

*Crook County*

**Community Development Division –  
Planning Department**

*Application For:*

**Crossing Trails – Modification of a Conditional  
Use Approval for a Destination Resort (DR-08-0092)**

*Map & Tax Lots: T15S R15E Section 17, Tax Lots 100, 106, 109 & 110*

*Prepared For:*

**Owner:**

**818 Powell Butte, LLC**

21059 Avery Lane

Bend, OR 97702

Contact: Gene Gramzow

Phone: (970) 946.4194

[flyfishing@gramzow.com](mailto:flyfishing@gramzow.com)

**Contract Purchaser/Applicant:**

**Sun Crossing Trails, LLC**

**c/o Sun Communities, Inc.**

27777 Franklin Road, Suite 200

Southfield, MI 48034

Contact: Bill Raffoul, Senior Vice President, Development Strategy

Phone: (248) 208 2606

Email: [braffoul@suncommunities.com](mailto:braffoul@suncommunities.com)

*Prepared By:*

**Owner's Representative:**

**Atwell, LLC.**

9755 SW Barnes Road, Suite 150

Portland, Oregon 97225

Contact: Hal Kever, Vice President

Phone: (971) 334.8961

[hkeever@atwell-group.com](mailto:hkeever@atwell-group.com)

**Submittal – January 26, 2022**

**Section A – Introduction**

1. Development Team Members.....	A-1
2. Property and Zoning Summary.....	A-3
3. Background Information .....	A-3
4. Summary of Development Plan.....	A-4
5. Program Modifications.....	A-6
6. Prior Land Use Approvals .....	A-7
7. Land Use Reviews Requested.....	A-7
8. Application Fee Calculations .....	A-7

**Section B - Applicable Crook County Code Narrative**

<b>Chapter 18.116</b>	<b>Destination Resort Overlay .....</b>	<b>B-1</b>
18.116.010	Purpose .....	
18.116.020	Applicability.....	
18.116.030	Definitions .....	
18.116.040	Standards.....	
18.116.050	Standards for Small Destination Resorts <i>(Not Applicable to this Application)</i> .....	
18.116.060	Permitted Uses.....	
18.116.070	Accessory Uses .....	
18.116.080	Application Procedures and Contents.....	
18.116.090	Development Plan Review Procedures .....	
18.116.100	Approval Criterial .....	
18.116.110	Final Development Plan Review Procedure .....	
18.116.120	Duration of Final Development Plan Approval.....	
<b>Chapter 18.160</b>	<b>Conditional Uses.....</b>	<b>B-46</b>
18.160.010	Authorization to Grant or Deny Conditional Uses.....	
18.160.020	General Criteria .....	
18.160.030	General Conditions.....	
18.160.040	Permit and Improvements Assurance .....	
18.160.050	Standards Governing Conditional Uses .....	
18.160.060	Procedures for Taking Action on Conditional Use Applications.....	
18.160.070	Permit Expiration Date .....	
18.160.080	Occupancy Permit .....	
<b>Chapter 18.172</b>	<b>Administrative Provisions .....</b>	<b>B-67</b>
18.172.005	Definitions .....	
18.172.010	Quasi-Judicial Hearing Authority .....	
18.172.015	Authority to Make Land Use Decisions .....	
18.172.020	Application .....	
18.172.025	Consolidated Review of Applications .....	
18.172.030	Health Department Approval .....	
18.172.040	Forms of Petitions, Applications and Appeals.....	
18.172.050	Filing Fees.....	
18.172.060	Directors Decisions <i>(Not Applicable to this Application)</i> .....	
18.172.070	Notice of Public Hearing.....	
18.172.080	Members of Planning Commission.....	
18.172.081	Public Hearings and Order of Proceedings.....	

18.172.090	Land Use Decisions .....
18.172.100	Revocation of Modification of Permit .....
18.172.110	Appeals <i>(Not Applicable to this Application at this Time)</i> .....
18.172.120	Remand by the County Court <i>(Not Applicable to this Application at this Time)</i> .....
18.172.130	Remand by the Land Use Board of Appeals <i>(Not Applicable to this Application at this Time)</i> .

### Section C - Exhibit Drawings

C000	Cover Sheet/Vicinity Map .....
C001	Context Plan .....
C002	Existing Conditions Plan .....
C100	Development Plan <i>(Conceptual)</i> .....
C101	Phasing Plan <i>(Conceptual)</i> .....
C102	Typical Road Sections <i>(Conceptual)</i> .....
C200	Grading & Drainage Plan <i>(Conceptual)</i> .....
C300	Water and Sewer Plan <i>(Conceptual)</i> .....
C400	Amenity Images .....
C401	Overnight Rentals/Cabin Images.....

### Section D - Appendices

Appendix 1	TRIO Report <i>(Western Title &amp; Escrow Company)</i> .....
Appendix 2	Property Summary Report <i>(Crook County)</i> .....
Appendix 3	Partition Plat 2001-22 <i>(Crook County)</i> .....
Appendix 4	Partition Plat 2004-18 <i>(Crook County)</i> .....
Appendix 5	Partition Plat 2004-40 <i>(Crook County)</i> .....
Appendix 6	ALTA Survey <i>(Millman Land Services)</i> .....
Appendix 7	Assessors Tax Map <i>(Crook County)</i> .....
Appendix 8	Zoning Map <i>(Crook County)</i> .....
Appendix 9	Destination Resort Map <i>(Crook County)</i> .....
Appendix 10	Final Decision Crossing Trails Resort Development Plan DR-08-0092 <i>(Crook County)</i> .....
Appendix 11	Final Opinion and Order – LUBA 2009-018 <i>(Crook County)</i> .....
Appendix 12	Extension Request 217 -20-000846 <i>(Crook County)</i> .....
Appendix 13	Stakeholder Contacts..... <ul style="list-style-type: none"> <li>• COID</li> <li>• ODFW</li> <li>• Crook County Weed Master</li> <li>• Crook County Roadmaster</li> <li>• Crook County Fire Marshall</li> </ul>
Appendix 14	Soils Map <i>(NRCS)</i> .....
Appendix 15	Geotechnical Report and Infiltration Testing <i>(Wallace Group, Inc.)</i> .....

Appendix 16	Habitat Areas ( <i>Crook County</i> ) .....
Appendix 17	National Wetland Inventory Map ( <i>US Fish and Wildlife Service</i> ).....
Appendix 18	Wetland Delineation ( <i>Pacific Habitat Services, Inc.</i> ).....
Appendix 19	Floodplain Map ( <i>FEMA</i> ) .....
Appendix 20	Water and Sewer Analysis ( <i>Atwell, LLC.</i> ) .....
Appendix 21	Water Rights ( <i>OWRD</i> ) .....
Appendix 22	Easement Exhibit ( <i>Atwell, LLC</i> ).....
Appendix 23	Sewerage Treatment System Application ( <i>Crook County/DEQ</i> ) .....
Appendix 24	Transportation Impact Analysis (TIA) ( <i>Kittelson &amp; Associates, Inc.</i> ) .....
Appendix 25	Analysis of Definition of “Overnight Lodgings” in Destination Resort Statues ( <i>Kellington Law Group, PC</i> ) .....
Appendix 26	Rough Order of Magnitude Costs ( <i>Sun Communities, LLC</i> ).....
Appendix 27	Property Map within 500 feet ( <i>Western Title &amp; Escrow Company</i> ).....
Appendix 28	Address List ( <i>Western Title &amp; Escrow Company</i> ) .....
Appendix 29	Mailing Labels ( <i>Western Title &amp; Escrow Company</i> ) .....

## **A.** ***Introduction***

---

- 1. Development Team Members**
- 2. Property and Zoning Summary**
- 3. Project Background**
- 4. Summary of Development Plan**
- 5. Program Modifications**
- 6. Prior Land Use Approvals**
- 7. Land Use Reviews Requested**
- 8. Application Fee Calculation**



## 1. Development Team Members:

Listed below is a summary of the development team members for the **Modification Request associated with the prior Approved Conditional Use for the Crossing Trails Destination Resort.**

<b>Owner:</b>	<b>818 Powell, LLC</b> 21059 Avery Lane Bend, OR 97702 Telephone: (970) 946.4194 Contact: Gene Gramzow Email: <a href="mailto:flyfishing@gramzow.com">flyfishing@gramzow.com</a>
<b>Contractor Purchaser/Applicant:</b>	<b>Sun Crossing Trails, LLC</b> <b>c/o Sun Communities, Inc.</b> 27777 Franklin Road, Suite 200 Southfield, MI 48034 Telephone: (248) 208 2606 Contact: Bill Raffoul, SVP Development Strategy Email: <a href="mailto:braffoul@suncommunities.com">braffoul@suncommunities.com</a>
<b>Owner's Representative:</b>	<b>ATWELL, LLC.</b> 9755 SW Barnes Road, Suite 150 Portland, OR 97225 Telephone: (971) 334.8961 Contact: Hal Keever, Vice President Email: <a href="mailto:hkeever@atwell-group.com">hkeever@atwell-group.com</a>
<b>Land Acquisition &amp; Entitlements:</b>	<b>Sunrise Land Group, LLC.</b> 27777 Franklin Road, Suite 1045 Southfield, MI 48034 Telephone: (248) 892-0889 Contact: Nikki Jeffries Email: <a href="mailto:njeffries@sunriseland.com">njeffries@sunriseland.com</a>
<b>Land Use Consultants:</b>	<b>Kilpatrick Consulting, LLC.</b> 13790 NW O'Neil Highway Redmond, OR 97756 Telephone: (541) 447.2724 Contact: Craig Kilpatrick Email: <a href="mailto:ckrimrock@yahoo.com">ckrimrock@yahoo.com</a>
	<b>The Swearingen Group LLC</b> 4022 SW Wickiup Court Redmond, OR 97756 Telephone: 541 350-6012 Contact: Linda Swearingen Email: <a href="mailto:lindadogoty@gmail.com">lindadogoty@gmail.com</a>

**Legal:**

**Kellington Law Group PC**  
PO Box 159  
Lake Oswego, OR 97034  
Telephone: (503) 636-0069  
Contact: Wendie Kellington  
Email: [wk@klgpc.com](mailto:wk@klgpc.com)

**Resort Land Planning:**

**RVI, LLC**  
1611 West 5<sup>th</sup> Street, Suite 175  
Austin, Texas 78703  
Telephone: (512) 480-0032  
Contact: Lance Ippel  
Email: [lippel@rviplanning.com](mailto:lippel@rviplanning.com)

**Civil Engineering:**

**ATWELL, LLC.**  
9755 SW Barnes Road, Suite 150  
Portland, OR 97225  
Telephone: (971) 334.8962  
Contact: Brady Berry, PE  
Email: [bberry@atwell-group.com](mailto:bberry@atwell-group.com)

