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Sent: Thursday, July 7, 2022 10:04 AM
To: Eric Blaine; Plan
Cc: Will VanVactor
Subject: Crossing Trails Destination Resort, DR 08-0092 - Objection (M. James)
Attachments: Crossing Trails - Exhibit - James 2022-07-07 v2.pdf

CROOK COUNTY
JUL 07 2022
PLANNING DEPT

Mark and Molly James, interested parties as landowners along SW Parrish Ln, formally request that the attached Objection be entered into the record for the Modification Application for the Crossing Trails Destination Resort, DR 08-0092.

Regards,

Mark and Molly James

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**Objection to the Modification Application for the
Crossing Trails Destination Resort, DR 08-0092**

Submitted to the Crook County Community Development Department, Planning Division, and County Legal Counsel's office, via email dated July 7, 2022

Mark and Molly James
1887 SW Parrish Ln
Powell Butte, OR 97753
mjames@white-summers.com

Mark and Molly James, interested parties as landowners along SW Parrish Ln, formally request:

That this Objection be entered into the record for the Modification Application for DR 08-0092 (the "Modification");

1. to receive notice of any hearing or decision related to Crossing Trails Destination Resort for DR 08-0092;
2. to be allowed to present testimony/evidence at any and all hearings or appeals relating to Crossing Trails Destination Resort for DR 08-0092; and
3. that the County deny the present application for modification of the prior Conditional Use Approval (the "CUA") for the following reasons:

A. The Modification is Substantially Different from Original Plan.

a. The Modification describes a development project substantially different from the original resort development plan embodied in the CUA and therefore must be considered as a wholly new development project/application and not as a modification of the existing CUA. The original plan is for a destination golf resort with traditionally built homes, similar to that of Brasada or Pronghorn. The Modification describes a manufactured home residential community, with no golf course or other traditional resort recreational facilities, and just enough rental units and meeting rooms to fall under the "destination resort" criteria under the Crook County Code (CCC) 18.116.040. The plan described by the Modification appears to be primarily oriented to lower-cost residential housing.

b. The Modification does not meet the purpose of the Crook County destination resort overlay zone, as stated in CCC 18.116.010:

"The destination resort overlay is intended to provide for property-designed destination resort facilities, which enhance and diversify the recreational opportunities and economy of Crook County. The destination resort overlay will ensure resort development that complements the physical attractiveness of an area without significant adverse effects on adjacent rural residential subdivisions, commercial farming and forestry operations, or the significant natural and cultural features which contribute to the setting."

The plan described by the Modification appears to be primarily oriented to lower-cost residential housing. Lacking a golf course, equestrian facilities, or other traditional resort recreational facilities, it does not appear to enhance or diversify the recreational opportunities of Crook County and therefore does not meet the codified purpose of the destination resort overlay zone.

c. It is noted that the present applicant, successor to the original applicant, is a subsidiary of Sun Communities, Inc., an owner and operator of over 600 manufactured home communities, RV resorts and marinas. Applicant does not appear to own or operate resort properties which are not RV resorts, suggesting that the plan described in the Modification is a manufactured home community disguised as a “destination resort” solely for the purposes of recycling the prior approved CUA.

d. Aside from the shift to manufactured housing and removal of resort recreational facilities, the Modification contains substantial changes to resort access/traffic, and proposed water and sewage plans.

- i. **Resort Access/Traffic:** The plan described in the CUA provided that virtually all resort access would be via the Wiley Road/Hwy 126 intersection. With over 3,500 daily trips to the resort anticipated, such access could be feasible in theory with major reconstruction of said Wiley/126 intersection. However, with the County’s planned closure of said intersection, the Modification requires that 100% of resort access be via Parrish Ln., which is designated by the County as a Minor Collector. The March 30, 2022 TIA Review prepared for the County by Transight Consulting, LLC (the “Transight TIA”) notes that every single intersection providing access to Parrish Ln. will fail under the anticipated levels of resort traffic.

The applicant’s traffic studies attempt to mitigate such failure by (i) routing all Eastbound traffic from the resort North on Parrish to Houston Lake Road to the Tom McCall/126 roundabout (which is already failing during peak hours due to Facebook traffic), (ii) routing all Westbound traffic to the resort via the Tom McCall/126 roundabout and Houston Lake Road and then South on Parrish, (iii) routing all Eastbound traffic to the resort to Houston Lake via the Hwy 126 intersections at Minson Rd, Williams Rd. and Reif Road, and installing a right turn lane at the South end of Parrish Ln. Even with such routing and the new right turn lane at the South end of Parrish, every single intersection fails. We note that the estimated 3,567 weekday trips onto Parrish in the Transight TIA equals a 700%-1,000% increase over existing traffic levels.

The applicant’s response to the Transight TIA (see Comment No. 2 on Page 1) states that the increased Facebook traffic South on Parrish Ln. (caused by traffic from Facebook attempting to bypass the failing Tom McCall/126 roundabout) is resulting in 80-100 weekday PM peak hour trips on Parrish Ln. The applicant extrapolates this (without any factual evidence or

supporting calculations) to suggest that average daily trips currently exceed 500 ADT “- a presumed threshold for improving County facilities”. The applicant is therefore not only acknowledging the existing failure of the Tom McCall/126 roundabout, but is suggesting that such failure should be fixed by the County by improving Parrish Ln, thus negating any requirement for the applicant to contribute to improvements to Parrish Ln. **This response suggests that applicant is assuming that Parrish Ln will need to be substantially improved in its entirety to accommodate all resort traffic at the County’s expense.**

The fact is that 3,500+ additional trips onto Parrish Ln. will effectively turn Parrish Ln. into a freeway – with insufficient intersections. Residents on Parrish are likely to experience substantial traffic and delays, as well as dramatically increased noise. Even if turn lanes, traffic lights and roundabouts are established at each end of Parrish, the road cannot accommodate an expected 4,000 trips per day.

