

# **Exhibit 4**

CROOK COUNTY
MAY 11 2022
PLANNING DEPT

May 11, 2022

#### Via Hand Delivery and by Email to: plan@co.crook.or.us

Crook County Community Development Attn: Crook County Planning Commission 300 NE 3<sup>rd</sup> Street Prineville. OR 97754

Re: Remand of Appeal of Planning Commission Decision

Brasada Ranch Subdivision Phase 15 File Number: 217-21-001013-PLNG

Crook County Planning Commission:

As you know this office represents BR Community Coalition, a nonprofit corporation presently consisting of 18 residential lot owners in Brasada Ranch (the "Coalition"). The Coalition's position is clear: Applicant must show the location, surfacing and size of all community trails and paths on the Phase 15 plat. The Coalition's position is consistent with Condition of Approval No. 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."

#### Detailed trail information must be shown on plats.

The intended path will connect residents to the commercial community center and provide overnight transient cabin guests use of the path. The path will provide the equivalent of sidewalks in a subdivision, which will be used for multiple purposes by residents and the public who reserve cabins for overnight lodging at Brasada Ranch.

The path will have a significant impact on homes near the path. To give proper notice to buyers in Phase 15, the path must be located on the final plat after being depicted on the preliminary plat. Notably, the intended path is not an internal nature path. Instead, the Applicant wants to burden Phase 15 residential lots and earlier subdivision lots with an interconnected commercial path. The proposed path is a commercial public path because it provides access to the commercial center, will benefit cabin sales, and benefit cabin transient guest rentals of the cabins. The cabin rent is divided between Applicant and cabin owners. The cabin owners must place their cabins in the rental pool.

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Locating the path on the Phase 15 plat eliminates confusion and conflicts with future lot owners and past owners. Attached are samples of Applicant's past maps that are inconsistent and sow confusion about the location and purpose of paths. Applicant's past inconsistent practices require this Commission to make Applicant comply moving forward. Buyers and current owners deserve better. They have a right to certainty. Applicant as developer cannot do whatever it wants whenever it wants.

There is no question the 2003 Final Development Plan (C-CU-DES-001-03) Conditions of Approval apply to all phases of development in Brasada Ranch. The Staff confirmed this point in their report prior to the Appeal, and the Applicant acknowledged this fact in its submission. The Coalition again takes issue with the finding in the original Planning Commission decision that "As the development of the resort has progressed, the Applicant has demonstrated compliance with each of the 33 approval conditions, ensuring compatibility with the area surrounding the project site." The Applicant has not demonstrated compliance with Condition of Approval No. 15 which states:

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

(Emphasis added.)

The plain meaning of Condition 15 means that the Applicant is required to show the final location, surfacing and size of all trails and paths prior to preliminary plat approval. The location, surfacing and size of trails and paths will be final. Finality si not a difficult or overburdensome concept, but rather a mandatory planning requirement.

The Applicant ignores the word "final" in Condition 15. In interpreting a statute or a contract, Oregon Courts look to the plain meaning of the language used, and the Oregon Court of Appeals and Oregon Supreme Court most often look to the definitions provided in the Webster's Third New International Dictionary (unabridged ed 2002). *Kohring v. Ballard*, 355 Or 297, 303-304 n. 2, 325 P3d 717 (2014). The definition of "final" in *Webster's Third* is as follows:

1 a (1): Not to be altered or undone: CONCLUSIVE, DECISIVE
(2): constituting the ultimate in degree, achievement or utilization: approaching perfection: PERFECT: not to be done again: DEFINITIVE

Webster's Third New International Dictionary (Unabridged ed 2002).

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The Oregon Supreme Court has also noted that when consulting dictionaries it is important to use sources close in time with the document whose language you are interpreting. *See*, *e.g.*, *State v. Perry*, 336 Or 49, 53, 77 P3d 313 (2003). In this case, the Final Development Plan was signed June 4, 2003, so the *Webster's Third* is a reliable and contemporaneous source.

Thus, the Applicant is required to show the final location, surfacing and size of all trails and paths prior to preliminary plat approval in each phase. That means those paths cannot be later altered or not constructed as depicted at the time of each phase, otherwise Condition of Approval No. 15 is meaningless. The Applicant and its predecessor have been permitted, likely unknowingly, to avoid the obligations of this Condition of Approval in prior subdivision phases. That is not a justification or excuse to allow it to continue. Importantly, the interconnected path directly affects present owners use and value of their properties.

The Planning Commission must require the Applicant to demonstrate compliance with Condition of Approval No. 15. This condition is not burdensome. In fact, Applicant has not advanced any good reason why the path would not be located on the plat just like other subdivision improvements. The only way to ensure that the location, surfacing and size of all paths in Phase 15 are conclusively located and described is to require the Applicant to show that information on the preliminary and final plat. That way, the County, the Applicant, the public, including owners in Brasada Ranch, will have notice of the paths. What else could possibly be the purpose of Condition of Approval No. 15 but to provide such finality and certainty?

As the Planning Commission knows, there has been conflict regarding trails in Brasada Ranch. Applicant testified that it has held neighborhood meetings, sought input, and is trying to be responsive to a variety of property owners' concerns. None of these actions would be necessary if the paths were shown on the final plats. A potential purchaser should make a purchase decision in Brasada Ranch based on the final location of paths shown on the plat map. Those that want to be near a path can factor the location, size and surfacing of paths into their buying decision. Those that do not want to be near a trail can choose to buy away from paths. Requiring the final location, surfacing and size of paths will provide the predictability, consistency and notice that is expected and required.

As you know from the March 9, 2022 letter and attachments from this office submitted into the record (original record, Ex. 4), Applicant is recently constructing a paved trail system in Brasada Ranch that was not shown on final plat maps or is partly outside the trail easements shown on the Phase 2 plat map. The existence, location, use, and surface of a trail within Brasada Ranch are material factors weighed when consumers buy a Brasada Ranch lot, when designing their homes, when receiving Design Review Committee approval, and when landscaping their lots.

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Only platted path easements afford purchasers adequate notice of the future existence of a trail. The final development plan, Condition of Approval No. 15 requires Applicant to show the final location, surfacing and size of all trails in each phase prior to preliminary (tentative plan) plat approval.