**Planning:**

**ATWELL, LLC.**  
9755 SW Barnes Road, Suite 150  
Portland, OR 97225  
Telephone: (971) 334.8964  
Contact: Kevin Apperson, RLA, ASLA  
Email: [kapperson@atwell-group.com](mailto:kapperson@atwell-group.com)

**Environmental:**

**Pacific Habitats Services, Inc.**  
9450 SW Commerce Cir # 180  
Wilsonville, OR 97070  
Telephone: (503) 570.0800  
Contact: John VanStaveren, PWS  
Email: [jvs@pacifichabitat.com](mailto:jvs@pacifichabitat.com)

**Geotechnical:**

**Wallace Group, Inc.**  
62915 NE 18<sup>th</sup> Street, Suite 1  
Bend, OR 97701  
Telephone: (541) 382.4707  
Contact: Adam Larson, PE  
Email: [alarson@wallacegroup.com](mailto:alarson@wallacegroup.com)

**Transportation:**

**Kittelson & Associates, Inc.**  
1001 SW Emkay Drive, Suite 140  
Bend, OR 97702  
Telephone: (541) 638.8617  
Contact: Jacqueline Gulczynski, PE  
Email: [jgulczynski@kittelson.com](mailto:jgulczynski@kittelson.com)



**Topographic Survey:**

**Geoterra, Inc.**

860 McKinley Street  
Eugene, OR 97402  
Telephone: (541) 343.8877  
Contact: Brett Hazel  
Email: [bhazell@geoterra.us](mailto:bhazell@geoterra.us)

**ALTA Surveying:**

**Millman National Land Services**

4111 Bradley Cir NW Ste 240  
Canton, OH 44718  
Telephone: (971) 334.8964  
Contact: Marvin Lovlein  
Email: [mlovlein@millmanland.com](mailto:mlovlein@millmanland.com)

**2. Property and Zoning Summary**

Legal Description:	Map T15S R15E 17
Parcel Size: (580.58 Acres)	Tax Lots 100, 106, 109 & 110
Comprehensive Plan Designation:	Agriculture
Zoning:	Exclusive Farm Use – Powell Butte (EFU3) Destination Resort Overlay District (DR)

**3. Project Background**

The Applicant proposes to substantially modify a previous conditional use approval for a destination resort. That decision, DR-08-0092, approved an exclusive destination resort centered around an 18-hole golf course and associated golf complex facilities. The reason behind the proposed modification is that the Applicant has a history of developing high-quality destination resorts that target a very different market segment – the average family – that does not center around golf as a recreational activity. This proposal will provide a superior destination resort experience that is affordable for everyone, from grocery clerks to teachers and police officers to mechanics, using cost-efficient, yet well-crafted, cabins and that provides outdoor recreational experiences that utilize developed swimming and court-sport facilities to hiking trails. In short, Crossing Trails will be an affordable, family friendly, outdoor living experience that anyone can enjoy.

The proposed resort will be located on a 580-acre site in the vicinity of the rural community of Powell Butte. The site is located within the County’s designated destination resort overlay zone. The property is north of Wiley Road and east of SW Parrish Lane. It is approximately six miles west of downtown Prineville and 10 miles east of Redmond. Privately owned lands surround the resort site on two (2) sides. The property is bordered by public roadways on the other two boundaries. Small farm properties are located adjacent to the south, west and north including both farm and nonfarm parcels.

The property is relatively flat with a gentle slope rising approximately 280 feet from the southwest to northeast corners of the site. It has prominent views of the Cascade mountain peaks, as well as Smith Rock State Park. Nearly one-seventh of the property contains areas of meadow grass and

another tenth of the site is in active agricultural production (i.e. hemp). The remainder of the property is vegetated with low growth vegetation common to Central Oregon.

The southwest portion of the property is bisected by an irrigation canal serving the Central Oregon Irrigation District (COID), which runs from the southern border of the property to its northwest corner. COID utilizes the irrigation canal during the irrigation season from April through October of each year. The property is also bisected by large, regional electric transmission lines owned and controlled by the Bonneville Power Administration (BPA), which run north to south on the east side of the property. The property is burdened by a 150-foot-wide electrical utility easement in favor of the BPA. There are also a 150-foot-wide Portland General Electric (PGE) easement east of the BPA easement and a second BPA easement east of the POE easement, 77.5 feet in width. The terms of these easements limit development opportunities on the eastern portion.

The property has approximately 163 acres of appurtenant water rights through COID. Portions of these water rights are the subject of a temporary in-stream water lease with the State of Oregon that can be terminated when the water rights are needed for the project. The remainder of the water has been applied to the land in connection with an ongoing, low-scale livestock grazing operation on the subject property. The property has two irrigation ponds.

The property is located north of Wiley Road and east of SW Parrish Lane about a mile north of Highway 126. Primary and secondary access points to the resort will be located on SW Wiley Road, which borders the subject property to the south. The primary access and entry way to the vacation villas will be located off SW Parrish Lane which is located along the wester property boundary.

The Crook County Court approved the Crossing Trails Resort Development Plan, DR-08-0092, concluding that the resort met all applicable destination resort siting and approval standards in the Crook County code and ORS 197.435-197.467.

#### **4. Summary of Proposed Development Plan**

The subject property consists of four (4) parcels described as follows: Township 15 South, Range 15E Section 17, Tax Lot 100, 106, 109 & 110 (*Refer to Appendix 1 & 2*). All totaled, the subject property contains 580.58 acres.

The proposed development includes 400 vacation villas, 200 overnight rentals/cabins, 50 overnight seasonal rentals and 100 workforce housing units. In addition, there are a number of recreational amenities and auxiliary use proposed for the resort. See attached illustrative conceptual plan and amenity plan for additional information on location of proposed uses.

All totaled, there is a minimum of 291 acres proposed as open space (50.1%) located within the proposed development. This includes at least 211 acres (36.4%) east of the COID that consists of natural open space and common areas as well as the 80 acres (13.8%) of pasture land located west of the COID canal.

The minimum of 50% open space will be maintained throughout each phase and will be further refined through the final development plan.

The proposed development will include the following unit summary:

Units Type	Number	Percentage
Vacation Villas	400	53.3%
Overnight Rentals/Cabins	200	26.7%
Overnight Seasonal Rentals	50	6.7%
Workforce Housing	100	13.3%
<b>Total</b>	<b>750</b>	<b>100.0</b>

The development will be constructed in three (3) phases:

Phase	Vacation Villas	Overnight Rentals/Cabins	Overnight Seasonal Rentals	Workforce Housing	Total
Phase 1	89	82	23	100	<b>294</b>
Phase 2	154	68	27	--	<b>249</b>
Phase 3	157	50	--	--	<b>207</b>
<b>Total</b>	<b>400</b>	<b>200</b>	<b>50</b>	<b>100</b>	<b>750</b>

The proposed development will include the commercial and auxiliary components:

Units Type	Approximate Size
Micro Retail Buildings (4 Structures)	7,200 SF
Clubhouse	9,900 SF
Eating Establishment	<i>Located in Clubhouse</i>
Meeting/Conference Facility	<i>Located in Clubhouse</i>
Miscellaneous (Specialty Retail, Convenience Store; Sports Equipment Leasing/Sales; Real Estate Sales/Leasing; Business Center)	<i>Located in Clubhouse</i>
<b>Total</b>	<b>17,100 SF</b>

The included conceptual Development Plan and Clubhouse Amenity illustrative plans are still undergoing small refinements but will be in substantial conformance with proposed design program. It will be subject to further evolution and refinement through subsequent land use proceedings, as market demand and other factors will dictate the final design.

The table of contents of this application outlines all the application criteria, exhibit drawings and appendices submitted for review and approval. Please refer to the application text and drawings for more detailed information regarding the proposed application.

## 5. Program Modifications

The proposed “program” modifications can be summarized in two (2) general categories.

1. **Housing/Lodging:** The approved development plan includes single family dwellings, 154 casitas and 96 lock off multi-family units. The modified development plan includes three (3) primary types of housing/lodging options in addition to some seasonal rental options. Each of these is briefly described below:
  - Vacation Villas (400 Units): These units range in size from 1,600 SF to 2,000 SF. These units are fee simple ownership units with leased parcels.
  - Overnight Rentals/Cabins (200 Units): These range in size from 200 SF to 500 SF. These units are available for short term rental.
  - Workforce Housing (100 Units): These range in size from 1,000 SF to 1,200 SF. These units are available for long term rentals for workers of resort or nearby area.
  - Overnight Seasonal Rentals (50 Spaces): These units are available for available for short term rental and may only be available on a seasonal basis.
2. **Recreation Facilities:** The main recreational component in the original approval was an 18-hole golf course. Instead of providing a golf course, the modified development plan will provide a number of smaller recreation areas and or facilities.

These include:

- Clubhouse with Outdoor Covered Area
- Pool with Cabanas (2 areas)
- Spas (2 areas)
- Open Air- Shade Structures (Gill & Seating)
- Event Lawn
- Overlook Park
- Neighborhood Parks (3 areas) with playground, with family fire pits, shade pavilions and off-leash area
- Sports Courts (Pickleball courts, basketball court)
- Open Space (natural area and common area)
- Trails System

As part of the proposed modifications, a new updated TIA has been prepared. For additional information (*refer to Appendix 24*) in the application submittal.

The proposed modifications have incorporated generalized conditions of approval (COA) from the original approval. The Applicant anticipates that new conditions of approval will be issued as part of the review of the modified development plan. These will be incorporated in the final development plan.

## 6. Prior Land Use Approvals

Below is a list of prior land use approvals affecting the subject properties.

