



LETTER OF INCOMPLETENESS

February 25, 2022

OWNER: 818 Powell Butte, LLC
Gene Gramzow
21059 Avery Lane
Bend, OR 97702

APPLICANT: Atwell, LLC
Hal Keever
9755 SW Barnes Rd, Suite 150
Portland, OR 97225

REQUEST: The applicant has applied for a modification to the approved Development Plan for the Crossing Trails Destination Resort (DR-08-0092).

LOCATION:	<u>Map</u>	<u>Section</u>	<u>Tax Lots:</u>
	15S 15E	17	100
	15S 15E	17	106
	15S 15E	17	109
	15S 15E	17	110

The above referenced application was submitted to Crook County Planning January 26, 2022. As of **February 25, 2022**, your application is considered incomplete. Below are areas staff has identified where more information is required to adequately address the Crook County Code and/or other applicable regulations:

Title 18, Zoning

Chapter 18.116 Destination Resort Overlay

18.116.040 Standards.

(12) Alterations and nonresidential uses within the 100-year flood plain and alterations and all uses on slopes exceeding 25 percent are allowed only if the applicant submits and the planning commission approves a geotechnical report that demonstrates adequate soil stability and implements mitigation measures designed to mitigate adverse environmental effects. Such alterations and uses include, but are not limited to:

(a) Minor drainage improvements which do not significantly impact important natural features of the site;

(b) Roads, bridges, and utilities where there are no feasible alternative locations on the site; and

(c) Outdoor recreational facilities, including golf courses, bike paths, trails, boardwalks, picnic tables, temporary open sided shelters, boating facilities, ski lifts, and runs. (Ord. 296 § 8 (Exh. F), 2016; Ord. 247 § 1, 2011; Ord. 18 § 12.040, 2003)

Staff Comment: The above code section only allows “alterations and nonresidential development uses” within the 100-year floodplain. The narrative statement submitted with the application indicates “[b]ridges, canal crossings and pathways are the only improvements anticipated in this area.” However, the “Conceptual Layout C5” submitted with the application shows several “Vacation Villas” located at least partially within the 100-year floodplain. The Applicant needs to provide additional explanation as to how such lots are in compliance with CCC 18.116.040(12).

Additionally, staff was unable to find a geotechnical report demonstrating adequate soil stability and mitigation measures designed to mitigate adverse environmental effects from improvements in the floodplain. The Applicant should provide such report or explain why it is not necessary.

18.116.060 Permitted Uses.

The following uses are allowed on lands designated as eligible for destination resort siting, provided they are part of, and intended to serve persons at, a destination resort approved pursuant to this chapter:

(***)

(3) *Residential Accommodations.*

(***)

(f) *Living quarters for employees.*

Staff Comment: CCC 18.116.060(3)(f) allows residential uses, including living quarters for employees. On page B-4 of the Applicant’s written narrative, Applicant indicates the workforce housing will be for workers of the resort and the “nearby area”. If Applicant intends to provide long term rentals for workers in the area identified as “workforce housing”, those units will constitute residential use and will need to be accounted for by in the Applicant’s 2:1 overnight lodging ratio calculation. The Applicant should update its narrative to confirm the number of units in the workforce housing area intended for long term rental use for workers who do not work at the resort and confirm that the 2:1 ratio is still met. Alternatively, the narrative should be updated to confirm workforce housing will only be used by employees of the resort.

(4) Open space uses, which may include improvements necessary for the development of golf course fairways and greens, recreational trails, lakes and ponds, primitive picnic facilities including park benches and picnic tables, and irrigation equipment and associated pumping facilities where farming activities would be consistent with identified preexisting open space uses.

Staff Comment: Staff is uncertain that areas developed for utility use, such as powerlines, constitutes open space. The Applicant may elect to provide a letter from the easement holder confirming that certain uses, such as recreational trails, are permitted and/or otherwise explain why the developed easement area should be considered open space.

