

BURDEN OF PROOF
STATEMENT IN SUPPORT
OF TENTATIVE PLAN OF THE REPLAT OF A PORTION OF BRASADA RANCH 5

APPLICANT: Brasada Ranch Development, LLC
AKA FNF NV Brasada, LLC
c/o Simon Hallgarten
16986 SW Brasada Ranch Rd.
Powell Butte, OR 97753

PROPERTY OWNER: Brasada Ranch Development, LLC
AKA FNF NV Brasada, LLC
c/o Simon Hallgarten
16986 SW Brasada Ranch Rd.
Powell Butte, OR 97753

PLANNING/ENGINEER: Adam Conway, PE
DOWL
963 SW Simpson Ave, Suite 200
Bend, Oregon 97702

PROPERTY: Portion of the Replat of the Replat of Brasada Ranch 5

SUBJECT: Request for Tentative Plan approval to allow a replat of over-night lodging units in the Brasada Ranch destination resort on land zoned EFU-3 with a Destination Resort (DR) overlay.

I. Introduction

FNF NV Brasada, LLC ("Applicant") is the owner and developer of Brasada Ranch and proposes development on Brasada Ranch property under Crook County's jurisdiction. The destination resort mapping process was completed in the spring of 2002. Previous owners subsequently obtained Crook County approval for a Development Plan and Final Development Plan (FDP), including resolution of a land use appeal. The first phase, Brasada Ranch 1, was approved in December 2004. Phase 2, the original overnight/cabin project, was approved on September 7, 2005. Phases 3–11 and 13 followed. Phase 14 is currently being developed. Three phases are platted to accommodate overnight lodging. Brasada Ranch 12 was completed to create non-residential lots reflecting distinct uses. FNF NV Brasada LLC now solicits Crook County approval of a Tentative Plan, to complete a replat of 8 overnight lodging parcels within the Brasada Ranch 5 final plat boundary.

A. Request

Applicant seeks Tentative plan approval from Crook County to reconfigure existing parcels within the final plat boundary of Brasada Ranch 5. Crook County Zoning

Ordinance 18.116 establishes a destination resort overlay zone and sets forth the standards and criteria to allow destination resort development in Crook County.

Crook County, C-CU-DES-001-03 granted the Development Plan and Final Development Plan approvals. To obtain tentative plan approval for this application, the Applicant must demonstrate compliance with the approval conditions of the Tentative Development Plan per Crook County standards from Title 17 of the Subdivision Ordinance as they apply to Tentative Plan applications, as well as various conditions of approval from the original FDP. The Applicant addresses these criteria in the following sections.

This application proposes to redefine the parcel boundaries for 8 casita style units. The proposed overnight lodging units will consist of stand alone buildings, located within a small lot. Lot lines are typically located approximately 5 feet outside of the building foundation. The area surrounding the lots will be designated common areas. The common areas may contain access driveways, parking, storage, trash enclosures, paths, and underground utilities.

As part of the modification, FNF NV Brasada, LLC proposes expansion of existing parking areas to both accommodate the casitas as well as increased popularity at the resort.

B. Land Use History

Eagle Crest Inc. initiated the destination resort mapping process in Crook County in the spring of 2002 and worked carefully with Crook County staff to present proposed destination resort maps, ordinances, and standards to the County Planning Commission. The County Planning Commission reviewed the proposed destination resort siting maps and the associated comprehensive plan and zoning ordinance amendments and considered public testimony and agency comments during the spring of 2002. The Planning Commission then voted to recommend the County Court adopt the maps and associated ordinances.

Under the Planning Commission's recommendation, the County Court held additional public hearings in May 2002 and voted to adopt the destination resort map and associated ordinances on May 22, 2002 (see Ordinance number 18, Amendments 59 & 60 and Ordinance number 17, Amendments 52 & 53). The Crook County Court also adopted a comprehensive set of findings, explaining how the destination resort maps, comprehensive plan policies, and zoning regulations are consistent with statewide land use goals and associated statutes.

On June 4, 2003, the Crook County Planning Commission approved an Eagle Crest Inc. application for conditional use approval in an EFU-3 Zone for a destination resort known as Brasada Ranch. The Crook County file (C-CU-DES-01-03) sets forth the approval conditions for the destination resort Development Plan.