The importance of this requirement is further illustrated by the Applicant's most recent submission (Exhibit 3 on Remand, May 10, 2022). After reviewing the May 4 Staff Report on Remand, Applicant realized that several of its existing trails do not have the required land use approval, including geotechnical reports. This issue illustrates that adherence to Condition of Approval No. 15 is imperative because years have passed and as phases have moved forward without compliance, the development now has many trail locations that don't meet the original criteria and require additional approvals. If Condition of Approval No. 15 is enforced and the Applicant is required to show the final location, surfacing and size of trails, similar future problems will be eliminated.

# The Applicant should be required to either build the trails out consistent with the preliminary plat prior to lot sales or provide an agreement and security.

Development standards for Brasada Ranch as a destination resort require that prior to closure of lot sales in each phase, "developed recreational facilities" either "shall be constructed prior to sales in that phase or guaranteed by providing an agreement and security in accordance with CCC 17.40.080 and 17.40.090." CCC 18.116.040 (4). "Developed recreational facilities" includes "nature trails". The Coalition concedes that the bond for the 2005 Improvement Agreement was released. However, because the trails Applicant is required to depict in their final location, surfacing and width are "developed recreational facilities" under the Code, Applicant must either construct them prior to lot sales or provide a new agreement and security guaranteeing their construction as represented.

The Coalition respectfully requests that the Planning Commission modify the Decision on remand and specifically condition preliminary plat approval by requiring Applicant to specify trails and depict the final location, surfacing, and size of any trail within or servicing Brasada Ranch Phase 15 and any future phase on the preliminary and final subdivision plat. This ensures compliance with prior and continuing conditions of approval, appropriately protecting current and future owners in Brasada Ranch.

#### The Applicant does not meet overnight lodging requirements.

Regarding overnight lodging, the Coalition relies on and incorporates its prior arguments, and further points out that the definition of "Overnight lodgings" under

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Crook County Code cannot be ignored when the County, as required, looks at whether the Applicant meets the overnight lodging requirements on a factual basis. Central Oregon Landwatch vs. Deschutes County, 285 Or App 267, 294 (2017) (analyzing proper interpretation of ORS 197.435 and holding that whether units qualify as "overnight lodging" under that statute and other authority, is not a theoretical question and analysis, but a factual one that must be demonstrated).

In this instance, Crook County Code section 18.116.030 (5) defines "overnight lodgings" means permanent, separately rentable accommodations, which are not available for residential use. The Applicant has not demonstrated that the accommodations are both permanent and separately rentable, as required. When a person rents out the entirety of a 2-, 3-, or 4-bedroom cabin, none of those "separate" units are permanently, separately rentable. Crook County's code differs from ORS 197.435(5)(b) in requiring permanency.

Applicant's overnight lodging offerings do not meet Crook County Code requirements. The Commission should require Applicant to re-analyze and provide documentation of the number of permanent, separately rentable accommodations so that an accurate calculation of the number of additional required units and bonding can be determined.