18.116.080 Application procedures and contents.

(***)

(3) *The development plan shall contain the following elements:*

(a) *Illustrations and graphics to scale, identifying:*

(vii) The approximate location and number of acres proposed as open space, buffer area or common area. Areas proposed to be designated as “open space,” “buffer area” or “common area” should be conceptually illustrated and labeled as such;

Staff Comment: Staff requests a map with labels and acreages depicting the approximate location of open space, buffer area, or common area, to confirm the proposed development plan complies with CCC 18.116.0808(3)(a)(vii).

(b) A conceptual water and sewer facilities master plan for the site, including a master plan study prepared by a professional engineer certified in the state of Oregon, describing:

(i) An estimate of water demands for the destination resort at maximum build-out;

(ii) Availability of water for estimated demands at the destination resort, including (1) identification of the proposed source; (2) identification of all available information on ground and surface waters relevant to the determination of adequacy of water supply for the destination resort; (3) a copy of any water right application or permit submitted to or issued by the Oregon Water Resources Department (OWRD), including a description of any mitigation measures proposed to satisfy OWRD standards or requirements;

(iii) A water conservation plan including an analysis of available measures, which are commonly used to reduce water consumption. This shall include a justification of the chosen water conservation plan. The water conservation plan shall analyze a wastewater disposal plan utilizing beneficial use of reclaimed water to the extent practicable. For the purposes of subsection (3)(b) of this section, beneficial uses may include, but are not limited to:

(A) Agricultural irrigation or irrigation of golf courses and greenways;

(B) Establishment of artificial wetlands for wildlife habitation;

(C) Groundwater recharge.

Staff Comment: The Applicant provided a Water and Sewer Analysis (Appendix 20) and Water and Sewer Plan (08_C300). However, it does not appear to identify the proposed source of the water, other than to say it is located north of the subject property. Staff requests additional explanation as to how the Applicant complies with CCC 18.116.080(3)(b).

(d) A solid waste management plan;

Staff Comment: The Applicant only states that a franchise hauler will be utilized to provide a solid waste management plan. See page B-26. This does not adequately address the required criteria for a formalized plan. Staff requests written confirmation from a franchise hauler that it is available to manage the resort's waste as well as an explanation of the hauler's plan to manage the resort's solid waste. The plan should be detailed and address the high level of occupancy that is proposed for the facility.

(g) A traffic study which addresses: (1) impacts on affected county, city, and state road systems, and (2) transportation improvements necessary to mitigate any such impacts. The study shall be prepared by a licensed traffic engineer in coordination with the affected road authority (either the county department of public works or the Oregon Department of Transportation, or both);

Staff Comment: The Applicant has provided a traffic study prepared by a licensed engineer. The County retained Transight Consulting to review the Applicant's study and provide comment. Those comments are attached to this letter (Attachment A). The Applicant should update its traffic study or otherwise respond to the concerns noted in Transight Consulting's attached memorandum.

(i) A description of any proposed development or design standards, together with an explanation of why the standards are adequate to minimize significant adverse impacts on adjacent land uses within 500 feet of the boundaries of the parcel on which the destination resort is to be developed;

Staff Comment: CCC 18.116.080(3)(i) requires a description of proposed development or design standards with an explanation of why the standards are adequate to minimize significant adverse impacts on adjacent properties. Applicant only provides a very general statement that CC&Rs will be prepared requiring compliance with setbacks and that the CC&Rs will regulate commercial and residential structures. Without additional explanation of the proposed development or design standards the Applicant intends to utilize, it is unclear that such standards are adequate to minimize significant adverse impacts on adjacent properties. Applicant should supplement its narrative to include more of a description of the standards it intends to apply towards the development of the resort.

(l) A description of the proposed method for providing emergency medical facilities and services and public safety facilities and services, including fire and police protection. (Ord. 18 § 12.080, 2003)

Staff Comment: The applicant stated in its narrative that the Crook County Sheriff's Office will provide police protection to the resort, and that fire protection would be provided by Crook County Fire & Rescue. Stating only that does not demonstrate that the applicant meets the criterion. A more detailed narrative will need to be supplemented to address this criterion. It will need to detail what facilities and services will be located at the resort, correspondence from Crook County Fire & Rescue and the Crook County Sheriff's Office confirming they are able to provide services to the resort, as well as in-depth emergency response plan.