Land Use Case File	Type	Jurisdiction
2001-22	Partition Plat	Crook County
2004-18	Partition Plat	Crook County
2004-40	Partition Plat	Crook County
DR-08-0092	Decision	Crook County
2009-18	Final Opinion and Order	LUBA

## 7. Land Use Reviews Requested

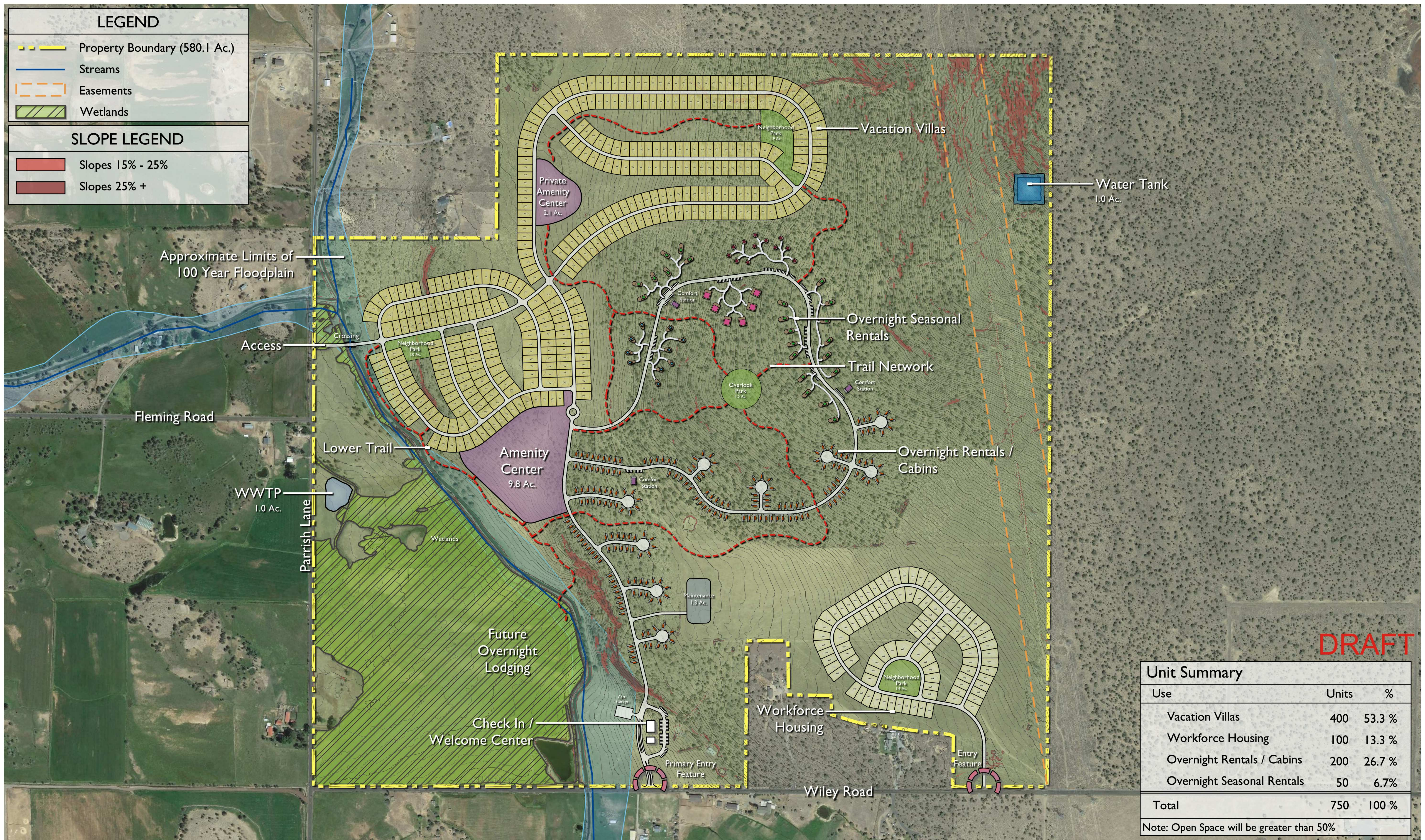
The Crook County Code Standards identify various procedural reviews based upon the type of land use action being requested. For this application, the Contract Purchaser/Applicant is requesting the following review:

Land Use Request	Type
Modification of a Conditional Use Approval for a Destination Resort	III

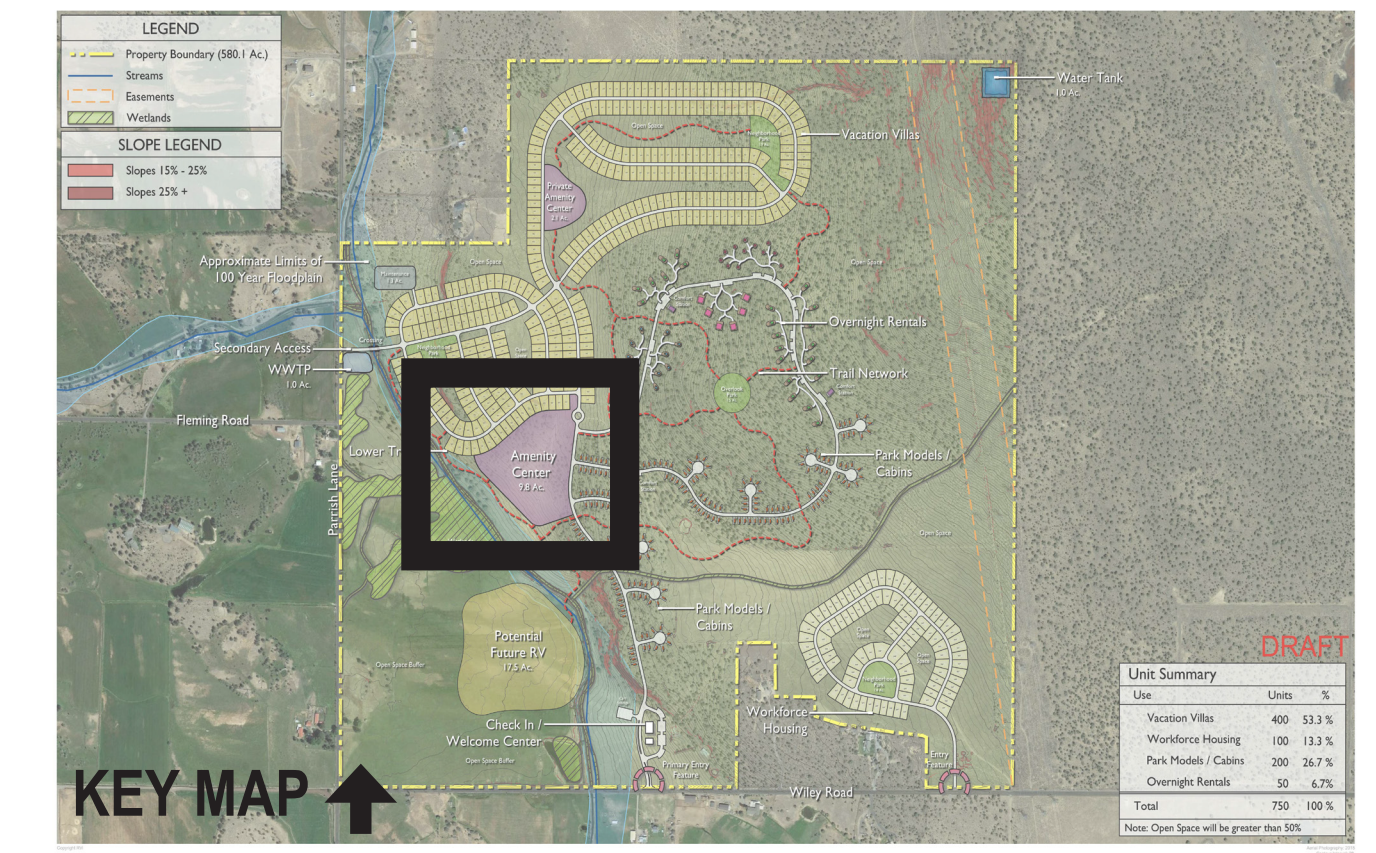
## 8. Fee Calculations:

The proposed project is required to follow County standard and procedures. Based on Crook County Fee Schedule (fiscal year 2020-21), the applicable fees associated with this application are:

Land Use Fees	Fee
Modification of a Conditional Use Approval for a Destination Resort	\$27,000.00
Complex Project Fee – Traffic Impact Analysis Review (Deposit)	\$10,000.00
<b>Total</b>	<b>\$37,000.00</b>



Copyright RVI Aerial Photography: 2018  
Contour Interval: 2ft.



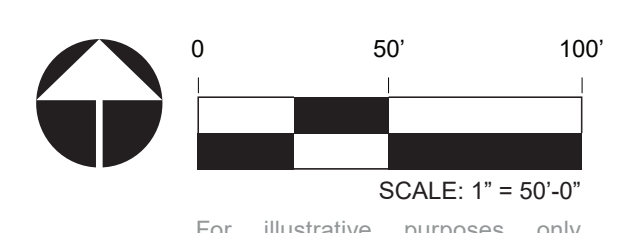
- ### KEYNOTES
1. MICRO RETAIL
  2. MAIN STREET PLAZA
  3. CLUBHOUSE W/ OUTDOOR COVERED AREA (9,900 S.F.)
  4. OPEN-AIR SHADE STRUCTURE (GRILL + SEATING)
  5. POOL W/ CABANAS (6,090 S.F. + 2 LAP LANES)
  6. SPAS (485 S.F. / 32 BATHER LOAD)
  7. EVENT LAWN
  8. OUTDOOR GRILL KITCHEN W/ SEATING
  9. 8' TRAIL
  10. PICKLEBALL COURTS
  11. BASKETBALL COURT
  12. PLAYGROUND
  13. RETAINING WALL
  14. PARKING - 201 TOTAL (GUESTS + EMPLOYEE)

Copyright RVI



## CROSSING TRAIL RESORT • CLUBHOUSE AMENITY

📍 Crook County, OR  
 📅 January 20, 2022  
 # 21002417  
 👤 Sun Communities



**Applicable Crook County Code Narrative**

---

The following information responds to applicable Crook County Code Standards for a **Modification of the Conditional Use Approval for the Crossing Trails Destination Resort**. The Applicant response for each applicable standard or regulation is shown in bold/italic. Sections addressed include:

**Chapter 18.116 Destination Resort Overlay**

- 18.116.010 Purpose.....
- 18.116.020 Applicability.....
- 18.116.030 Definitions .....
- 18.116.040 Standards .....
- 18.116.050 Standards for Small Destination Resorts *(Not Applicable to this Application)*.....
- 18.116.060 Permitted Uses .....
- 18.116.070 Accessory Uses .....
- 18.116.080 Application Procedures and Contents.....
- 18.116.090 Development Plan Review Procedures.....
- 18.116.100 Approval Criterial .....
- 18.116.110 Final Development Plan Review Procedure.....
- 18.116.120 Duration of Final Development Plan Approval .....

**Chapter 18.160 Conditional Uses**

- 18.160.010 Authorization to Grant or Deny Conditional Uses.....
- 18.160.020 General Criteria .....
- 18.160.030 General Conditions.....
- 18.160.040 Permit and Improvements Assurance .....
- 18.160.050 Standards Governing Conditional Uses.....
- 18.160.060 Procedures for Taking Action on Conditional Use Applications .....
- 18.160.070 Permit Expiration Date.....
- 18.160.080 Occupancy Permit .....

