, “Willamette River Greenway”, applies to lands bordering the Willamette River and Goals 16, “Estuarine Resources”, Goal 17, “Coastal Shorelands”, Goal 18, “Beaches and Dunes” and Goal 19 “Ocean Resources”, apply only to lands along the Oregon coast.

b. Satisfaction of Applicable Goals.

- i. Goal 1, “Citizen Involvement”: “To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”**

FINDING: The County can find that this Application will satisfy Goal 1 because the County will follow its acknowledged citizen involvement procedures for a legislative amendment. These measures include publication of notice of the hearing date, time and location of the public hearing on the amendments in the local newspaper of record as required by CCZO 18.168.030(1) and 35-day pre initial hearing(the first Planning Commission hearing)notice to DLCD, as required by CCZO 18.168.030(3). Individual mailed notice to destination resort property owners is not required by CCZO 18.168.030(4) because the application does not “rezone” any property as that term is defined in ORS 215.503(9)(defined as either a change to the base zone of a property, or a reduction in the uses allowed before an amendment to the Plan or CCZO.)

- ii. Goal 2, “Land Use Planning”: “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”**

FINDING: Goal 2 requires both an adequate factual base to support the Application and coordination, as defined in ORS 197.015(5), with affected State and County governmental entities about the impact of the Application on the entities’ areas of interest, such as the Oregon Department of Transportation(“ODOT”) concerning the Application’s impact on state highway.

The County can find that the Application includes an adequate factual base to support approval of the Application, which is the explanation that the Application makes the Plan and CCZO consistent with current state law. The County can also find that prior to the two public hearings on the Application, the County will have coordinated with affected government entities by providing notice of the Application to the entities, considering their timely comment and incorporating their comments as much as is reasonable in the recommended final decision on the Application.

- iii. **Goal 8, “Recreational Needs”:** “To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

FINDING: Goal 8 concerns recreational needs meeting the needs of the state’s citizens and visitors, including destination resorts. In addition to the Goal 8 language above, Goal 8 provides with respect to destination resorts: “DESTINATION RESORT SITING. Comprehensive plans may provide for the siting of destination resorts on rural lands subject to the provisions of state law, including ORS 197.435 to 197.467, this and other Statewide Planning Goals, and without an exception to Goals 3, 4, 11, or 14.” This standard provides that destination resort development must be consistent with ORS 197.435 to 197.467, including ORS 197.455(4)(b)(B). The County can find that the Application is consistent with Goal 8 because it makes the Plan and the CCZO consistent with ORS 197.455(4)(b)(B).

B. Applicable Oregon Administrative Rules(the “OARs”):

The OARs are adopted by the Oregon Land Conservation and Development Commission(“LCDC”)and implement the respective Goals. The OARs implementing Goal 12 are relevant to the Application notwithstanding that Goal 12 is not affected by the Application. No OAR implements Goal or Goal 8.

- a. **OAR 660-012-0060.** OAR Chapter 660, Division 12, “the Transportation Planning Rule(the “TPR”)", implements Goal 12. The TPR applies to the Application in addition to Goal 12 and is intended to evaluate the impact of a post-acknowledgment amendment on transportation facilities. OAR 660-012-0060(1) requires a determination of whether a post-acknowledgment amendment will “significantly affect” a transportation facility. “Significantly affect” includes the impacts listed in OAR 660-012-0060(1)(a)-(c). Among the listed impacts are the degradation of the performance of a transportation facility so that it would not meet state or County performance standards. This Application will not significantly affect a state or County transportation facility because it will reduce, not increase, the vehicle trips generated by any phase of a destination resort.

C. The Plan.

Relevant approval standards in the Plan’s goals and policies are those that are relevant to the Application because they relate to the proposed amendments. As with the relevant Goals, not every Plan goal and policy will be relevant to the Application. Only those Plan provisions shown

below are relevant to the Application. The Plan does not contain specific approval standards for legislative amendments.

- a. **Destination Resorts, Section III, Goals and Policies.**
 - i. **Plan Ordinance Provisions D and E(Plan at Page 82):**

”D. Uses in destination resorts shall be limited to visitor-oriented accommodations, overnight lodgings, developed recreational facilities, commercial uses limited to types and levels necessary to meet the needs of visitors to the resort, and uses consistent with preservation and maintenance of open space. Accessory uses may also be permitted.

E. The zoning ordinance shall include measures that assure that developed recreational facilities, visitor-oriented accommodations, and key facilities intended to serve the entire development are physically provided or are guaranteed proportional to the level of development through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilitated intended to serve a particular phase should be guaranteed through surety bonding if not constructed prior to sales in that phase.”

FINDING: The Application properly implements Plan Ordinance Provisions D and E because overnight lodging is a visitor-oriented accommodation that is a required part of destination resorts. The proposed amendments to the Plan and CCZO implement Plan Ordinance Provisions D and E by making the Plan and CCZO consistent with ORS 197.445(2)(b)(B).

D. The CCZO.

CCZO 18.68.020 provides for legislative amendments that are authorized by a property owner:

“Authorization to Initiate Amendments: The application for a hearing on any legislative matter may be initiated by any of the following:

- (1) Property owners by written application on forms provided by the director and upon payment of the required fee;**
- (2) Planning Commission on its own motion; or**
- (3) County Court on its own motion and order.”**

FINDING: The Application is submitted by a property owner. The Application includes the relevant County forms and the required fee.

6. Conclusion.

The County can find for the reasons contained in the Application that the Application has been properly submitted and processed, that the appropriate County forms are included with the Application and the required application fee has been paid, the County has given the property notice for a legislative amendment and has coordinated the Application with affected

governmental entities and that the Application contains substantial evidence demonstrating that the relevant approval criteria have been satisfied.

The Applicant respectfully requests that the Planning Commission recommend approval of the Application to the County Court and that the County Court approve the Application.