18.116.100 Approval criteria.

*(***)*

(5) The development will be reasonably compatible with surrounding land uses, particularly farming and forestry operations. The destination resort 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.

Staff Comment: The Applicant proposed as new well to service the resort (as discussed above). However, the Applicant does not address potential groundwater impacts of using a new well on surrounding agricultural uses. Staff requests that Applicant supplement its narrative to provide additional explanation as to why potential groundwater impact will not impact adjacent agricultural uses.

*(***)*

(a) The traffic study required by CCC 18.116.080(3)(g) illustrates that the proposed development will not significantly affect a transportation facility. A resort development will significantly affect a transportation facility for purposes of this approval criterion if it would, at any point within a 20-year planning period:

(i) Change the functional classification of the transportation facility;

(ii) Result in levels of travel or access which are inconsistent with the functional classification of the transportation facility; or

(iii) Reduce the performance standards of the transportation facility below the minimum acceptable level identified in the applicable transportation system plan (TSP).

(b) If the traffic study required by CCC 18.116.080(3)(g) illustrates that the proposed development will significantly affect a transportation facility, the applicant for the destination resort shall assure that the development will be consistent with the identified function, capacity, and level of service of the facility through one or more of the following methods:

(i) Limiting the development to be consistent with the planned function, capacity and level of service of the transportation facility;

(ii) Providing transportation facilities adequate to support the proposed development consistent with Chapter 660 OAR, Division 12; or

(iii) Altering land use densities, design requirements or using other methods to reduce demand for automobile travel and to meet travel needs through other modes.

(c) Where the option of providing transportation facilities is chosen in accordance with subsection (6)(b)(ii) of this section, the applicant shall be required to provide the transportation facilities to the full standards of the affected authority as a condition of approval. Timing of such improvements shall be based upon the timing of the impacts created by the development, as determined by the traffic study or the recommendations of the affected road authority.

Staff Comment: As noted above, attached are comments submitted by Transight Consulting. Staff requests Applicant supplement its narrative to address concerns raised in the attached memorandum or otherwise respond.

Chapter 18.160 Conditional Uses

18.160.020 General criteria.

In judging whether or not a conditional use proposal shall be approved or denied, the planning director or planning commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

*(***)*

(2) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

Staff Comment: The narrative submitted by Applicant does not adequately explain how the proposal will have minimal adverse impact on (a) livability, (b) value, and (c) appropriate development abutting properties. Applicant should update its narrative provide additional explanation as to how the proposal addresses those criteria.

18.160.050 Standards governing conditional uses.

(14) Recreation Vehicle Park. A recreation vehicle park shall be built to state standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the planning director or planning commission's approval prior to occupancy:

Staff Comment: In Applicant's narrative, on page B-65, it indicates that its concept plan indicates an area for overnight lodging units and that Applicant is considering a recreational vehicle (RV) park. Staff notes that RV parks do not qualify as overnight lodging units. See CCC 18.116.030(5). Staff asks Applicant to supplement its narrative to clarify its intent.

CONCLUSION:

The applicant has 180 days from the date the application was submitted (January 26, 2022) to respond to this letter of Incompleteness. If the applicant does not respond in writing within 180 days, then the application will be deemed void

on the 181st day. To prevent this application from being deemed void, please respond in writing to this letter of Incompleteness by submitting the following:

- 1) All of the missing information; OR
- 2) Some of the missing information and written notice that no other information will be provided; OR
- 3) Written notice that none of the missing information will be provided.

This letter does not convey tacit approval or denial of any development on the subject property.

Respectfully,

A handwritten signature in black ink that reads "Will Van Vactor". The signature is written in a cursive, slightly slanted style.

Will Van Vactor
Community Development Director



Date:	February 15, 2022
To:	Will VanVactor, Crook County
From:	Joe Bessman, PE
Project Reference No.:	1694
Project Name:	Crossing Trails Resort Review



This memorandum was prepared at the request of Crook County’s planning department to provide initial review comments on the draft scope of work submitted by Kittelson & Associates, to include documents dated August 18, 2021 and November 12, 2021 as part of a revised agreement on the Crossing Trails Resort. The site of the resort is north of OR 126 with primary access provided from Wiley Road and Parrish Lane.