**Chapter 18.172 Administrative Provisions**

- 18.172.005 Definitions .....
- 18.172.010 Quasi-Judicial Hearing Authority.....
- 18.172.015 Authority to Make Land Use Decisions .....
- 18.172.020 Application .....
- 18.172.025 Consolidated Review of Applications .....
- 18.172.030 Health Department Approval.....
- 18.172.040 Forms of Petitions, Applications and Appeals.....
- 18.172.050 Filing Fees.....
- 18.172.060 Directors Decisions *(Not Applicable to this Application)*.....
- 18.172.070 Notice of Public Hearing.....
- 18.172.080 Members of Planning Commission.....
- 18.172.081 Public Hearings and Order of Proceedings.....
- 18.172.090 Land Use Decisions.....
- 18.172.100 Revocation or Modification of Permit .....



- 18.172.110 Appeals *(Not Applicable to this Application at this Time)*.....
- 18.172.120 Remand by the County Court *(Not Applicable to this Application at this Time)* .....
- 18.172.130 Remand by the Land Use Board of Appeals *(Not Applicable to this Application at this Time)* .....

## Title 18 - Zoning

### Chapter 18.116 – Destination Resort Overlay

#### Sections:

- 18.116.010 Purpose.
- 18.116.020 Applicability.
- 18.116.030 Definitions.
- **18.116.040 Standards.**
- 18.116.050 Standards for small destination resorts.
- 18.116.060 Permitted uses.
- 18.116.070 Accessory uses.
- 18.116.080 Application procedures and contents.
- 18.116.090 Development plan review procedure.
- **18.116.100 Approval criteria.**
- **18.116.110 Final development plan review procedure.**
- **18.116.120 Duration of final development plan approval.**

#### 18.116.010 Purpose.

The **purpose of the destination resort overlay zone is to provide a process for the siting of destination resorts on rural lands that have been mapped by the county as eligible for this purpose.**

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.

*(Ord. 18 § 12.010, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser understands that the purpose of the Destination Resort Overlay Zone is to provide a process for the siting of destination resorts on rural lands that have been mapped by the County. This application is a modification of a previously approved conditional use approval for a Destination Resort.***

***The proposal is consistent with the purpose for the Destination Resort Overlay. The county has mapped this property as eligible for a destination resort. Furthermore, the property has already received approval of a destination resort, DR-08-0092, for which this application requests modification. The evidence in the record demonstrates that the proposal includes enhanced and diverse recreational opportunities that take advantage of and complement the natural physical qualities of the area without significant adverse effects on adjacent residential, commercial farming or forestry uses or the significant natural and cultural features of the area.***

***Refer to Section D – Appendices, Appendix 9 –Destination Resort Map, and Appendix 10 – Final Decision Crossing Trails Resort Development Plan DR-08-0092.***

**18.116.020 Applicability.**

- (1) The provisions of this chapter shall apply solely to development which meets the standards set forth in CCC 18.116.040 or 18.116.050. Development which meets the standards in CCC 18.116.040 shall be referred to hereafter as a “destination resort,” and development which meets the standards in CCC 18.116.050 shall be referred to hereafter as a “small destination resort.” Where special standards or criteria are not specifically called out for small destination resorts, the standards for destination resorts shall apply. For a destination resort application, the standards and procedures of this chapter shall govern in cases where they conflict with the standards or procedures of the underlying zone. Other provisions of this title, made applicable by specific map designations such as the flood plain combining zone (FP), airport obstruction overlay zone, riparian protection zone, and sensitive bird habitat combining zone (SBH), or otherwise applicable under the terms of the county zoning ordinance, shall remain in full force and effect, except as otherwise specified herein.
- (2) Destination resorts shall be allowed only on tracts mapped by the county as eligible for destination resort siting and designated as such in the comprehensive plan. The eligibility map (also known as the destination resort overlay) shall be based on reasonably available information, and shall be the sole basis for determining whether tracts of land are eligible for destination resort siting pursuant to ORS 197.435 to 197.467 (i.e., without taking an exception to Goals 3, 4, 11 or 14).
- (3) Effective July 1, 2008, the existing eligibility map may be amended through a legislative comprehensive plan amendment process. The amendment process shall occur no more than once every 36 months. Amendments of the eligibility map are subject to the criteria set out in ORS 197.455, Statewide Planning Goal 8, the Crook County Comprehensive Plan, this policy, and other criteria as may be established through subsequent amendments to the Crook County Comprehensive Plan and/or Crook County Code. An eligibility map amendment can be applied for as follows:
  - (a) The Crook County court may initiate, without payment of a fee, a legislative comprehensive plan amendment process at any time following adoption of Ordinance 206. The provisions of Chapter 18.168 CCC shall apply to the amendment process;
  - (b) After the initial legislative comprehensive plan amendment, an individual may apply for a legislative comprehensive plan amendment by submitting an application form and the required supporting materials as prescribed by the planning director requesting properties be added or removed from the eligibility map. The county will consider applications for legislative plan amendments no sooner than 36 months after the initial legislative comprehensive plan amendment. The planning director shall retain any applications received until the expiration of the 36-month period and shall then schedule the matter for concurrent processing by the planning commission. The planning director shall

establish the required application content and form and may adjust the application form as needed;

- (c) Submitting the filing fee for each application for a destination resort overlay map amendment as set by the county court;
- (d) Multiple applications shall be consolidated for the legislative hearing process required for comprehensive plan amendments pursuant to Chapter 18.168 CCC; and
- (e) Prior to the first public hearing, the county shall require a recommendation from either or both a technical advisory committee consisting of local, state, and federal agencies, and/or an approved appointed citizen advisory committee which meets the requirements of the county's comprehensive plan and Goal 1 of the Statewide Planning Goals.

*(Ord. 206 § 1, 2008; Ord. 18 § 12.020, 2003)*

***Applicant's Response: As demonstrated below and supported by the evidence submitted with the application, the proposal meets the standards set forth in CCC 18.116.040 for a "destination resort."***

***As part of the modifications, there are no changes to the property boundary. The entire property remains eligible for destination resort siting and development.***

***Refer to Section D – Appendices, Appendix 8 –Zoning Map and Appendix 9 – Destination Resort Map.***

#### **18.116.030 Definitions.**

- (1) **"Destination resort"** means a self-contained development providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify as a destination resort, a development must meet the standards set forth in CCC 18.116.040.
- (2) **"Developed recreational facilities"** means improvements constructed for the purpose of recreation and may include but are not limited to golf courses, tennis courts, athletic fields, interpretive centers, wildlife observation shelters, nature trails, swimming pools, marinas, ski trails, snowmobile trails, bicycle paths, equestrian facilities, and indoor and outdoor sport facilities.
- (3) "High value farmland" means a tract composed predominantly of soils that are classified as prime, unique, Class I, or Class II. A tract is composed predominantly of such soils if more than 50 percent of the acreage of the tract is composed of prime, unique, Class I, or Class II soils.
- (4) "Open space" means any land that is retained in a substantially natural condition, or is improved for outdoor recreational uses such as golf courses, playing fields, hiking or nature trails or equestrian or bicycle paths, or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural

features, lands preserved for farm or forest use, required landscaped areas and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas.

- (5) **“Overnight lodgings”** means permanent, separately rentable accommodations, which are not available for residential use. Overnight lodgings include hotel rooms, lodges, cabins and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.
- (6) **“Self-contained development”** means a development for which community sewer and water facilities are provided on site and are limited to meet the needs of the development or which is served by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A “self-contained development” shall have developed recreational facilities provided on site.
- (7) “Small destination resort” means a destination resort that meets the standards set forth in CCC 18.116.050.
- (8) “Tract” means a lot or parcel or more than one contiguous lot or parcel in a single ownership. A tract on which a destination resort is sited may include property that is not included in the destination resort if the property to be excluded is on the boundary of the tract and constitutes less than 30 percent of the total tract.
- (9) **“Visitor-oriented accommodations”** means overnight lodging, restaurants and meeting facilities, which are designed to provide mainly for the needs of visitors rather than area residents.

(Ord. 18 § 12.030, 2003)

***Applicant’s Response: The Applicant/Contract Purchaser acknowledges the above referenced terms and their associated definitions. The modification includes changes to both the type and quantity of housing/overnight rentals being proposed. Below is a summary of the proposed units:***

- ***Vacation Villas (400 Units): These units range in size from 1,600 SF to 2,000 SF. These units are fee simple ownership units with leased parcels.***
- ***Overnight Rentals/Cabins (200 Units): These range in size from 200 SF to 500 SF. These units are available for short term rental.***
- ***Workforce Housing (100 Units): These range in size from 1,000 SF to 1,200 SF. These units are available for long term rentals for workers of resort or nearby area.***
- ***Overnight Seasonal Rentals (50 Spaces): These units are available for available for short term rental and may only be available on a seasonal basis.***

*The County has raised some concerns related to the whether or not the proposed overnight rentals/cabins could be considered overnight lodgings. In response to this, the Applicant/Contract Purchaser has provided further analysis and interpretation regarding the allowance of the overnight rentals/cabins proposed for use by this application.*

*Please review to Appendix D – Appendices, Appendix 25 – Analysis of Definitions of “Overnight Lodgings” in Destination Resorts.*

**18.116.040 Standards.**

A destination resort shall meet the following standards:

- (1) Development shall be located on a tract that contains at least 160 acres.

***Applicant’s Response:*** *Based on the ALTA Survey, the subject property consists of four parcels totaling 580.58 acres.*

*Refer to Section D – Appendices, Appendix 6 – ALTA Survey and Appendix 7 – Assessors Tax Map for additional information.*

- (2) Development shall not be located on high value farmland.