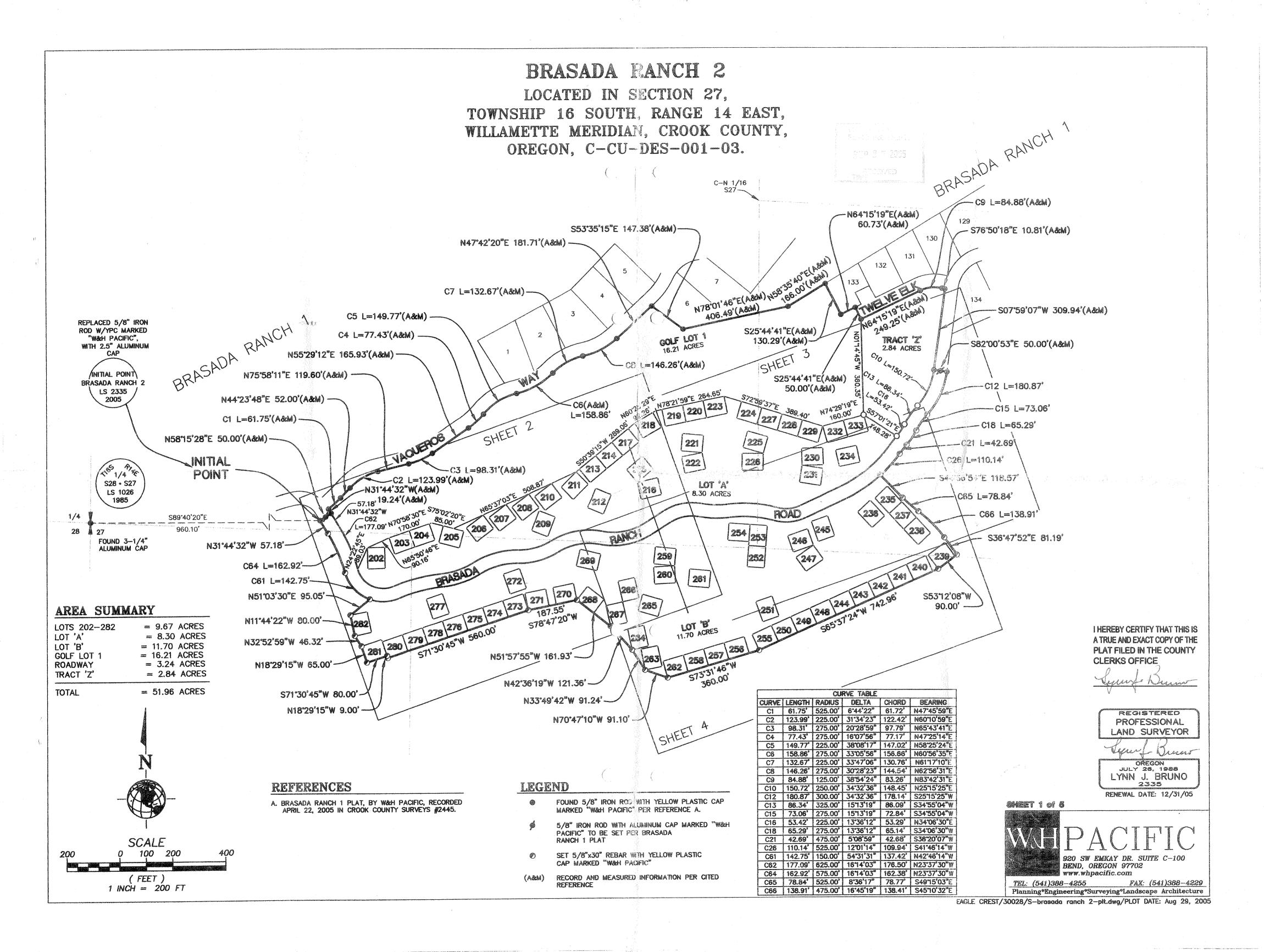
Sincerely,

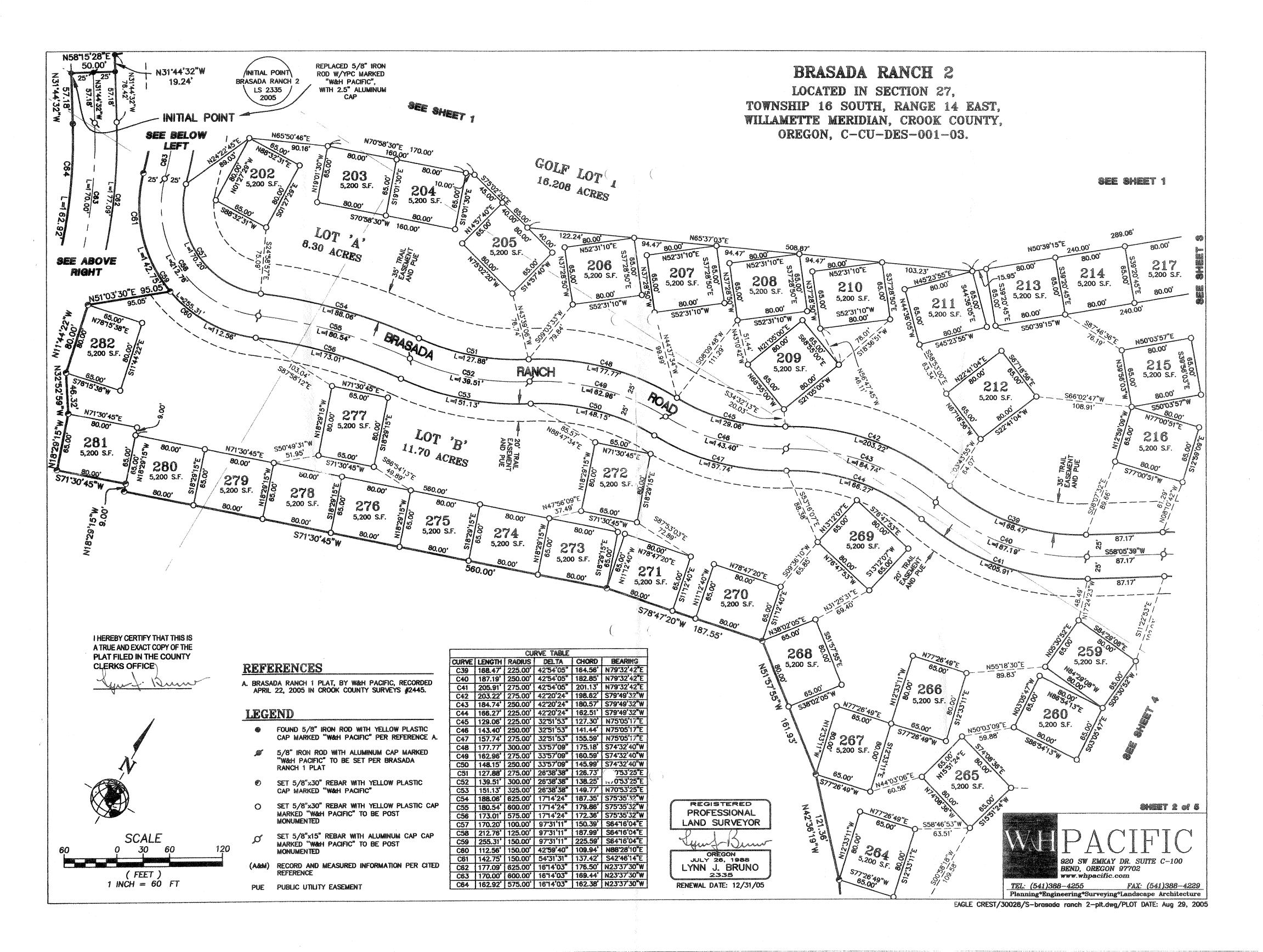
Megan K. Burgess

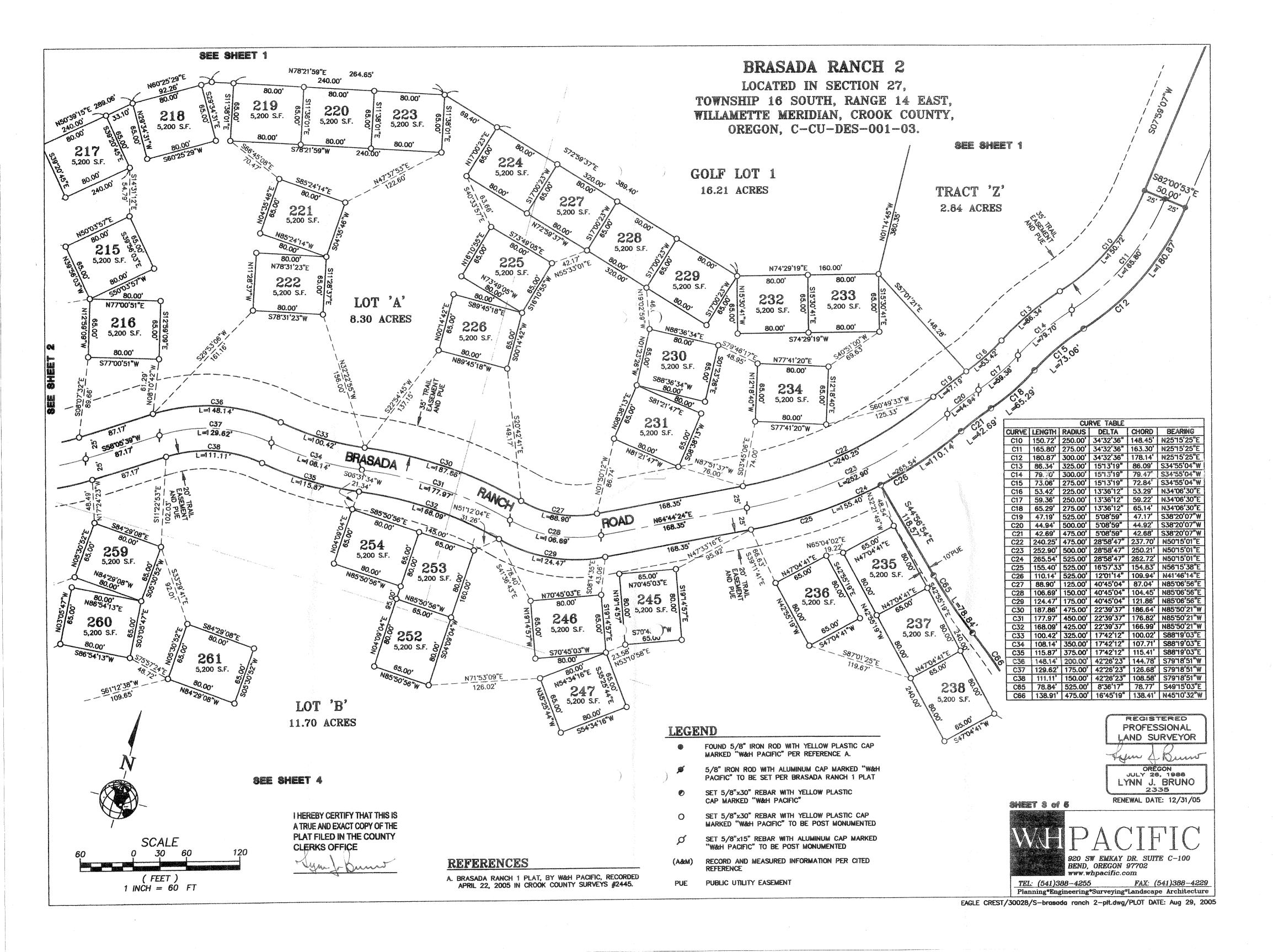
Megan K. Burgers

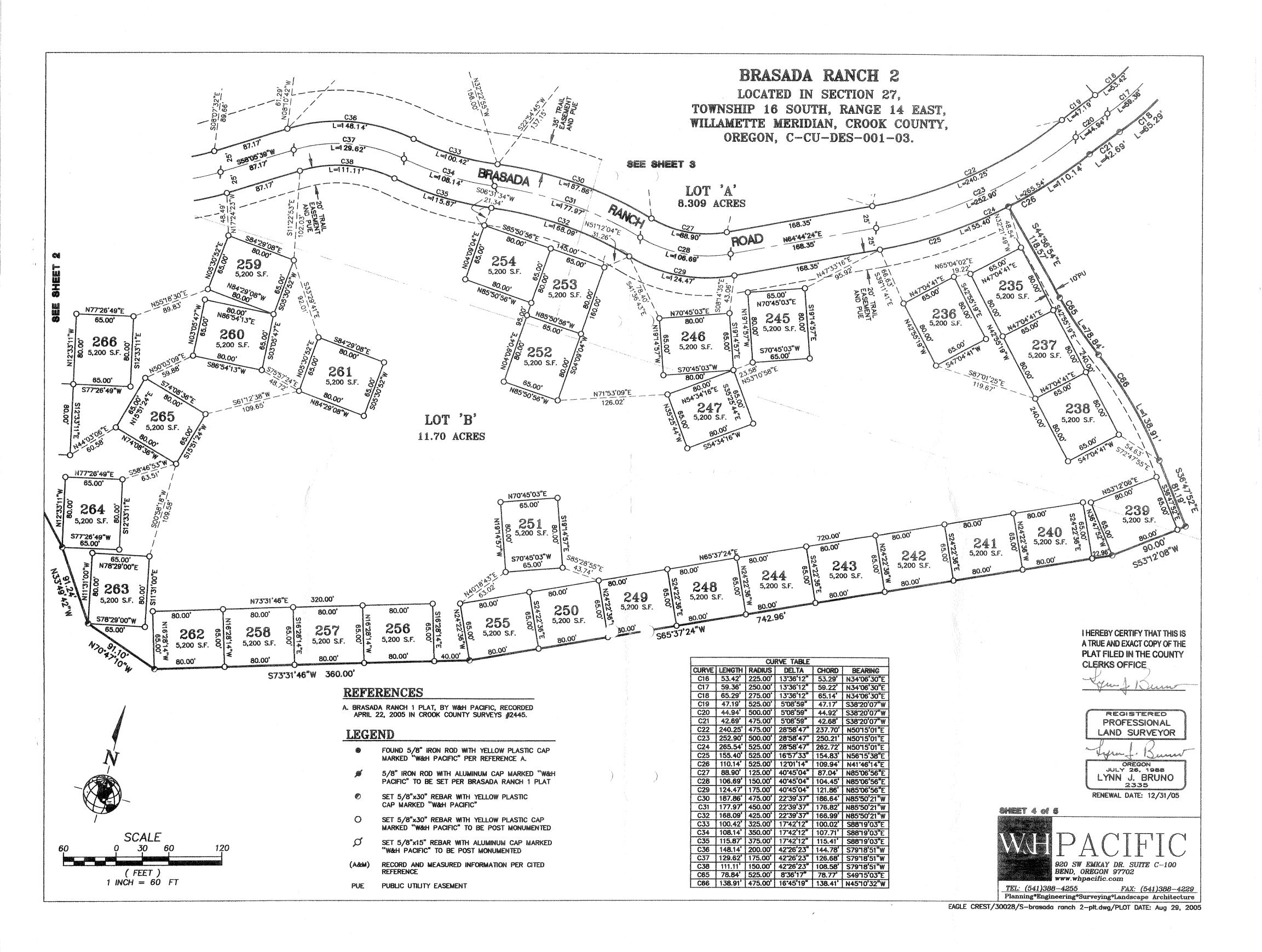
Encl. as stated

Client cc:









# BRASADA RANCH 2

LOCATED IN SECTION 27.

TOWNSHIP 16 SOUTH, RANGE 14 EAST, WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON. C-CU-DES-001-03.

### DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT BRASADA RANCH, INC., AN OREGON CORPORATION, THE OWNER OF THE LAND SHOWN ON THIS SUBDIVISION PLAT, HAS CAUSED SAID LAND TO BE SURVEYED INTO PRIVATE LOTS, LOTS A AND B, GOLF LOT 1, PRIVATE WAYS, PUBLIC UTILITY EASEMENTS, TRAIL EASEMENTS AS SHOWN ON THIS PLAT, AND DOES HEREBY DEDICATE TO THE PUBLIC FOREVER, PUBLIC UTILITY EASEMENTS OVER ALL PRIVATE WAYS, AND HEREBY RESERVE EASEMENTS FOR ROAD PURPOSES OVER ALL PRIVATE WAYS, INCLUDING SIGNS, IRRIGATION SYSTEMS, THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE, AND HEREBY RESERVES EASEMENTS OVER LOTS A AND B FOR UTILITIES, DRAINAGE, IRRIGATION SYSTEMS, SIGNS AND OTHER RELATED USES, AND DOES HEREBY SUBMIT FOR APPROVAL AND RECORD SAID PLAT OF "BRASADA RANCH 2". HENCEFORTH TO BE SO KNOWN.

BY:	Derse E Andres	8-3/-05		
	JEROL E ANDRÈS, PRESIDENT, BRASADA RANCH, INC.	DATE		

## ACKNOWLEDGMENT

COUNTY OF CROOK

	OFFICIAL SEAL
	📸 DANICE K. ZINN
	NOTARY PUBLIC-OREGON
	COMMISSION NO. 386995
1002	MY COMMISSION EXPIRES NOVEMBER 21, 200

KNOW ALL PEOPLE BY THESE PRESENTS THAT ON THIS 31 DAY OF PLOLISH , 2005, BEFORE ME, PERSONALLY APPEARED JEROL E. ANDRES WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED ON BEHALF OF BRASADA RANCH, INC
NOTARY PUBLIC
PRINTED NAME: DOCICE K. Zing NOTARY PUBLIC - OREGON

COMMISSION NO: 384	995
MY COMMISSION EXPIRES	

APPROVALS		
CROCK COUNTY PLANNING COMMISSION (). 12	09/16/	2005
CROOK COUNTY TAX COLLECTOR Laura Fladung Depide	9/7	2005
CROOK COUNTY ASSESSOR SAUCCES STEPUTY	8/30	2005
	9-6-05	
CROOK COUNTY ROAD MASTER PLANSA & Kelles	9/4/05	2005
CROOK COUNTY SANITARIAN RESERVED EMS	9/6/05	2005
CROOK COUNTY SURVEYOR Land 13 Amount	8-30	2005
CROOK COUNTY PLANNER WILL BELGE	9/22	2005
CENTRAL OREGON IRRIGATION DISTRICT	9-12	2005
CROOK COUNTY JUDGE	9-21	2005
CROOK COUNTY COMMISSIONER THE THE TOTAL THE COMMISSIONER	9-2	2005
CROOK COUNTY COMMISSIONER Mekaff Moha	9-21	2005
SIGNATURE BY THE COUNTY COURT CONSTITUTES ACCEPTANCE OF ANY DEDICATIONS AS SURVEYED AND PLATTED HEREON.	TO THE PUBI	LIC

RECORDATION - CLERK
STATE OF OREGON )
STATE OF OREGON ) SS 254177 COUNTY OF CROOK )
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 26 TA DAY OF
September . 2005 AT 3:59 PM.
AND RECORDED IN Deed PLAT
RECORDS OF SAID COUNTY MF NO 204177
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY: Shee I Meen DEPUTY

RECORDATION - SURVEYOR

STATE OF OREGON COUNTY OF CROOK

I CERTIFY THAT THE WITHIN INSTRUMENT WAS RECEIVED FOR RECORD ON THE 26 DAY OF SEPTEMBEE, 2005, AND RECORDED IN SURVEYS # 2500 OF SAID COUNTY. DAVID B. ARMSTRONG