A land use appeal was filed with Crook County but subsequently rejected. Appellants sought to overturn the Crook County rejection at the Oregon Land Use Board of Appeals (LUBA). In January and February of 2004, LUBA conducted hearings on the Crook

County Development Plan appeal and remanded the decision to the Crook County Court. On April 7, 2004, the Crook County Court reopened the Development Plan matter to address the questions and issues raised in the LUBA remand. The June 4, 2003, Development Plan approval was amended and finalized on April 28, 2004.

Issuance of the Development Plan decision by the County Court completed all prerequisites for the required FDP and set the approval conditions for the FDP. The Final Development Plan was subsequently approved on August 25, 2004. No appeals were filed within the stipulated remonstrance period.

The April 2004 Development Plan approval was subsequently appealed to LUBA. On October 6, 2004, LUBA affirmed the Crook County decision for the Development Plan. The complex and detailed land use history for Brasada Ranch fulfills all obligations for the review and processing of a Tentative Plan application.

II. COMPLIANCE WITH THE DESTINATION RESORT DEVELOPMENT PLAN CONDITIONS OF APPROVAL No. C-CU-001_04

Various conditions of approval from the original FDP are applicable to each phase of Tentative Plan development. The Applicant addresses these conditions in the following segment of this Burden of Proof.

- 2. The resort shall contain a minimum of 150 units of overnight lodging, as that term is defined in Goal 8, ORS 197, and CCZO § 12.030(E).**
 - a. The resort may provide the 150 overnight lodging units in phases as follows: At least 75 units of overnight lodging shall be constructed or guaranteed pursuant to Article 12 through surety bonding or equivalent financial assurance prior to the closure of sale of individual lots or units.**
 - b. The remaining 75 overnight lodging units shall be constructed or guaranteed pursuant to Article 12 through surety bonding or equivalent financial assurance within five years of the initial individual lot sales.**

The 150 overnight lodging unit requirement has been met. Brasada Ranch currently includes 243 overnight lodging units.

This criterion is met.

- 3. The resort shall maintain a 2:1 ratio between permanent dwellings and overnight lodging units, as that term is defined in Goal 8, ORS 197, and CCZO § 12.030(E). The resort shall document compliance with this ratio prior to preliminary plat approval for each phase of resort development.**

Since the original approval of the development plan, a 2011 decision was approved to amend the Crook County code, 18.116.040(3)(b) (AM-11-0028), including a Comprehensive Plan amendment to allow the increase of the maximum ratio of permanent housing to overnight lodging units from 2:1 to 2.5:1 for destination resorts in the eastern half of Oregon provided for in ORS 197.445. The 2011 action included a Master Plan (C-CU-DES-001-03) amendment to implement the changed ratio for Brasada Ranch.

Brasada Ranch currently has 243 overnight lodging units, including eight guestrooms in The Ranch House, and 91 two-, three- and four-bedroom, lock-off cabins. Additionally, there are additional lots platted and designated for overnight units in phases 2, 5, and 7.

The available 243 overnight lodging units permits the Applicant to improve 608 permanent housing lots within Brasada Ranch. To date the Applicant has gained final plat approval for 575 housing lots in Phases 1, 3, 4, 6, 8, 9, 10, 11 and 13, yet 18 of the 575 housing lots have been consolidated for a net total 557 lots. 51 housing lots are currently being developed as part of Phase 14 for an overall project total of 608 which is equal to than the 608 available.

- 7. Over 50% of the resort site, including the area devoted to golf course uses but excluding yards, streets, and parking areas, shall be maintained as open space throughout the life of the resort.**
 - a. Prior to preliminary plat approval for each phase of the resort, the Applicant shall document compliance with the minimum open space standard.**

The table below details the platted areas and designated open space within Brasada Ranch.

Phase	Platted Area (Acres)	Designate Open Space (Acres)	Notes
BR 1	255.4	93.2	Golf Lot 1, Lots A - G
BR 2	51.9	19.1 *	Golf Lot 1, Tract Z
BR 3	165.0	95.4	Golf Lot 1, Lots A - C
BR 4	201.9	100.1	Lots A - D
BR 5	13.7	**	
BR 6	44.0	13.6	Lot K
BR 7	6.0	***	
BR 8	29.3	13.5	Lot M and N
BR 9	32.3	8.4	Lots Q - S
BR 10	62.8	44.4	Lot T

BR 11	34.9	0.0	
BR 12	78.0	61.0	Golf Lot 12-1, Lot V
BR 13	22.7	0.9	Lot W
Total Platted	997.9	449.6	45.1% open space

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

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

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

Recent calculations identify almost half the lands within the boundary remain unplatted, either in raw land or golf course open space. Lands southeast of all current development and the Brasada Ranch Phase 14 land have been preliminarily reviewed and laid out with potential future lots. The area consists of approximately 280 acres. The future lot and road layout occupy approximately 110 acres to be developed or approximately 60% +/- open space. Other areas of golf and the equestrian center represent the remaining areas of the resort total. The Applicant has carefully considered open space with development of current and future areas.