***Applicant’s Response:*** *The proposed destination resort will not be located on High Value Farmland. OAR 660- 033-0020(8)(a) defines "High Value Farmland" as "land in a tract composed predominantly of soils that are: (A) Irrigated and classified prime, unique, Class I or II; or (B) Not irrigated and classified prime, unique, Class I or II"*

*Similarly, CCC 18.116.030(3) defines High Value Farmland as "a tract composed predominantly of soils that are classified as prime, unique, Class I, or Class II. A tract is composed predominantly of such soils if more than 50% of the acreage of the tract is composed of prime, unique, Class I, or Class II soils."*

*The subject property does not contain any Class I or II soils and no areas of prime or unique soils. Based on the soil data from the Natural Resource Conservation Service (NRCS), over 50 percent of the tract is composed of soils with a NRCS rating of Class III or higher.*

*The Stuckmond-Licksillet complex is Class VIe. The Redmond-Stuckmond complex and the Seares-Licksillet complex are Class IIIe, if irrigated, and Class VIe, if not irrigated. Because the tract is not composed of predominantly Class I, II, or prime soils, it does not qualify as High Value Farmland under the state or local rules.*

*Refer to Section D – Appendices, Appendix 14 – Soils Map (NRCS) for additional information.*

- (3) Development shall include meeting rooms, restaurants with seating for at least 100 persons, and a minimum of 150 separate rentable units for overnight lodging, oriented toward the needs of visitors rather than area residents. However, the rentable units may be phased in as follows:

**Applicant’s Response:** *The proposed resort will contain a restaurant and meeting rooms, each with seating for a minimum of 100 people. The eating and meeting facilities will be oriented toward the needs of visitors staying in the vacation villas, overnight rentals/cabins and overnight seasonal rentals.*

*Of the 750 units ultimately proposed within the resort, there will be a total of 400 vacation villas, 200 overnight rentals/cabins, 50 overnight seasonal rentals spaces and 100 workforce housing units. The cabins will be available for overnight lodging. These will be developed in three (3) phases.*

*A summary of the development by phase is shown on the following page:*

Phase	Vacation Villas	Overnight Rentals/Cabins	Overnight Seasonal Rentals	Workforce Housing	Total
Phase 1	89	82	23	100	294
Phase 2	154	68	27	--	249
Phase 3	157	50	--	--	207
<b>Total</b>	<b>400</b>	<b>200</b>	<b>50</b>	<b>100</b>	<b>750</b>

- (a) A total of 150 units of overnight lodging shall be provided as follows:

**Applicant’s Response:** *The resort will contain a minimum of 150 units of overnight lodging, as defined in CCC 18.116.030(5):*

*“Overnight lodgings” means permanent, separately rentable accommodations, which are not available for residential use. Overnight lodgings include hotel rooms, lodges, cabins and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.*

*To fulfill the overnight accommodation requirements, the resort will construct 200 overnight rentals/cabins which will exceed the minimum 150 count.*

***The Applicant/Contract Purchaser will build (or financially assure, to the extent financial assurances are permitted by law) enough overnight lodging units to meet the 150-unit minimum standard and to maintain the required 2:1 ratio.***

- (i) At least 75 units of overnight lodging, not including any individually owned homes, lots or units, shall be constructed or guaranteed prior to the closure of sale of individual lots or units through an agreement and security provided to the county in accordance with CCC 17.40.080 and 17.40.090.

***Applicant's Response: ORS 197.445(4)(b)(B) now requires that in Eastern Oregon, including Crook County, at least 50 units of overnight lodging must actually be constructed prior to the closure of sale of individual lots or units.***

***All totaled, the Applicant/Contract Purchaser proposes to build 200 overnight rentals/cabins. Of this total, the Applicant/Contract Purchaser proposes to construct 82 units during the first phase prior to the closure of sale of individual Vacation Villa units which will satisfy this requirement. Another 68 units will be constructed in Phase 2. Phase 3 will include an additional 50 units.***

- (ii) The remainder shall be provided as individually owned lots or units subject to deed restrictions that limit their use to overnight lodging units. The deed restrictions may be rescinded when the resort has constructed 150 units of permanent overnight lodging as required by this subsection.

***Applicant's Response: The remaining required 118 units (to be constructed in Phase 2 & 3) will be owned by Applicant/Contract Purchaser subject to deed restrictions that limit their use to overnight lodging units, subject to rescission when the resort has constructed 150 units of permanent overnight lodging.***

- (b) The number of units approved for residential sale shall not be more than two units for each unit of permanent overnight lodging provided under subsection (3)(a)(i) of this section; provided, however, after an applicant has constructed its first 150 permanent overnight lodging units, the county may approve a final development plan modification to increase the ratio of units approved for residential sale to units of permanent overnight lodging from two to one to two and one-half to one.

***Applicant's Response: The Applicant/Contract Purchaser will maintain the required 2:1 ratio during the life of the resort, documenting ongoing compliance prior to tentative subdivision plan approval for each phase of resort development.***

***At build-out, there will be a total of 400 vacation villas and 200 overnight rentals/cabins. The individual vacation villas will be available for sale, but ownership of the spaces will be held by the Applicant/Contract Purchaser. None of the overnight rentals/cabins will be available for sale. This represents a 2:1 ratio of vacation villas sales to overnight lodging/cabins.***



- (c) The development approval shall provide for the construction of other required overnight lodging units within five years of the initial lot sales.

**Applicant's Response:** *ORS 197.445(4)(b)(C) requires that after the construction of the first 50 overnight units, at least 50 of the remaining 100 overnight lodging units required to meet the statutory minimum of 150 units must be constructed or guaranteed through surety bonding or equivalent financial assurance within five years of the initial lot sales. The remaining 50 overnight lodging units required by statute must be constructed or guaranteed through surety bonding or equivalent financial assurances within 10 years of the initial lot sales.*

*Reading the statute together with the Crook County Code, and implementing the code where it requires more than the statute, at least 50 units of overnight lodging must be constructed prior to the closure of sale of the first individual lot or unit. At least 100 more units of overnight lodging must be constructed within five years of the sale of the initial lot sales. Under ORS 197.445(b)(F), if Applicant/Contract Purchaser guarantees the construction of any of the required 150 units through surety bonding or other equivalent financial assurance, these overnight lodging units must be constructed within four years of the date of the execution of the surety bond or other equivalent financial assurance.*

*The Applicant/Contract Purchaser intends on constructing 82 of the required units in Phase 1. The remaining required 68 units (totally 150 units) will be developed in Phase 2. An additional 50 units will be developed in Phase 3.*

- (4) Prior to closure of sale of individual lots or units, all required developed recreational facilities, key facilities intended to serve the entire development, and visitor-oriented accommodations shall be either fully constructed or guaranteed by providing an agreement and security in accordance with CCC 17.40.080 and 17.40.090. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase 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. Nothing in this subsection shall be interpreted to require the construction of all approved phases of a destination resort; provided, that the destination resort as developed complies with the minimum development requirements of subsections (3), (5), and (7) of this section.

**Applicant's Response:** *This criterion is intended to distinguish facilities and accommodations intended to serve the entire resort development and facilities intended to serve a particular phase. Those for the entire resort development must be physically provided or guaranteed "proportional to the extent of the phased development."*

*The proportionality component of this criterion will be satisfied because all of the required developed recreational facilities, key facilities intended to*

**serve the entire resort development, and visitor-oriented accommodations will be constructed in the first phase.**

(5) At least \$7,000,000 shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities, and roads. Not less than one-third of this amount shall be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index.

**Applicant’s Response: In addition to the 200 overnight rentals/cabin units, the proposed resort area will include the following recreational facilities:**

- **A large amenity area including a clubhouse (including meeting and eating establishments), equipped with outdoor covered area.**
- **Pool with Cabanas (2 areas)**
- **Spas (2 areas)**
- **Open Air- Shade Structures ( with gills & seating)**
- **Event Lawn**
- **Sports Courts (pickleball courts, basketball court)**
- **Overlook Park**
- **Trails System**
- **Open Space (natural area and common area)**

**According to the Bureau of Labor Statistics consumer price index, \$1 in 1993 is equivalent in purchasing power to about \$1.92 in 2022. Therefore, the \$7 million in 1993 dollars has the same buying power as \$13,440,000 in year 2022. Not less than one-third or \$4,480,000 of this amount must be spent on "developed recreational facilities" as that term is defined in CCC 18.16.030(2). Applicant/Contract Purchaser anticipates exceeding this initial minimum investment requirement.**

**The following construction cost estimates are based on unit prices taken from Applicant/Contract Purchaser’s past construction projects. The following cost estimate demonstrates that Applicant/Contract Purchaser will exceed the requirements for total expenditures on required resort facilities. Applicant/Contract Purchaser also retains the flexibility to refine the type of amenities and commercial facilities provided within the project.**

Amenity Description	Total
<b>Commercial/Overnight Accommodations</b>	
Micro Retail Buildings	\$4,000,000
Eating Facilities for 100 Persons Minimum	<i>Located in Clubhouse</i>

Meeting Space for 100 Persons	<i>Located in Clubhouse</i>
Main Street Plaza	\$93,750
Overnight Rentals/Cabins	\$30,000,000
<b>Subtotal</b>	<b>\$34,093,750</b>
<b>Recreation Areas</b>	
Clubhouse with Outdoor Covered Area	\$4,455,000
Open-Air Shade Structures (Grill & Seating)	\$300,000
Pool with Cabanas	\$850,000
Spas	\$150,000
Event Lawn	\$200,000
Outdoor Grill Kitchen with Seating	\$225,000
Trail (8' wide)	\$75,000
Pickleball Courts	\$390,000
Basketball Court	\$110,000
Playground	\$185,000
Retaining Walls	\$480,000
Parking Area	\$765,000
Landscaping and Irrigation (clubhouse area)	\$900,000
Signage/Monument Signs/Pavement Marking	\$100,000
<b>Subtotal</b>	<b>\$9,185,000</b>
<b>Total</b>	<b>\$43,278,750</b>

***The above-stated minimum construction costs is based on other similar facilities developed by the Applicant/Contract Purchaser. Each facility (meeting and eating establishments) will be designed to accommodate a minimum of 100 persons on site.***

***Applicant/Contract Purchaser projects a \$550/per square foot cost for the Micro Retail buildings and \$450/per-square-foot construction cost for the Clubhouse (including the 100 person eating/meeting facility). Based on this, the cost of the four (4) Micro Retail buildings will be \$4,000,000 and the Clubhouse will be \$4,455,000.***

***The above-stated minimum construction cost estimate for overnight accommodation units. Applicant/Contract Purchaser intends to construct 200 stand-alone overnight rentals/cabins that the Applicant/Contract Purchaser believes can be constructed for a price of \$150,000 each, for a total cost of \$30,000,000.***

***The total estimated cost of \$43,278,750 far exceeds the minimum investment requirement of \$13,440,000. Similarly, the estimate of \$9,185,000 for recreational facilities far exceeds the minimum investment required of \$4,480,000.***

- (6) Commercial uses are limited to those listed in CCC 18.116.070(8). Such uses must be internal to the resort, and are limited to the types and levels of use necessary to meet the needs of visitors to the resort. Industrial uses of any kind are not permitted.

***Applicant's Response:*** *The commercial uses that are likely to be developed at the resort are as follows:*

- ***Micro Retail Buildings (4 Structures)***
- ***Clubhouse***
- ***Eating Establishment (Located in Clubhouse)***
- ***Meeting/Conference Facility (Located in Clubhouse)***
- ***Miscellaneous (Specialty Retail, Convenience Store; Sports Equipment Leasing/Sales; Real Estate Sales/Leasing; Business Center) (Located in Clubhouse)***

***These uses are consistent with CCC 18.116.070(8). As noted above, the Applicant/Contract Purchaser retains the flexibility to allow uses listed as permitted under CCC 18.116.070(8). Commercial uses will be located in the Amenity Center. All commercial uses will be internal to the resort, limited to the types and levels of use necessary to meet the needs of resort visitors. No industrial uses are proposed.***

- (7) At least 50 percent of the site shall be dedicated to permanent open space, excluding yards, streets, and parking areas.