During 5 COUNTY SURVEYOR

# SURVEYOR'S CERTIFICAT

I, LYNN J. BRUNO, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND SHOWN ON THIS SUBDIVISION PLAT. TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN OREGON, SAID LAND BEING A REPLAT OF A PORTION OF PARCELS 1 AND 2 PARTITION PLATS NO. 1996-62, AND PARCEL 2, PARTITION PLAT NO. 1996-64, ALL LOCATED IN A PORTION OF SECTION 27, TOWNSHIP 16 SOUTH, RANGE 14 EAST, WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A 2.5" ALUMINUM CAP STAMPED "INITIAL POINT BRASADA RANCH 2", AT THE WESTERLY TERMINATION OF THE SOUTHWEST RIGHT-OF-WAY OF BRASADA RANCH ROAD OF "BRASADA RANCH 1", AS SHOWN ON THE PLAT ON FILE WITH THE CROOK COUNTY SURVEYOR AS CS 2445, SAID POINT BEARS SOUTH 89°40'20" EAST, 960.10 FEET FROM THE QUARTER CORNER BETWEEN SECTIONS 27 AND 28, IN TOWNSHIP 16 SOUTH, RANGE 14 EAST, WILLAMETTE MERIDIAN, CROOK COUNTY, OREGON, BEING A 3 — INCH ALUMINUM CAP; THENCE ALONG THE SOUTH BOUNDARY OF SAID PLAT THE FOLLOWING TWENTY FIVE (25) COURSES: NORTH 5815'28" EAST, 50.00 FEET; THENCE NORTH 31'44'32" WEST, 19.24 FEET; THENCE ALONG THE ARC OF A 525.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 6'44'22", AN ARC LENGTH OF 61.75 FEET (THE CHORD OF WHICH BEARS NORTH 47'45'59" EAST, 61.72 FEET TO / "OINT OF TANGENCY; THENCE NORTH 44"23"48" EAST, 52.00 FEET TO A POINT OF CUL JUR. JHENCE ALONG THE ARC OF A 225.00 FOOT RADIUS CURVE TO THE RIGHT. THROUGH A CENTRAL ANGLE OF 31°34'23", AN ARC LENGTH OF 123.99 FEET (THE CHORD OF WHICH BEARS NORTH 60"10"59" EAST, 122.42 FEET) TO A POINT OF TANGENCY; THENCE NORTH 75°58'11" EAST, 119.60 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 275,00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 20°28'59", AN ARC LENGTH OF 98.31 FEET (THE CHORD OF WHICH BEARS NORTH 65'43'41" EAST, 97.79 FEET) TO A POINT OF TANGENCY: THENCE NORTH 55°29'12" EAST, 165.93 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 275.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 16°07'56", AN ARC LENGTH OF 77.43 FEET (THE CHORD OF WHICH BEARS NORTH 47°25'14" EAST, 77.17 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 225.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 38'08'17", AN ARC LENGTH OF 149.77 FEET (THE CHORD OF WHICH BEARS NORTH 58°25'24" EAST, 147.02 FEET) TO A POINT OF REVERSE CURVATURE: THENCE ALONG THE ARC OF A 275.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 33°05'56", AN ARC LENGTH OF 188.86 FEET, (THE CHORD OF WHICH BEARS NORTH 60°56'35" EAST, 156.66 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 225.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 33°47'06", AN ARC LENGTH OF 132.67 FEET (THE CHORD OF WHICH BEARS NORTH 6177'10" EAST, 130.76 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 275.00 FOOT RADIUS CURVE TO THE LEFT. THROUGH A CENTRAL ANGLE OF 30"28'23", AN ARC LENGTH OF 146.26 FEET (THE CHORD OF WHICH BEARS NORTH 62'56'31" EAST, 144.54 FEET) A POINT OF TANGENCY; THENCE NORTH 47'42'20" EAST, 181.71 FEET; THENCE SOUTH 53'35'10" EAST, 147.38 FEET; THENCE NORTH 78'01'46" EAST, 406.49 FEET; THENCE NORTH 58'35'40" EAST, 168.00 FEET; THENCE SOUTH 25'44'41" EAST, 130.29 FEET; THENCE NORTH 6475'19" EAST, 60.73 FEET TO THE WESTERLY TERMINATION OF THE NORTHWEST RIGHT-OF-WAY OF TWELVE ELK ROAD; THENCE CROSSING SAID RIGHT-OF-WAY, SOUTH 25°44'41" EAST, 50.00 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 64"15'19" EAST, 249.25 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 125.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 38°54"24", AN ARC LENGTH OF 84.88 FEET (THE CHORD OF WHICH BEARS NORTH 83'42'31" EAST, 83.26 FEET) TO A POINT OF TANGENCY; THENCE SOUTH 76°50'18" EAST, 10.81 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF BRASADA RANCH ROAD; THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 07"59"07" WEST, 309.94 FEET TO THE TERMINATION OF SAID RIGHT-OF-WAY: THENCE CROSSING SAID RIGHT-OF-WAY, SOUTH 82°00'53" EAST, 50.00 FEET TO A POINT OF CURVATURE; THENCE LEAVING SAID RIGHT-OF-WAY AND SAID BRASADA RANCH 1 PLAT BOUNDARY, ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 34'32'36", AN ARC LENGTH OF 180.87 FEET (THE CHORD OF WHICH BEARS SOUTH 25"15'25" WEST, 178.14 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 275.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 15"3'19", AN ARC LENGTH OF 73.06 FEET (THE CHORD OF WHICH BEARS SOUTH 34"55"04" WEST, 72.84 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 275.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 13'36'12", AN ARC LENGTH OF 65.29 FFFT (THE CHORD OF WHICH BEARS SOUTH 34'06'30" WFST, 65.14 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 475 ) FO RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 5'08'59". AN ARC LENGTH OF 42/69 FEET (THE CHORD OF WHICH BEARS SOUTH 38'20'07" WEST, 42.68 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 525.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 12'01'14", AN ARC LENGTH OF 110.14 FEET (THE CHORD OF WHICH BEARS SOUTH 41°46'14" WEST, 109.94 FEET) TO A POINT OF TANGENCY; THÈNCE SOUTH 44°56'54" EAST, 118.57 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 525.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 8'36'17", AN ARC LENGTH OF 78.84 FEET (THE CHORD OF WHICH BEARS SOUTH 49'15'03" EAST, 78.77 FEET) TO A POINT OF REVERSE CURVATURE: THENCE ALONG THE ARC OF A 475.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 16'45'19", AN ARC LENGTH OF 138.91 FEET (THE CHORD OF WHICH BEARS SOUTH 4570'32" EAST, 138.41 FEET) TO A POINT OF TANGENCY: THENCE SOUTH 36"47"52" EAST, 81.19 FEET; THENCE SOUTH 53"12"08" WEST, 90.00 FEET; THENCE SOUTH 65'37'24" WEST, 742.96 FEET; THENCE SOUTH 73'31'46" WEST, 360.00 FEET; THENCE NORTH 70'47'10" WEST, 91.10 FEET; THENCE NORTH 33'49'42" WEST, 91.24 FEET; THENCE NORTH 42'36'19" WEST, 121.36 FEET: THENCE NORTH 51°57'55" WEST, 161.93 FEET; THENCE SOUTH 78°47'20" WEST, 187.55 FEET; THENCE SOUTH 71"30"45" WEST, 560.00 FEET; THENCE NORTH 18"29"15" WEST, 9.00 FEET; THENCE SOUTH 71"30"45" WEST, 80.00 FEET; THENCE NORTH 18"29"15" WEST, 65.00 FEET; THENCE NORTH 32°52'59" WEST, 46.32 FEET; THENCE NORTH 11'44'22" WEST, 80.00 FEET; THENCE NORTH 51"03"30" EAST, 95.05 FEET TO A POINT F CUP TURE; THENCE ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE TO THE RIGHT, THIN JGH A \_\_NTRAL ANGLE OF 54'31'31", AN ARC LENGTH OF 142.75 FEET (THE CHORD OF WHICH BEARS NORTH 42'46'14" WEST, 137.42 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 575.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 16"14"03", AN ARC LENGTH OF 162.92 FEET, (THE CHORD OF WHICH BEARS NORTH 23"37"30" WEST, 162.38 FEET) TO A POINT OF TANGENCY; THENCE NORTH 31'44'32" WEST, 57.18 FEET TO THE SOUTHERLY BOUNDARY OF SAID BRASADA RANCH 1 PLAT AND THE POINT OF BEGINNING.

SAID SUBDIVIAION PLAT CONTAINS 51.96 ACRES MORE OR LESS.

#### NOTES

 THE PROPERTY SHOWN ON THIS MAP IS SUBJECT TO EXISTING RIGHTS OF WAY FOR ROADS, HIGHWAYS, IRRIGATION DITCHES, CANALS AND POLE LINES.