The following section provides comments related to the August 18, 2021 “Preliminary Recommendations” materials.

Comment 1: The Plan and Policy review provided includes a brief summary of identified projects throughout the study area, associated costs, and their status. One item of note is that the roundabout at the OR 126/Tom McCall Road was designed as a single-lane roundabout as an interim configuration to maximize safety. The status of the roundabout as “complete” simplifies the potential widening needs that were included within the design discussions for this project and will need to be reviewed, but it should not be assumed that the design meets the long-term needs.

On this same note, the OR 126/Powell Butte roundabout is conditioned on the Hidden Canyon destination resort. This was approved through the modification of the original application, but reflects a “pooled contribution” from several smaller impacts toward a priority Crook County safety and operational issue. The application for the Crossing Trails resort should assess whether the single-lane roundabout continues to support the long-term needs with Crossing Trails’ additional impacts. A pro-rata share should be provided toward these long-term needs (based on current cost information) to avoid a scenario where subsequent development is not contributing an equitable share of the overall system needs. Similar to Hidden Canyon, this may be part of a pooled contribution towards priority area needs.

Comment 2: Table 6 provides an updated summary of potential mitigation costs by intersection, but it appears that the percentages may have been miscalculated. Regardless, the proportion of impact would not be a suitable metric if the impact of the added trips changes the overall intersection needs. If, for example, the added trips result in the need for an additional southbound right-turn lane this could easily exceed the \$79,200 cost included in the table and would fully be the responsibility of the applicant. Accordingly, until specific site impacts throughout the study area and changes in long-term plans are known, Table 6 summary provides limited value in assessing the impacts of the project. It does appear that the cited costs are low relative to current ODOT project estimates and will need to be reviewed with ODOT and the County roadmaster.

Comment 3: The section titled “Status of Neighboring Destination Resorts” appears to include several development projects within the City of Prineville, some of which remain active and others that have been

substantially modified since their original approval. Please coordinate with Josh Smith for corrected information and status on the City projects cited.

Comment 4: I will defer to Crook County staff as to whether the density changes within Remington Ranch have been formally adopted; a formal CIA with ODOT has not been finalized.

These comments relate to the submitted transportation scoping materials dated November 12, 2021.

Comment 1: The application is a revision to a previously approved destination resort and will require a formal Transportation Impact Analysis be prepared in accordance with Crook County Code 7.1.7. As stated within the *Intent and Purpose* section of County Code, the TIA is intended to provide an objective assessment of the anticipated modal transportation impacts, and is useful for addressing important transportation-related questions such as:

- Whether the system can accommodate the development from both a capacity and safety standpoint
- What transportation improvements are necessary to accommodate the proposed development
- How will access affect the traffic operations on the existing transportation system
- What impacts will occur on adjacent lands, and
- Whether the proposed development meet current standards for roadway design.

This section of Code notes that additional study components may be required beyond what is outlined in County Code, or certain requirements may be waived through its discretion. The unique characteristics of a destination resort will introduce unique types of vehicles and levels of traffic into the rural agricultural lands that have not been accounted for in the County's long-range planning and forecasting. On this note, some of the issues of concern are as follows:

- The need for safe access onto and off of OR 126.
- Accommodation of larger and slower vehicles within the operational analysis to capture the potential impacts or RVs.
- Physical accommodation needs to bring the manufactured homes into the site.
- Wiles Road is identified for closure in the County TSP; specific information on the applicant's proposal to close this road will be needed within the TIA.
- The surrounding roads are narrow and lack shoulders, and there are structural needs (particularly at culverts). Given the travel increase and potential loading increase depending on the quarry site used and routes, bringing the primary resort access routes into structural and dimensional compliance with County standards will be critical.