***Applicant's Response:*** *As illustrated on the proposed Development Plan), over fifty percent (50%) of the resort will be allocated as open space. All totaled, a minimum of 291 acres within the proposed development have been identified for open space (representing 50.1%). This includes at least 211 acres (36.4%) east of the COID that consists of natural open space and common areas as well at the 80 acres (13.8%) of pasture land located west of the COID canal. This exceeds the minimum 50 percent requirement. The Final Development Plan will include a plan that identifies at least fifty percent (50%) of the site in natural or common open space. Compliance with this standard will be continuously documented prior to approval of each subdivision plat.*

***Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) for additional information.***

- (8) If the site includes a resource site designated on the county's Goal 5 inventories as significant, the resource site shall be protected in accordance with the adopted Goal 5 management plan for the site. Sites designated for protection pursuant to Goal 5 shall also be preserved by design techniques, open space designation, or a conservation easement sufficient to protect the resource values of the resource site. Any conservation easement created pursuant to this subsection shall be recorded with the property records of the tract on which the destination resort is sited prior to development of the phase of which the resource site is a part.

**Applicant's Response:** *While there are some wetlands located along the west side of the property, the subject property does not contain any inventoried Goal 5 resources. The wetland area remains unaffected by the proposed resort development.*

*Refer to Section D – Appendices, Appendix 17 – National Wetland Inventory and Appendix 18 – Wetland Delineation for additional information.*

*The Oregon Department of Fish and Wildlife (ODFW) indicated as part of the 2008 application proceeding that there are no wildlife overlays or designated wildlife ranges on the property. There is also no Sensitive Bird Habitat area anywhere on the property.*

*Refer to the Appendix D – Appendices, Appendix 16 – Habitat Areas for additional information. This mapping substantiates that there is no Elk or Deer habitat is identified in the vicinity of the subject property.*

- (9) Riparian vegetation within 100 feet of natural lakes, rivers, streams and designated significant wetlands shall be retained as set forth in CCC 18.124.090.

**Applicant's Response:** *The dry terrain indicates there are no natural lakes, rivers, streams or designated wetlands on the subject property other than the wetlands along the west side of the property which are artificially hydrated due to long term flood irrigating of the area. The wetland area has not been designated a significant wetland.*

*Also, there is a COID irrigation canal that crosses a portion of the future resort site. That is not a "natural river or stream". The canal is used to convey water during the course of the regular irrigation season (April through October). There is no "riparian vegetation", however there are some designated wetlands within or adjacent to the canal.*

*Any impacts of loss of wetlands will be appropriately mitigated through enhancement of the remaining wetlands (if any) and the creation of new wetlands at a different location. This can be imposed as a condition of approval, if necessary.*

*Again, refer to Section D – Appendices, Appendix 17 – National Wetland Inventory and Appendix 18 – Wetlands Delineation for additional information.*

- (10) The dimensional standards otherwise applicable to lots and structures in underlying zones pursuant to Chapters 18.16 through 18.112 and 18.120 through 18.140 CCC shall not apply within destination resorts. The planning commission shall establish appropriate dimensional standards during final development plan review.

**Applicant's Response:** *As permitted by this criterion, the final dimensional standards will be worked out during Final Development Plan review.*

(11) Except where more restrictive minimum setbacks are called for, the minimum setback from exterior property lines, excluding public or private roadways through the resort, for all development (including structures and site-obscuring fences of over three feet in height but excepting existing buildings and uses) shall be as follows:

(a) Two hundred fifty feet for commercial development listed in CCC 18.116.070, including all associated parking areas;

***Applicant's Response: All auxiliary commercial development will comply with the two hundred and fifty foot setback standard.***

(b) One hundred feet for visitor-oriented accommodations other than single-family residences, including all associated parking areas;

***Applicant's Response: All resort development has a minimum setback of 100 feet from the perimeter boundary.***

(c) Twenty-five feet for above-grade development other than that listed in subsections (11)(a) and (b) of this section;

***Applicant's Response: Applicant/Contract Purchaser will comply with this standard, which will be confirmed during final development plan review.***

(d) Twenty-five feet for internal roads;

***Applicant's Response: Applicant/Contract Purchaser will comply with this standard, which will be confirmed during final development plan review.***

(e) Twenty-five feet for golf courses and playing fields;

***Applicant's Response: No golf courses or playing fields are proposed at this time. Any playing fields will comply with this standard, which will be confirmed during final development plan review.***

(f) Twenty-five 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;

***Applicant's Response: Applicant/Contract Purchaser will comply with this standard, which will be confirmed during final development plan review.***

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

***Applicant's Response: The Applicant/Contract Purchaser will comply with the setbacks requirements, where applicable. This will be documented during each phase of subdivision or site plan review.***

***As necessary, additional setbacks have been provided, where appropriate, to ensure compatibility with surrounding uses.***

- (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)*

***Applicant's Response: The general physical characteristics of the resort property is illustrated on the Existing Conditions Map. Based upon Federal Emergency Management Association ("FEMA") mapping, there is a "100 Year Floodplain" identified on the property.***

***The 100-year floodplain is mapped along a corridor that parallels the COID Irrigation ditch as it traverses the subject property. Most, if not all, of the area in the 100-year floodplain falls within areas of right-of-way held by COID. Bridges, canal crossings and pathways amenities are the only improvements anticipated in this area.***

***The Applicant/Contract Purchaser will comply with all applicable legal and permitting requirements to the extent any structures are constructed in areas impacted by the floodplain.***

***With the exception of a few minor rock ridgelines, no portion of the site contains slopes in excess of 25 percent. One of the ridgelines runs parallel to the irrigation canal in the southern portion of the resort. Another rock ridge is located in the northeastern portion of the subject property and is largely encumbered by the BPA transmission line easements.***

***Refer to Section C – Exhibit Drawings, Sheet C002 – Existing Conditions Plan for additional information. Also refer to Section D – Appendices, Appendix 19 – Floodplain Map.***

**18.116.050 Standards for small destination resorts. *This criterion is not applicable to this application since it not considered a "small destination resort".***

**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:

**(1) Visitor-Oriented Accommodations.**

**(a) Overnight lodging;**

**(b) Convention and conference facilities and meeting rooms;**

**(c) Restaurants, lounges and similar eating and drinking establishments; and**

(d) Other similar visitor-oriented accommodations consistent with the purposes of this chapter and State-wide Planning Goal 8.

**(2) Developed Recreational Facilities.**

(a) Golf courses, golf instruction, putting courses, miniature golf courses, and accessory clubhouses;

**(b) Indoor and outdoor swimming pools;**

(c) Indoor and outdoor tennis courts;

**(d) Physical fitness and spa facilities;**

(e) Playing fields and indoor sport facilities;

(f) Equestrian facilities;

(g) Interpretive centers and museums;

(h) Wildlife observation shelters;

**(i) Walkways, bike paths, jogging paths, equestrian trails, nature trails, ski trails and snowmobile trails;**

(j) Marinas and boating facilities;

**(k) Other similar recreational facilities consistent with the purposes of this chapter and State-wide Planning Goal 8.**

**(3) Residential Accommodations.**

**(a) Single-family dwellings;**



- (b) Multifamily dwellings;
- (c) Two-family dwellings;
- (d) Zero-lot line dwellings;
- (e) Time share projects; and

**(f) Living quarters for employees.**

**(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.**

**(5) Accepted agricultural and forestry practices as permitted in this title.**

**(6) Facilities necessary for public safety and utility service within the destination resort, including construction office, storage, equipment staging areas, etc.**

(7) Other similar uses permitted in the underlying zone and consistent with the purposes of this chapter.

*(Ord. 18 § 12.060, 2003)*

***Applicant's Response: Per 18.116.060, all of the intended uses identified within the proposed resort are permitted uses based on the County's code.***

#### **18.116.070 Accessory uses.**

The following accessory uses may be permitted provided they are ancillary to the destination resort and consistent with the purposes of this chapter:

- (1) Visitor-related transportation facilities excluding airports but including heliports and airstrips;
- (2) Emergency medical facilities;
- (3) Storage structures and areas, including short-term recreational vehicle storage for resort visitors;**
- (4) Kennels as a service for resort visitors only;
- (5) Recycling and garbage collection facilities;**
- (6) Maintenance shops and facilities;**
- (7) Dormitories;

**(8) Commercial services and specialty shops designed to provide for the visitors to the resort:**

- (a) Specialty retail shops including but not limited to drug and sundries stores, clothing stores, book stores, craft studios, art galleries, gift shops, florists, laundry services, convenience and grocery stores, sports equipment sales, video/carnival games, fast food and specialty food shops (bakery, brewery, etc.);**
- (b) Barber shops, beauty salons, tanning salons, massage studios, day care facilities, and other similar personal services shops;
- (c) Automobile service stations limited to fuel sales, incidental parts sales, minor repairs and minor maintenance;
- (d) Banking and real estate offices;**
- (e) Business centers (computer, facsimile, printing facilities);**
- (f) Religious/social gathering centers;
- (g) Other similar commercial services which provide for the needs of resort visitors and are consistent with the purposes of this chapter and State- wide Planning Goal 8.**

(9) Theaters;

(10) Temporary uses, including temporary or seasonal fairs, festivals, and charity or promotional activities consistent with the purposes of this chapter;

**(11) Other similar accessory uses consistent with the purposes of this chapter.**

*(Ord. 18 § 12.070, 2003)*

***Applicant's Response: Per 18.116.070, all of the identified accessory uses within the resort are permitted uses based on the County's code. As noted above, the Applicant/Contract Purchaser reserves the right to request future authorization for any of the above-listed accessory uses as the market or destination resort needs warrant.***

**18.116.080 Application procedures and contents.**

- (1) Before submitting a development plan for approval, an applicant proposing a destination resort shall conduct a preapplication conference with the planning department to obtain general information, guidelines, procedural requirements, advisory opinions, and technical assistance for the project concept.

***Applicant's Response: The Applicant/Contract Purchaser and their representatives have discussed the proposed modifications with the Planning Manager and County Staff on several occasions.***

***An informal Pre-Application Informational Meeting was held on October of 2021 to provide County staff some background on the proposed resort development.***

- (2) Following a preapplication conference, the applicant shall submit a development plan for review by the planning commission. Fifteen copies of the development plan shall be submitted to the planning department along with a filing fee set by the Crook County court to defray costs incidental to the review process.