2. THE PROPERTY SHOWN ON THIS MAP IS SUBJECT TO ANY LIENS AND ASSESSMENTS THAT MAY RESULT FROM BEING WITHIN THE BOUNDARIES OF THE CENTRAL OREGON IRRIGATION DISTRICT.

3. THE PROPERTY SHOWN ON THIS MAP IS SUBJECT TO RESERVATIONS CONTAINED IN PATENTS FROM THE UNITED STATES OF AMERICA AND IN DEEDS FROM THE STATE OF OREGON.

4. AS DISCLOSED BY THE TAX ROLL, THE PREMISES HEREIN DESCRIBED HAVE BEEN ZONED OR CLASSIFIED FOR FARM USE. AT ANY TIME THAT SAID LAND IS DISQUALIFIED FOR SUCH USE, THE PROPERTY WILL BE SUBJECT TO ADDITIONAL TAXES OR PENALTIES AND INTEREST.

THIS PLAT IS SUBJECT TO A DEVELOPMENT AGREEMENT RECORDED ON THE 22nd DAY OF APRIL, 2005 IN CROOK COUNTY RECORDS MF NO. 2005-199244.

#### NARRATIVE

WE WERE RETAINED BY BRASADA RANCH INC. TO COMPLETE A SUBDIVISION PER THEIR APPROVED SUBDIVISION APPLICATION C-CU-DES-001-03.

THE BASIS OF BEARING IS THE EAST LINE OF SECTION 22, TOWNSHIP 16 SOUTH, RANGE 14 EAST, WILLAMETTE MERIDIAN, BETWEEN THE CENTER QUARTER CORNER AND THE SOUTHEAST SECTION CORNER OF SAID SECTION 22, PER BOUNDARY SURVEY, BY DAVID B. ARMSTRONG, CROOK COUNTY SURVEY #2423, BEING S00'00'58"E.

THIS PHASE OF DEVELOPMENT LIES IN THE MIDDLE OF THE BRASADA RANCH, INC. PROPERTY AND IS NOT ADJACENT TO ANY OTHER PROPERTY BOUNDARY OTHER THAN BRASADA RANCH 1.

#### TAX CERTIFICATES

I HEREBY CERTIFY THAT ALL ADVALOREM TAXES, SPECIAL ASSESSMENTS, FEES AND OTHER CHARGES, AS REQUIRED BY ORS 92.095 TO BE PLACED ON THE 2005-2006 TAX ROLLS, WHICH HAVE BECOME A LIEN OR WILL BECOME A LIEN DURING THIS TAX YEAR, HAVE BEEN PAID TO ME.

CROOK COUNTY ASSESSOR

I HEREBY CERTIFY THAT ALL TAXES HAVE BEEN PAID AS OF THIS DATE.

CROOK COUNTY TAX COLLECTOR

# POST-MONUMENTATION CERTIFICATE

I, LYNN J. BRUNO, CERTIFY THAT POST MONUMENTATION OF ALL REMAINING INTERIOR CORNERS, AS SHOWN WILL BE COMPLETED ON OR BEFORE OCTOBER 31, 2005.

Tyling Burns LYNN J. BRUNO PLS 2335

INTERIOR AND CENTERLINE MONUMENTS SET PER AFFIDAVIT OF MONUMENTATION RECORDED

IN VOLUME OF DESCRIPTES COUNTY RECORDS. CROOK

COUNTY SURVEYOR

INDEX

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE PLAT FILED IN THE COUNTY **CLERKS OFFICE** 

REGISTERED PROFESSIONAL LAND SURVEYOR

"When OREGON JULY 26, 1988 LYNN J. BRUNO 2335

RENEWAL DATE: 12/31/05

SHEET 1 - INDEX SHEET

SHEET 2 - STREETS AND LOTS 202-217. 259-260, 264-282, GOLF LOT 1

SHEET 3 - STREETS AND LOTS 218-238, 245-247, 252-254, 259-261, LOT A

SHEET 4 - STREETS AND LOTS 235-266, LOT B

SHEET 5 - SIGNATURES, NOTES DECLARATION, & SURVEYOR'S CERTIFICATE



SHEET 5 of 5

BEND. OREGON 97702

TEL: (541)388-4255

FAX: (541)388-4229 Planning\*Engineering\*Surveying\*Landscape Architecture

EAGLE CREST/30028/S-brasada ranch 2-plt.dwg/PLOT DATE: Aug 29, 2005



# $B\ R\ A\ S\ A\ D\ A\quad R\ A\ N\ C\ H^{\mathsf{TM}}$

Isn't it time you discovered what panoramic living is all about? Owning a homesite at Brasada Ranch is just the beginning. Indoor and outdoor adventures are plentiful at Brasada Ranch and throughout Central Oregon. Hiking, biking, horseback riding, fishing, climbing, swimming, jogging, skiing and golfing are just a few of the activities available on-site or in Central Oregon.

888.244.6015 • 541.504.3200 • WWW.BRASADA.COM

Community	Map .	Legend
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- A COMMUNITY DISCOVERY CENTER
- B RANCH HOUSE
- C DRIVING RANGE
- D FUTURE SITE OF EQUESTRIAN FACILITIES
- E SPIRIT ROCK
- F FUTURE SITE OF THE
  BRASADA ATHLETIC CLUB
- G FUTURE SITE OF THE GOLF CLUBHOUSE
- H FUTURE SITE OF ATHLETIC CLUB
  OUTDOOR TENNIS COURTS
- Homesite
- RANCH CABIN
- Sold