The total open space calculation is progressing per the master plan and will not be compromised. With more than half of the resort acreage not platted, and approximately 45% designated as open space in the current plats, the project is not in jeopardy of compliance with this section of code. Included with this burden of proof statement is an open space exhibit illustrating compliance with this section of code.

12. The minimum setbacks from exterior property lines for all development (including structures and site-obscuring fences of over three feet in height but excluding existing buildings and uses and public or private roadways within the resort) shall be as follows:

- (1) 250 feet for commercial development listed in Section 12.070, including all associated parking areas;**
- (2) 100 feet for visitor-oriented accommodations other than single-family residences, including all associated parking areas;**
- (3) 25 feet for above-grade development other than that listed in subsections (1) and (2);**
- (4) 25 feet for internal roads;**
- (5) 25 feet for golf courses and playing fields;**
- (6) 25 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;

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

Brasada Ranch Phase 5 project is central to the overall project at Brasada Ranch. Minimum setbacks from exterior property lines are acknowledged by FNF NV Brasada, LLC. The nearest exterior property line is greater than one-third mile from the Brasada Ranch 5 boundary.

- 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 approximate or general depiction of trails within this area is provided on the Conceptual Site Plan. FNF NV Brasada, LLC considers trails and paths an important amenity for destination resort development and has designed a significant network of trails. In this case, access to each individual Casita is provided by a trail system within feet of each unit. Access will be enhanced with the use of golf carts or other means to assist those occupying the Casitas with their belongings. Similarly, housekeeping and maintenance staff will use the path system as necessary to provide for the visitors.

- 16. The applicant shall design all resort trails such that the trails do not "dead end" at the edge of the resort boundary but instead provide a continuous, internal loop within the resort property.**

Trails within this project interconnect with each other and to trails outside of the project boundary.

- 19. Site drainage plans shall be designed consistent with the drainage analysis prepared by W&H Pacific and submitted as Exhibit T to the Development Plan application, or as amended following consultation with the Crook County Planning and/or Road Department.**

Site drainage design has been analyzed and reviewed as a part of preliminary plans, and a detailed design will be provided with the final construction drawings. Site drainage generally includes preservation of natural drainage ways, minimal concentration of stormwater, and stormwater disposal through surface infiltration wherever possible. The Applicant believes these design recommendations are applicable for the proposed development. The housing lot layout has been designed to accommodate natural drainage ways.

III. Compliance with Crook County Tentative Plan Approval Criteria

17.16.010 Application submission

Any person proposing a subdivision, or his 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 days 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 time for filing shall be construed to be the time 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, and thereof officially received by the planning department. (Ord. 19 § 3.010, 2003)

The Applicant has compiled this Tentative Plan application, including reference to significant supplemental materials to describe the proposed development and adequate detail to allow Crook County reviews and analysis, under the requirements set forth in the Subdivision Ordinance. 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**

Phase 5 is located in the resort core of Brasada Ranch and is situated on a natural ridge, above the floor of Dry Canyon. Dry Canyon will generally retain agricultural fields or irrigated open spaces. The resort core offers a unique ambiance with spectacular mountain views, central to the overall resort development, yet well removed from the exterior perimeter of the resort.

As demonstrated by previous Site and Tentative Plans, the Brasada Ranch development has carefully incorporated home sites and recreational facilities into the natural terrain. A portion of the championship 18-hole golf course typically follows natural canyons providing character and challenges for the golfer, while enhancing adjacent home sites along the fairways. A trail system weaves throughout the home sites on both the north and south side of Alfalfa Road. Home sites will offer spectacular views of the Cascade Mountains with a high desert foreground.

Agricultural operations will continue in support of equestrian facilities, including grazing and other operations on Brasada Ranch. The proposed development is not expected to interfere with agricultural operations on adjacent properties, as determined by the County Court in the Development Plan.

Fifty percent of the gross acreage of Brasada Ranch will be preserved as natural open space, golf course, and other approved open space uses as discussed above. No natural streams, lakes, or water sources exist on the property. However, water and irrigation features exist on the golf course and within resort areas.