Comment 2: In addition to review of the County's adopted Transportation Impact Analysis requirements, the application will also require compliance with the Transportation Planning Rule. The destination resort was not included within the travel forecasts of the County's adopted Transportation System Plan. It is my understanding that the County's prior destination resort overlay zone identified lands that were eligible for the resort siting criteria, not lands that would or could be developed as resorts, which is also why these lands were not assumed within the County's (or ODOT's) long-range planning. Therefore, this application will require a long-range analysis, although the build-out timeline of a destination resort would be similarly expected to occur over a 20-year period. It may be helpful to review the Crook County growth assumptions and provide a comparison.

Comment 3: Trip generation estimates included within the scoping materials were based on a 2006 study that was conducted at Eagle Crest and Black Butte Ranch, rather than the more recent surveys completed at Brasada or use of the 2021 data within ITE's 11th Edition of the Trip Generation manual. These other materials may or may not be more appropriate, and the applicant should expand on this discussion given the unique characteristics of a manufactured home park/RV park resort. If, for example, the RV park or manufactured homes became a more desirable location for data center employees to rent it could shift travel patterns, but also could result in much higher year-round occupancy than is present at other area resorts. Additional information from the applicant would be helpful in understanding this issue.

Internal workforce housing could provide a useful reduction in off-site trip generation potential, but the information presented in the report does not support its classification with ITE Land Use 210 (which describes a suburban single-family detached home) or justify the provided internalization rate that would be expected if it were in fact occupied by resort employees. The scoping states the following:

"The workforce housing...is intended to provide convenient housing for employees of the resort. While employment at the resort cannot be conditioned to occupants of the resort, it was assumed a conservative 25% internalization of peak hour trips between the workforce housing and the resort."

The description of this housing and its stated classification as workforce housing may be better described within other land use documents provided by the applicant, but within the transportation materials it is unclear as to how this would function. If the applicant cannot guarantee or limit the use of the homes to resort employees it does not seem reasonable to conclude that this would be resort housing.

I would recommend that the applicant review the workforce housing component of the recently approved Hidden Canyon Resort and how the resort will manage this component long-term. It is my understanding that within Hidden Canyon the resort will own and manage the employee housing to ensure its long-term use is restricted to employees. Without a mechanism to limit, monitor, or enforce the single-family housing as *workforce housing* trip reductions would not apply.

The overall trip generation rates do not appear to be unreasonable, but further narrative would be helpful given the significant variation in characteristics between the proposed resort and those cited in the scoping materials at resorts with entirely different characteristics. There are substantial differences between the trip characteristics at Sunriver, Black Butte, Eagle Crest, Brasada, and Tetherow Resorts related to their location, target market, amenities, and price point, as well as the destination resort requirements that were in place at the time of their development. In addition, with a resort that is located farther from services such as Brasada we see trip rates that are different than those being experienced at Eagle Crest. With that said, most other resorts report full-time occupancy within the 20% to 30% range, and most serve as a second home with very limited utilization for the services and tax base provided.

Comment 4: Trip Distribution. The trip distribution estimate provided within the report shows that the majority of trips will travel west toward the population centers in Redmond and Bend, with about 40 percent destined toward the east. The study indicates that the distribution patterns are based on current travel patterns and "accounts for employer generators near OR 126/Tom McCall, i.e., Facebook, Apple, the Airport..."

While the travel patterns are primarily comprised of employee trips, 2019 traffic counts at the OR 126/Tom McCall Road intersection show the reverse travel pattern from what is included in the scoping materials. The 2019 counts show that 55% of the trips at Tom McCall are headed toward Prineville, 3% continue south onto Millican Road, and 42% travel west toward Redmond and Bend. This would result in

a higher impact toward the City of Prineville and would place higher left-turn demands onto the OR 126 corridor during the evening commute period at Parrish Lane. It will be important to understand the long-term operations of Parrish Lane, particularly with comments below related to the trip assignment and routing of trips via Houston Lake Road.

Finally, the trip distribution figure indicates that 5% of the trips will be “internal” near the data centers. While 5% of the trips may be destined towards these sites, these trips will certainly impact Crook County and ODOT facilities and would not be considered “internal” to the resort.