# Homesites

PHAS	Е 3			PHAS	Е 4				
HOMESIT	E ACRES	HOMESIT	E ACRE						
283	0.862	326	0.760	375	0.87	423	0.68	469	0.74
284	0.880	327	0.789	376	0.87	424	0.67	470	0.81
285	0.887	328	0.672	377	0.88	425	0.65	471	0.84
286	0.954	329	0706	378	0.88	426	0.65	472	0.78
287	0.677	330	0.675	379	0.78	427	0.52	473	0.79
288	0.693	331	0.628	380	0.70	428	0.63	474	0.79
289	0.693	332	0.636	381	0.70	429	0.60	475	0.81
290	0.689	333	0.667	382	0.77	430	0.62	476	0.66
291	0.505	334	0.769	383	0.69	431	0.61	477	0.58
292	0.528	335	0.827	384	0.64	432	0.62	478	0.59
293	0.543	336	0.616	385	0.92	433	0.53	479	0.54
294	0.509	337	0.737	386	0.65	434	0.52	480	0.60
295	0.645	338	0.650	387	0.57	435	0.51	481	0.54
296	0.689	339	0.599	388	0.73	436	0.51	482	0.58
297	0.689	340	0.601	389	0.64	437	0.50	483	0.59
298	0.626	341	0.578	390	0.75	438	0.50	484	0.61
299	0.719	342	0.557	391	0.59	439	0.50	485	0.56
300	0.600	343	0.594	392	0.61	440	0.51	486	0.62
301	0.583	344	0.589	393	0.57	441	3.15	487	0.70
302	0.663	345	0.544	394	0.56	442	0.55	488	0.69
303	0.705	346	0.599	395	0.58	443	0.54	489	0.70
304	0.565	347	0.665	396	0.63	444	0.54	490	0.64
305	0.685	348	0.645	397	0.59	445	0.62	491	0.61
306	0.736	349	0.588	398	0.54	446	0.55	492	0.58
307	0.716	350	0.628	399	0.66	447	0.64	493	0.56
308	0.683	351	0.735	400	0.73	448	0.63	494	0.59
309	0.620	352	0.675	401	0.81	449	0.59	495	0.55
310	0.602	353	0.660	402	0.86	450	0.52	496	0.58
311	0.608	354	0.770	403	0.690	451	0.530	497	0.71
312	0.729	355	0.650	404	0.70	452	0.62	498	0.58
313	0.749	356	0.658	405	0.56	453	0.63	499	0.53
314	0.744	357	0.618	406	0.54	454	0.57	500	0,66
315	0.760	358	0.579	407	0.59	455	0.53	501	<b>/</b> 0.57
316	0.777	359	0.614	408	0.74	456	0.76	502/	0.56
317	0.785	360	0.585	409	0.72	457	0.64	503	1.26
318	0.754	361	0.627	410	0.68	458	0.7.1		
319	0.698	362	0.641	411	0.56	459	0.61		
320	0.637	363	0.733	412	0.59	460	0.60		
321	0.548	364	0.750	413	0.61	461	0.60		
322	0.541	365	0.691	414	0.73	462	0.66		
323	0.556	366	0.569	415	0.67	463	0.64		
324	0.515	367	0.659	416	0.56	464	0.68		
325	0.637	368	0.713	417	0.62	465	0.57		
		369	0.639	418	0.71	466	0.60		
		370	0.540	419	0.730	467	0.69		

422 0.70

373 0.563

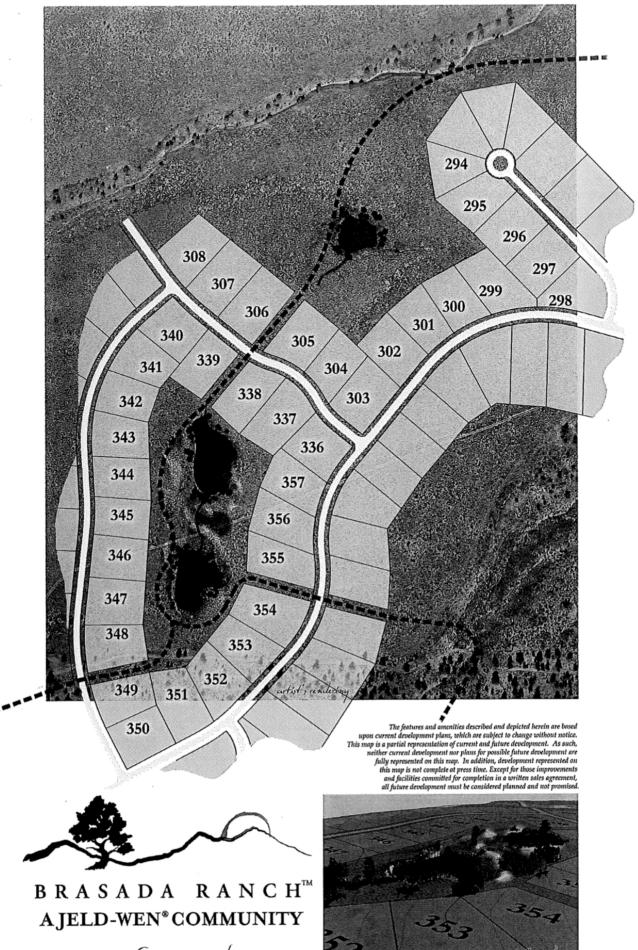
374 0.604

468 0.71

This map is a partial representation of current and future development. As such, neither current development nor plans for possible future development of Brasada Ranch are fully represented on this map. In addition, development represented on this map is not complete at press time. The developer may, at its sole discretion and in accordance with planning considerations, market conditions, and any applicable governmental land use regulations, develop future facilities or properties at any specific location at Brasada Ranch. Except for those improvements and facilities committed for completion in a written sales agreement, all future development must be considered planned, and not promised. Access to amenities may be subject to the payment of fees, membership requirements and other restrictions. Properties offered by Brasada Ranch Real Estate, 16986 SW Brasada Ranch Rd, Powell Butte, OR 97753, 541-504-3200.

♠ Obtain the property report required by Federal Law and read it before signing anything. No Federal Agency has judged the merits or value, if any, of this property. WARNING: THE CALIFORNIA DEPARTMENT OF REAL ESTATE HAS NOT INSPECTED, EXAMINED OR QUALIFIED THIS OFFERING.





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not onigated to develop any specific payment of fees, membership requirements and other restrictions. Still stands the restrictions. Still stands the restrictions. Powell Burne CR. 9733. 541-504-3200, Obtain the Property Report required by Endand law and mad in before signing anything. No Federal agency has judged the merits or value, if any, of





This map is a partial representation of current and future development. As such, its use is intended only for identification of platted, numbered homesites. The features and amenities described and depicted herein are based upon current development plans, which are subject to change by the developer in its sole discretion without notice. The developer is not obligated to develop any specific future facility at any specific location within Brasada Ranch and, subject to any governmental land use regulation or other planning considerations, may develop any future facilities at any location within Brasada Ranch. Access to amenities may be subject to the payment of fees, membership requirements and other restrictions.

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