Special terrain features, such as natural canyons, ridge tops, rocky outcrops, and even Juniper trees have been preserved and will continue to be evaluated and protected where practical in the establishment of lot lines and siting of buildings.

In summary, the site plan is effective, efficient, and contributes to orderly development of the property and provides for the preservation of natural features and special terrain, as intended.

(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.

The Development Plan and the subsequent Final Development Plan approvals addressed compatibility with the surrounding area at great length. Crook County made findings and determined destination resort development at Brasada Ranch was compatible with the surrounding area, subject to the approval conditions. The Applicant has demonstrated compliance with each of the applicable 33 approval conditions, ensuring compatibility with the area surrounding the project site.

Similarly, the destination resort will not create an excessive demand on public facilities and services required to serve the development. Rather, domestic water supplies, sewage disposal, and transportation facilities have all been addressed in the prior Development Plan, Final Development Plan, Tentative Plan, and Site Plan approvals. In each case, the Applicant continues to construct appropriate sewage collection and disposal facilities, extend water lines or develop water supplies to serve Brasada Ranch without impacts on others, and 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 Powell Butte Highway and completed installation of the Sewage Treatment plant. The Applicant or previous ownership has demonstrated compliance with all the previously established approval conditions relating to these issues.

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

The Applicant offers a track record of successful development in Central Oregon. Since its acquisition of Brasada Ranch, the Applicant has continued investment into the destination resort and has turned significant annual losses into reasonable profits. The Applicant's oversight of the resort community has given new life to the subdivision and real estate sales. The Applicant and its affiliates have extensive experience with destination resort development and management nationwide and in Oregon, evidenced by its purchase, repositioning, and management of other Central Oregon acquisitions as well as management and dispositions of hospitality and real estate assets throughout the United States.

(4) That there will not be any adverse impacts on neighboring properties, natural resource quality, area livability, and public services and facilities. (Ord. 19 § 3.020, 2003)

The Crook County decision, D-CU-DES-01-03 (Exhibit B for the Phase 1 application) addressed compatibility under approval criteria CCZO 12.100 E. The Crook County Planning Commission made significant findings on compatibility and concluded the proposed resort development would not have adverse impacts on neighboring properties, natural resource quality, area livability, and public services and facilities. The findings of the Crook County Planning Commission and County Court are supported by approval of the FDP, LUBA's confirmation of the Crook County Development Plan approval, execution of a contract for domestic water supplies, Oregon DEQ issuance of a permit for sewage disposal, and ODOT/Crook County approval of an agreement for mitigation of transportation impacts. In addition, the Applicant has previously demonstrated compliance with 33 conditions of approval, many of which relate to compatibility.

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) Commission review of an outline development plan is intended only as a review relative to applicable zoning provisions and thereof is intended more as a service to the developer than as a commitment of approval. Pursuant thereto, 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)

17.16.040 Tentative plan required.

Following submittal and approval of an outline development plan and subdivision application or as 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 § 3.030, 2003)

The attached Tentative Plan drawing, together with this Burden of Proof Statement and the previously approved Development Plan and the Final Development Plan, address each requirement and provide the information noted above.

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.

(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 he is 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.

The water supply for Brasada Ranch was addressed in the Development Plan and the subsequent Final Development Plan. By reference, previous applications incorporated the March 2003 Water Supply System Master Plan, prepared by W&H Pacific, Inc. into the Phase 1 Tentative Plan. The master plan described domestic water consumption, fire protection, irrigation requirements, source facility needs, storage sizing, and design criteria for the water distribution system.

The Final Development Plan application included the Avion Water Company Inc. Water Service Agreement and the associated Public Utility Commission approval for the contract with FNF NV BRASADA LLC. Avion continues to provide water for fire and domestic uses.

The Oregon Water Resources Department ("OWRD") approved a water right transfer to permit the use of Central Oregon Irrigation District ("COID") agricultural water rights to irrigate the golf course. These previously submitted documents confirm an adequate water supply for the project, as documented in findings by the Crook County Planning Commission in the Development Plan and the Final Development Plan decisions.

(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.

Letters from Central Electric Coop (CEC) and Brasada Ranch Utility LLC demonstrate commitments for power, telephone, and cable service are record as Exhibit T in the Phase 1 Tentative Plan application.

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

The previously referenced Water Supply System Master Plan and the associated Avion Water Company Water Service Agreement describe and assure an adequate fire protection system for the proposed subdivision.