***Applicant's Response: The Applicant/Contract Purchaser has submitted a new resort development plan for review by the Planning Commission. Applicant/Contract Purchaser complied with the applicable procedural requirements in the filing and submission of this application.***

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

(a) Illustrations and graphics to scale, identifying:

- (i) The location and total number of acres to be developed as a destination resort;

***Applicant's Response: The general vicinity of the Crossing Trails Resort is illustrated on the Cover Sheet. Refer to Section C – Exhibit Drawings, Sheet C000 – Cover Sheet for additional information***

***The resort property is north of Oregon Highway 126 at the northeast corner of SW Parrish Lane and SW Wiley Road. It is approximately six miles west of downtown Prineville and 10 miles east of Redmond. Privately owned lands surround it on two (2) sides and bordered by public roadways on the other two (2) boundaries. The adjacent uses are generally characterized as small properties including both farm and nonfarm parcels.***

***The conceptual Development Plan Map depicts the boundaries of the 580.58 acre resort and the general location of all proposed resort uses, including residential, commercial, recreational uses and open space. The conceptual Development Plan map illustrates the general location of the vacation villas, overnight rentals/cabins, overnight seasonal rentals, workforce housing, open space, amenity areas within the resort and ancillary resort uses. Areas of designated "open space" include the common areas and undisturbed areas left in a natural state.***

***Commercial uses will be located within the Amenity Areas. This includes the Micro Reals Buildings as well as the Clubhouse where the meeting and eating establishments will be located.***

***Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) for additional information.***

(ii) The subject area and all adjacent tax lots, with existing zoning;

***Applicant's Response:*** *The subject property and all adjacent tax lots are depicted on Context Plan. This map shows the location, and ownership of all properties that about the proposed resort development. These neighboring taxlots, ownership, acreage, zoning and use are also summarized in table form in the response tor CCC 18.116.080(3)(i).*

*The subject property and surrounding properties are zoned Exclusive Farm Use, EFU-3 (Powell Butte Area), as depicted on the Crook County zoning map. The subject property is also zoned with Crook County's Destination Resort Overlay Zone. This overlay zone includes all of the subject property.*

*Refer to Section C – Exhibit Drawings, Sheet C001 – Context Plan and Section D – Appendices, Appendix 8- Zoning Map for additional information.*

(iii) Types and general location of proposed development and uses, including residential and commercial uses;

***Applicant's Response:*** *The types and general location of proposed land uses within the resort project are illustrated on the conceptual Development Plan. The Plan map depicts the general location of housing units, overnight accommodations, amenity area, maintenance facilities, infrastructure and open space/trails. The Development Plan map also depicts the primary/secondary access points and the general location of the road system that will serve the resort.*

*Commercial activities developed within the resort boundaries will be located within the resort's amenity area shown on the conceptual Development Plan map. The specific mix and location of commercial related uses within the amenity areas will be subject to demand and the market. Any commercial uses developed at the resort will be subject to additional site plan review and approval.*

*Resort infrastructure will be located throughout the resort and will generally follow the roadway network. The primary overnight resort entry will be located on SW Wiley Road at the location near the COID Canal. Another primary entry point along on SW Parrish Lane will function as the primary access point for the vacation villas as well as a secondary access point for the resort. An employee and visitor entry is proposed east of the main entry on SW Wiley Road. A controlled access gate will connect the vacation villas and overnight resort area to provide secondary access.*

*The proposed vacation villa units are located in the northwest portion of the property. The overnight rentals/cabin units and other overnight seasonal units are dispersed throughout the central portion of the property to enjoy the open space amenities of the project. The workforce housing is located in the southeast portion of the property and is intended to provide on-site housing for resort staff.*

***The resort project will also contain a network of pedestrian trails. The trail system will facilitate and encourage non-motorized transportation to all destinations within the boundaries of the resort. It will include small view point intended to highlight the natural scenery of the Central Oregon high desert environment and views of Smith Rocks. The trail system will provide access to recreational amenities within the resort, as well as the Clubhouse (i.e. meeting/restaurant facilities) and commercial uses developed within the resort boundary. The trail network is expected to be a significant recreational amenity at the resort.***

***The Development Plan map is conceptual in nature. It is subject to evolution and refinement through subsequent land use proceedings, as market demand and other factors dictate the final design. As with all resort developments, the economics of the project demand that Applicant/Contract Purchaser construct the Crossing Trails Resort in three (3) phases over many years, with the actual development schedule responsive to market demand. The general location of the three (3) resort phases is illustrated on the conceptual Phasing Plan.***

***Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) and Sheet C101 – Phasing Plan for additional information.***

(iv) A general depiction of the characteristics of the site, including:

(A) Goal 5 resources on the county's comprehensive plan inventory;

***Applicant's Response: According to the Crook County Comprehensive Plan Goal 5 inventory, there are no inventoried sites on this map. This is confirmed by the County's Goal 5 Resource supporting materials. According to the National Wetland Inventory, there are areas along the western boundary that are considered wetlands. This was substantiated by the Wetland Delineation performed by Pacific Habitats.***

***Refer to Section D – Appendices, Appendix 16 – Habitat Areas, Appendix 17 – National Wetland Inventory and Appendix 18 – Wetlands Delineation for additional information.***

(B) Riparian vegetation within 100 feet of natural lakes, rivers, streams, and designated significant wetlands;

***Applicant's Response: No natural lakes, rivers, or streams exist on the resort property. The property is bisected by an irrigation canal operated by the Central Oregon Irrigation District ("COID"). The irrigation canal is in operation during the irrigation season from April to October of each year.***

***An irrigation pond is located on the southern boundary of the subject property adjacent to the canal and SW Wiley Road. The conceptual plans***

*depict the current location of both the irrigation pond and canal. There are no apparent areas of riparian vegetation associated with the irrigation canal or pond.*

(C) Water areas, including streams, lakes, ponds and designated significant wetlands;

***Applicant's Response:*** *The resort property is bisected by the COID irrigation canal. The property also contains an irrigation pond that has been used for the delivery of irrigation water. There are no designated significant wetlands on the property.*

*Refer to Section D – Appendices, Appendix 17 – National Wetland Inventory and Appendix 18 –Wetlands Delineation for additional information.*

(D) Boundaries of the 100-year flood plain, if present on the site;

***Applicant's Response:*** *The conceptual Development Plan illustrates the location of the 100-year floodplain as it affects the subject property. The location of the boundary is based on the FEMA Map Data. The 100-year floodplain is mapped along a corridor that parallels the COID Irrigation ditch as it traverses the subject property. Much of the area that falls within the 100-year floodplain is encumbered by the canal easement held by COID.*

*The Applicant/Contract Purchaser does not propose to erect any buildings, units or similar above-ground structures within areas mapped for the 100-year floodplain. Bridges, canal crossings, and pathways are the only amenities anticipated in this area. Applicant/Contract Purchaser will comply with all applicable legal and permitting requirements to the extent any structures or previously described uses are constructed within areas subject to the 100-year floodplain.*

*Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) for additional information. Also refer to Section D – Appendices, Appendix 19 – Floodplain Map.*

(E) Slopes exceeding 25 percent;

***Applicant's Response:*** *The Existing Conditions Plan identifies slopes on the property that exceed 25 percent, which are found in two primary areas on the subject property. One is a minor rock ridgeline located parallel to the COID irrigation ditch in the southern portion of the property. The majority of this ridgeline will be utilized as open space. Areas of steeper slopes are also contained in rock ridges found in the northeast corner of the subject property. Most of these areas are depicted as open space on the conceptual Development Plan. A significant portion of this area is also encumbered by the electric transmission line easements on the property.*

*Refer to Section C – Exhibit Drawings, Sheet C002 – Existing Conditions Plan for additional information.*

(F) Existing topography.

***Applicant’s Response:*** *The natural topography of the site is relatively flat with a gentle slope rising approximately 280 feet from the southwest to the northeast corners of the site. Site topography is depicted on the Existing Conditions Map.*

*With the exception of the rock ridgelines (previously mentioned), slopes on the site do not exceed 25 percent. The southwest portion of the site is relatively flat. The northern portion is very flat with the typical natural slopes of less than two percent. Nearly one-seventh of the property contains areas of meadow grass, while the remainder is vegetated with juniper and other low- growth vegetation common to Central Oregon.*

*The NRCS mapping of soils in Crook County illustrates the following soil types within the boundaries of the resort property:*

- *Stukmond-Lickskillet- Redmond Complex (Map Unit Symbol 143)*
- *Redmond-Stukmond Complex (Map Unit Symbol 144)*
- *Searles- Lickskillet complex (Map Unit Symbol 162)*

*None of the designated soil types found on the subject property are considered to be prime, unique or high value. The lack of quality soils within the resort property rendered the site eligible for the Destination Resort overlay when the County adopted its overlay map.*

*Refer to Section C – Exhibit Drawings, Sheet C002 – Existing Conditions Plan for additional information. Also refer to Section D – Appendices, Appendix 14 – SCS Soils Map.*

(v) Proposed methods of access to the development, identifying the main vehicular circulation system within the resort and an indication of whether streets will be public or private;

***Applicant’s Response:*** *The conceptual Development Plan depicts the main internal road system serving the proposed resort, as well as each of the proposed points of ingress/egress into the resort. The development is served with a loop road system of interconnected private roadways. This will provide access to vacation villas, overnight rentals/cabins and overnight seasonal rentals, recreational amenities and resort infrastructure. The internal road system is designed to promote the safe and efficient circulation of vehicle traffic inside the resort. The resort will have two access points on SW Wiley Road that will distribute resort and employee traffic to SW Parrish Lane en route to Oregon Highway 126. An additional access point will be located on SW Parrish Lane. This will serve as the primary access for the vacation villas. All of the roads*

*within the resort will be private and will be maintained by the developer and the resort homeowners.*

*Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) for additional information.*

(vi) Major trail systems;

***Applicant's Response:*** *The conceptual Development Plan map illustrates a looped road system that will serve the proposed resort development. Applicant/Contract Purchaser will construct and maintain a trail system that traverses the property. Resort trails will be designed to provide pedestrian, bicycle and non-motorized access throughout the resort. Each of the vacation villas and overnight rentals/cabins, as well as all of the overnight seasonal rentals will be provided with access to the internal resort trail system.*

*Trail systems within the resort will provide access to areas of open space and recreational amenities offered by the resort. In addition, the resort trail system will provide pedestrian, bicycle and non-motorized access. The trail network will encourage walking and biking to the amenity areas, including the Micro Retail Building and Clubhouse (i.e. meeting facilities, dining facilities, and other auxiliary commercial uses).*

*Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) for additional information.*

(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;

***Applicant's Response:*** *Based on a 580 acre resort property, a minimum of 291 acres will be maintained as open space (50.1%) within the proposed development. This includes at least 211 acres (36.4%) east of the COID that consists of natural open space and common areas as well as the 80 acres (13.8%) of pasture land located west of the COID canal. This acreage includes natural areas, trails, buffers within the external setbacks, areas beneath powerlines/canal easements and common areas. The land devoted to open space is conceptually illustrated on the conceptual Development Plan.*

*Because the exact boundaries of the space areas are subject to change as the resort development progresses, the Applicant/Contract Purchaser will document compliance with the minimum open space standard prior to approval of the subdivision plat for each phase.*

*Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) for additional information.*

(viii) List of proposed recreational amenities and approximate location.