Comment 5: Trip Assignment. The trip assignment is provided within Figure B1 and shows how the estimated trips (from Table 1) are assigned to the transportation system. There are several items of concern noted with this assignment:

- The trip assignment does not include the site access locations so it is not clear whether the trip assignment matches the trip generation rates presented.
- The County’s Transportation System Plan identifies the planned closure of the Wiley Road intersection with OR 126 but this is not yet a funded improvement and would need to occur with the project if approved by the County Roadmaster. The August materials indicate that this is assumed, but it would be important to understand the applicant’s agreement on the timing of this closure occurring with initial construction.
- The trip assignment in Figure B1 will need to be revisited. It appears that half the trips to and from Prineville are assigned along Huston Lake Road which seems unreasonable given the roadway network and characteristics, unless supported with travel time runs. It also appears that Intersection 11 (OR 126/Tom McCall) may have been rotated incorrectly in the graphic as it shows no resort trips traveling towards Prineville – this will need to be revised so as not to impact the applicant’s operational analysis.

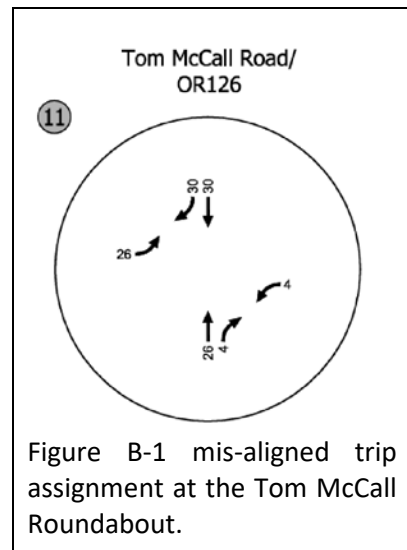


Figure B-1 mis-aligned trip assignment at the Tom McCall Roundabout.

Comment 6: Project Study Area. The report shows 40% of the weekday p.m. peak hour trips continuing east of the Tom McCall Road toward the Prineville “Y” Junction. Similarly, there are 55% of site-generated trips to and from areas west of the OR 126/Powell Butte Highway, yet locations beyond this distance that were included in the original report and showed significant impacts have now been omitted as part of this update.

The levels of trip generation shown will easily exceed City of Prineville and ODOT analysis thresholds at the Prineville “Y” Junction, and will also exceed the City of Redmond’s thresholds to the west. As the affected transportation service providers their relevant standards will govern this element of the scoping. Please reference the City of Prineville Transportation System Plan (Volume 1) Appendix 1 (which includes an impact threshold of 25 or more weekday p.m. peak hour trips) to coordinate the potential impact area necessary through the City’s transportation system, and coordinate the scope west of Crook County with Deschutes County and the City of Redmond. Study to the west should minimally assess the same area as the original study.

Comment 7: Traffic Counts. Additional information and discussions related to the collection and use of traffic counts will be important prior to commencing with the analysis, particularly if the applicant is

proposing to consider a Saturday time period as presented. Addition of a Saturday analysis will add substantial data collection and report preparation cost increases, and since it does not align with the County's Transportation System Plan or ODOT's design hour it is questionable what value it will provide or what questions this additional analysis is intended to answer.

In addition, there are significant seasonal changes that occur along the OR 126 corridor throughout the year, and with the data centers there are other variations in traffic counts that should be considered, particularly with the amount of approved development present in the campus.

Comment 8: Roadway Structural Adequacy. The roads surrounding the Crossing Trails Resort were constructed to support low-volume agricultural use. Information will be needed from the applicant on the primary travel and access routes, how the current cross-section complies with County standards, and the pavement structural conditions (particularly at culverts/bridge crossings). It will be important to identify the primary construction routes to the site, particularly as the nearest quarry is on the opposite side of Wiley Road that the applicant cites is planned for closure.

NEXT STEPS

I trust that these initial comments help to provide useful scoping information to the applicant in response to the Draft scoping materials provided to Crook County. I think it would be useful to discuss the applicant's approach as they work to finalize this scope with the impacted service providers as noted herein.

Thank you for the opportunity to provide these initial comments, if you have any questions I can be reached at (503) 997-4473 or via email at joe@transightconsulting.com.