Increased traffic on Parrish Ln. will likely cause increased accidents and associated deaths. The Parrish/126 intersection is already notoriously dangerous. Increasing the number of turns on and off of Parrish at this intersection will exacerbate this danger. The Powell Butte Post Office also recently required all residents located on the West side of Parrish Ln to relocate mailboxes to the East side of the road, requiring residents to walk across Parrish to get their mail. Such regular pedestrian crossings by residents will not be possible with a 7-to-10-fold increase in Parrish traffic.

Increased traffic on Parrish Ln. is not compatible with existing farm use. Parrish Ln is a farm road, with frequent, but irregularly scheduled, cattle drives and slow-moving farm traffic (tractors and other field equipment). In the Modification application, Narratives Page B-34, the applicant states that its sole plan to mitigate conflict with farm use is as follows:

“Resort management will work with area landowners to create traffic flow patterns that will not disrupt the flow of agricultural equipment, livestock or other agricultural activities especially during harvest or seasonal fieldwork periods.”

Simply stating that the property manager will “work with” landowners to accommodate farm traffic is not a real plan and is not at all feasible. There is zero chance that thousands of cars can be re-routed on the fly when a neighbor needs to move cattle between properties. Such cattle drives often involve moving cattle 2+ miles along Parrish.

- ii. **Water:** The CUA provided that all water would be supplied by Avion, sourced from the Deschutes aquifer. The plan described in the Modification suggests that all water (~300,000 gallons per day) will be obtained via one or more wells located ~1 mile north of the resort site, pulling from the

Powell Butte aquifer. This is a substantial deviation from the CUA and could have potentially devastating effects on neighboring properties. When discussing the impact on areas adjacent to and neighboring the resort, the Modification does not include areas adjacent to and neighboring the proposed well site or the potential impact of such alternative water source.

- iii. **Sewage:** The Modification provides for a modified sewage treatment plan, including reduced levels of processing, the use of an effluent pond located adjacent to Parrish Ln and the surface distribution of effluent on fields located on the resort property. Although other neighboring landowners have more thoroughly discussed the problems with such plan (including the fact that such a system cannot function in extremely cold weather), we note that this is a substantial deviation from the CUA.

As the Modification is a substantial deviation from the plan described in the CUA, the Modification application must be denied and the applicant required to submit the plan as a wholly new development plan.

B. Modification Does Not Adequately Address Adverse Effects.

- a. The applicant has failed to establish how the improvements and activities of the Modification will be designed and located to avoid or minimize adverse effects of the resort on uses on surrounding lands, in particular the effects on intensive farming operations in the area, as required by ORS 197.460. The applicant appears to primarily focus on adverse effects on “adjacent” properties, but such focus is not sufficient to comply with Oregon State law. “Surrounding” lands encompasses a much broader area than “adjacent”. The applicant’s sole plan to mitigate adverse traffic effects from the Modification on farm activities is to direct the resort manager to “work with” area landowners to create better traffic flow patterns (which is unlikely to result in any kind of feasible accommodation for existing farm use). The applicant entirely fails to address how the new water and sewage plans described in the Modification will effect surrounding lands and intensive farming operations in the area. The applicant repeatedly points to how the Modification is merely a “modification” of the CUA plan and therefore relies on simply stating that certain plan elements are less adverse than the original CUA plan, but repeatedly fails to acknowledge that elements of the Modification affect a broader area of surrounding land owners (e.g., how the proposal to obtain water via well 1 mile North of the property could affect landowners near the well site, or how re-routing thousands of trips North on Parrish could affect landowners on Parrish Ln and Houston Lake Rd). As a result, the Modification application is not compliant with applicable law and must be denied.

C. Traffic Study is Not Compliant with CCC Requirements.

- a. Applicant has failed to provide a comprehensive traffic study addressing the changes introduced by the Modification in compliance with the requirements of CCC 18.116.080(3)(g). Applicant has relied on the original 2008 traffic study,

providing certain updated information and studies regarding certain intersections as requested by the County. However, such plan does not sufficiently address the planned closure of Wylie Rd and the re-routing of most traffic through Parrish Ln. It does not address the Parrish Ln/Houston Lake Rd intersection, nor the impact of rerouting traffic to Houston Lake Rd via Minson Rd, Williams Rd. and Reif Road. As a result, the Modification application is not compliant with applicable law and must be denied.

D. Modification Application Fails to Show No Significant Change to Farm Practices.

- a. The applicant has failed to establish how the changes introduced by the Modification will not cause a significant change in farm or forest practices on surrounding lands or significantly increase the cost of accepted farm or forest practices, as required by CCC 18,116.100(5). In particular, the applicant has failed to show how the proposal to obtain water via well 1 mile North of the property could affect farm and ranch operations near the well site, or how re-routing thousands of trips North on Parrish could affect farm and ranch operations on Parrish Ln. As a result, the Modification application is not compliant with applicable law and must be denied.

In summary, the Modification is a substantial change from the plan described in the CUA and applicant has repeatedly failed to address how the changes introduced by the Modification, in particular the revised traffic, water and sewage plans, will not adversely affect surrounding landowners, as well as area farm and ranch activities. As a result, the Modification application is not compliant with applicable law and must be denied.