The resort property is also included in the Crook County Rural Fire Protection District.

(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.

A current Western Title subdivision guarantee, dated December 13, 2020, is attached.

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

Reasons and justifications for variances have been addressed through previous land use applications. No variances are specifically requested for this subdivision.

(7) Every application for division of property shall be accompanied by a water procurement plan approved by the Crook County watermaster. 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.

Previously referenced documents describe the domestic water supply and fire protection systems for Brasada Ranch. In addition, the Central Oregon Irrigation District (COID) Board of Directors authorized a transfer of irrigation water rights to accommodate golf course and other common area irrigation that has since been approved by the OWRD. All COID irrigation rights will be retained by the Developer or transferred to the Homeowner's Association in conformance with the project CC&Rs where applicable. This replat of Brasada Ranch Phase 5 does not impact water rights at Brasada Ranch.

An Avion Water Company Inc. contract demonstrates a perpetual supply of domestic water for the project. Avion provides domestic water for fire and domestic water service usages. Hydrants are spaced and pressure is available per the 2014 Oregon Fire code.

(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 his representative serving the Crook County area. Every plat and tentative plan shall indicate the water right that is to be transferred to each parcel or lot. (Ord. 19 § 3.080, 2003)

The Applicant acknowledges that it has historically processed necessary transfer applications to the OWRD as required to move portions of the irrigation water rights to golf course fairways throughout the development. The Developer will retain all irrigation water rights or it may transfer the rights to the Homeowner's Association. No irrigation water rights will be transferred to individual lots, nor sold to individual buyers.

The replat for Brasada Ranch Phase 5 is required to be reviewed by the Central Oregon Irrigation District. No water rights are anticipated to be affected by the development proposed with this application.

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.

Plat name approvals will be confirmed during the final plat process.

(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.

No roads are proposed with this application.

(b) Streets and roads to be held for private use are approved by the 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.

No roads are proposed with this application.

(c) The tentative plan complies with the zoning ordinance.

The subject property has been mapped for destination resort development. The prior Development Plan and Final Development Plan approvals and associated findings confirm this Tentative Plan complies with the zoning ordinance.

(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.

The subject property is not within an urban growth boundary.

(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. 19 § 3.100, 2003)

Brasada Ranch is remote and is not subject to City review or approval.

17.20.010 Submission of the final plat.

(1) Filing Time Period Requirements. Within two years after the date of approval of the tentative plan for a subdivision, the subdivider shall prepare and submit a final plat that is in conformance with the tentative plan as approved. The subdivider shall submit the original drawing, five prints, and any supplementary information required by this title and the commission. If the subdivider fails to proceed with the subdivision before the expiration of the two-year period following the approval of the tentative plan, the plan approval shall be void and the subdivider may submit a new plan together with the appropriate filing fee.

The Applicant has experience preparing final plats and has entered into an agreement with DOWL, an engineering and survey firm based in Bend, OR, to prepare the final plat per the requirements of this section of code, Subdivisions Title 17, Chapter 17.20 Final Plat, and the Oregon Revised Statutes.

17.40.010 Improvement procedures.

In addition to other requirements, improvements to be installed by a subdivider, either as a requirement of this title or other applicable regulations or at his own option, 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 the county or a designated representative thereof. Such review and approval shall be at the expense of the developer. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan of a subdivision or the preliminary development plan of a planned unit development.

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

Construction plans are typically reviewed and approved by Avion Water Co., Southwest Water Company, Oregon Health Authority and Crook County Fire and Rescue. CCRD

may choose to review construction plans although the roads are private and not under CCRD jurisdiction.

In the event an improvement agreement is required, which is not anticipated, the Applicant's engineer or contractor prepares an estimate of fees to complete construction. Together with coordination between the Applicant's agent and Crook County legal counsel, a bond amount is determined, and an improvement agreement prepared. Again, the intent of this project is to complete infrastructure prior to final plat approval.

17.60 Fees

The Applicant will pay application fees for this application in accordance with the CCC fee resolution and discussions with Crook County planning staff.

IV. Conclusion

The Applicant continues to make a significant investment in the Crook County land use process, providing a positive impact on the local and regional economies as anticipated and intended under destination resort siting rules and statutes. This Tentative Plan application demonstrates compliance with applicable Crook County approval criteria. The Applicant respectfully requests that the Crook County Planning Commission approve the Tentative Plan application.