**Applicant's Response:** *The resort will contain amenity areas that will include a variety of recreational amenities for vacation villa owner, guests of the overnight rentals/cabins and overnight seasonal rentals and workers who live in the workforce housing. A list of potential recreational uses is listed below:*

- **Clubhouse with Outdoor Covered Area**
- **Pool with Cabanas (2 areas)**
- **Spas (2 areas)**
- **Open Air- Shade Structures (Gill & Seating)**
- **Event Lawn**
- **Overlook Park**
- **Neighborhood Parks (3 areas) with playground, with family fire pits, shade pavilions and off-leash area**
- **Sports Courts (Pickleball courts, basketball court)**
- **Open Space (natural area and common area)**
- **Trails System**

***Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) for additional information regarding approximate location.***

- (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.

**Applicant's Response:** *The Applicant/Contract Purchaser has provided a conceptual Water and Sewer Plan as part of the application materials. The plan was prepared by Atwell, LLC a professional engineering firm located in Portland, Oregon and is intended to comply with the requirements of (i)-(iii) above.*

*As required under subsection (i), the Water Supply Plan includes an estimate of water demand for various types of water uses at the resort at maximum build-out. That demand for the resort is estimated to be 300 acre-feet per year. This includes water for a variety of proposed resort uses including the vacation villas, overnight lodging, workforce housing, commercial facilities and roughly 28 acres of landscape irrigation. A test well has been constructed and the well will generate approximately 380 acre-feet per year. This is more than sufficient water to meet the demand of the resort.*

*As required under subsection (ii), as part of the original approval, there was a water service agreement to provide water to the subject property. As an alternative to this, the Applicant/Contract Purchaser is exploring options of drilling a new well on property to the north of the subject property and develop a conveyance system for on-site use.*

*The Water and Sewer analysis describes the water sources available to meet the estimated demand. Potable water will be supplied through development of a private well using water provided through water rights and conveying the water to the subject property for potable use.*

*As required under subsection (iii), a Water Management Plan has been prepared to demonstrate non-potable water needs. In addition, the proposed resort will implement the following conservation measures: highly efficient irrigation sprinkler systems; efficient water conveyance systems; beneficial use of treated wastewater; use of individual water meters; use of drought resistant and low-water use landscaping; low water use plumbing fixtures, use of conditions to implement conservation measures; and public education and outreach.*

*The Water Management Plan also analyzes a wastewater disposal plan utilizing the beneficial use of reclaimed water to the extent practicable. Treated effluent will be conveyed to an effluent pond and infiltrated in to the soils.*

*Refer to Section C – Exhibit Drawings, Sheet C300 – Water and Sewer Plan and Section D – Appendices – Appendix 20 – Water and Sewer Analysis and Appendix 22 – Water Easement Exhibit for additional information.*

(c) A conceptual site drainage plan;

**Applicant's Response:** *The Applicant/Contract Purchaser has provided a conceptual Grading and Drainage Plan as part of the application materials.*

**Refer to Section C – Exhibit Drawings, Sheet C200 – Grading and Drainage Plan for additional information.**

(d) A solid waste management plan;

**Applicant's Response:** *A County franchise hauler will be utilized to provide a solid waste management plan. This will include refuse and recycling programs.*

(e) An open space management plan, including:

**Applicant's Response:** *Open space areas are illustrated on the conceptual Development Plan. All totaled, there is a minimum of 291 acres proposed as open space (50.1%) located within the proposed development. This includes at least 211 acres (36.4%) east of the COID that consists of natural open space and common areas as well as the 80 acres (13.8%) of pasture land located west of the COID canal. Again, this figure exceeds the minimum fifty percent (50%) required by code.*

**Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) for additional information.**

(i) An explanation of how the open space management plan will ensure that at least 50 percent of the resort is dedicated to open space at all times;

**Applicant's Response:** *The conceptual Development Plan shows the proposed location of open space. Currently, open space will occupy at least 50% of the resort property. The final location, acreage and dimensions of any open space area are subject to limited refinement during the process of developing a final resort development plan. All of the open space areas shown on the conceptual Development Plan will be designated as such on the plat and included in the legal description of the property.*

*Title to or a legal interest in the common areas in each phase will be conveyed to a homeowners' association prior to or concurrently with the conveyance to an owner of the first lot in that particular phase. The board of the homeowners' association may transfer some common area to a homeowner or the declarant, but only for the purposes of small adjustments not to exceed 2,000 square feet. The CC&Rs that will be submitted with the Final Development Plan will stipulate that every homeowner will have a non-exclusive right and easement for the ingress, egress, use and enjoyment of the common areas, which will be appurtenant and will pass with the title to every lot, subject to stated restrictions. The easements and the rights to use of the common areas will exist regardless of whether they are also set forth in individual grant deeds to lots.*

**The CC&Rs will provide that, at all times, at least 50 percent (County minimum) of the property will be designated as open space, and make that requirement a covenant and equitable servitude, which cannot be amended**

*without the consent of the County, which runs with the land in perpetuity, and which is for the benefit of all of the property initially included in or annexed to the resort, each homeowner, the declarant, the homeowners' association as well as the County. Any of these individuals or entities may enforce the covenant and equitable servitude. This is sufficient to satisfy the requirement that at least 50 percent of the property be preserved as open space.*

*The CC&Rs will make clear that the open space designated as open space, as finalized in the Final Development Plan) is the open space that is protected by the CC&Rs. Applicant/Contract Purchaser suggests a condition that requires all deeds conveying all or some of the resort property to include a restriction specifying that the property is subject to the provisions of the resort final development plan and the CC&Rs and noting that the Final Development Plan and CC&Rs contain a delineation of open space areas which will be maintained as open space areas in perpetuity.*

*There are other safeguards in addition to the provisions of the CC&Rs to ensure that the requirements of this criterion are satisfied. As each subdivision plat is submitted to the County, open space designated as such on the plat will be protected. The County land use process for approval of a subdivision plat will require compliance at each phase with the destination resort standards in the statutes and the County code and with the County's approval of this conceptual Development Plan application. Under ORS 92.010(7)(b) and ORS 92.070(7)-(8), open space could not be converted to another use unless the County approved a replat or a lot line adjustment.*

*Since any such replat or lot line adjustment would be subject to the terms of this approval, the preservation of open space would be considered and ensured when the application was reviewed.*

- (ii) Proposed conservation easements to protect significant Goal 5 sites pursuant to CCC 18.116.040(8).

***Applicant's Response:*** *Although there are delineated wetlands located on the western portion of the resort property, these were artificially from routine irrigation practices on this portion of the property. With the resort development, the existing irrigation practices will cease to exist and revert back their natural state. The Applicant/Contract Purchaser does not want to encumber this portion of the site with a conservation easement based on a resource that may likely not exist in the future.*

***Refer to Section D – Appendices, Appendix 18 – Wetland Delineation for additional information.***

- (f) A description of measures intended to mitigate significant project impacts on fish and wildlife and other natural values present in the open space areas;

**Applicant's Response:** *The resort property does not contain any big game habitat winter ranges or sensitive bird habitat and is not shown on any county Goal 5 habitat maps as containing any habitat.*

**Refer to Section D – Appendices, Appendix 16 – Habitat Areas for additional information.**

- (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);

**Applicant's Response:** *A Traffic Impact Analysis (TIA) is included in the application submittal. The TIA was prepared by Kittleson & Associates in cooperation with County and ODOT. The analysis explains potential resort impacts on affected roadways and intersections and proposes mitigation measures.*

**The following findings summarize the changes to the site plan and environment since the original Crossing Trails Traffic Study and the key findings from the transportation analysis:**

- **The proposed site plan has been modified from the originally approved traditional destination resort to an affordable, family friendly, outdoor living experience. The resort includes recreational activities and open space for guests and full-time occupants, workforce housing for employees on the resort and within the surrounding community, upscale overnight rentals/cabins, and overnight villas and resort rentals.**
- **Several planning documents have been completed or updated since the original approval of the site including the Crook County and Prineville Transportation System Plans and the OR Highway 126 Corridor Facility Plan. These documents no longer recommend grade separated interchanges at key intersections such as OR126/Tom McCall Road and OR126/Powell Butte Highway, but instead recommend at-grade improvements such as roundabouts.**
- **A traffic study for a destination resort at this site was completed in 2008 with a similar dwelling unit count but different site plan. The anticipated volumes on OR126 are lower than anticipated in the 2008 traffic study, therefore reducing the study area from the original study.**
- **The site is anticipated to generate 3,567 total daily trips, 278 weekday PM peak hour trips and 317 Saturday midday peak hour trips.**
- **None of the study intersections exceeded 90th percentile crash rates, critical crash rates, or were identified on the Statewide Priority Index System for the review period of 2015-2019.**

- **Two study intersections are expected to exceed mobility targets in the existing condition: OR126/Powell Butte Highway and R126/Tom McCall Road.**
- **The neighboring developing/approved destination resort vested trips were included in the background conditions analysis. Powell Butte/Alfalfa Market Road is not expected to meet mobility targets in the 2026 background condition.**
- **OR126/Parrish Lane is the primary access to the development and is expected to exceed mobility targets in the 2026 build-out condition.**
- **Clear sight lines are provided at all anticipated site access locations.**

**Upon review of the findings above, key recommendations to support the surrounding transportation infrastructure include:**

- **Complete the following off-site improvements to mitigate impacts to the state and county system:**
  - **Hidden Canyon shall construct a multilane roundabout at OR126/Powell Butte Highway to include two lanes in the eastbound and westbound directions and a northbound right turn yield bypass lane.**
  - **ODOT/The City of Prineville shall consider widening the OR126/Tom McCall Road roundabout. Based on current and projected volumes, two lanes may be required for the eastbound and southbound approaches along with a northbound right turn yield bypass lane.**
  - **Crook County shall construct a single lane roundabout at Powell Butte Highway/Alfalfa Road as this is a primary route for both Brasada Ranch and Hidden Canyon and is impacted by site trips to and from Bend.**
  - **Crossing Trails shall construct eastbound and southbound left turn lanes at OR126/Parrish Lane – the primary access to the development.**
- **Pro-rata shares should be provided by the developer to offset the impacts to the regional network comparable to the level of impact, including**
  - **OR126/Powell Butte Highway: 4%, \$120,000**
  - **OR126/Tom McCall Road: 5%, \$50,000**
  - **OR126/Parrish Lane: Full Construction, \$400,000**
  - **Powell Butte Highway/Alfalfa Market Road: 5%, \$75,000**
- **The total pro-rata payment is equal to \$675,000.**

**Refer to Section D – Appendices, Appendix 24 – Traffic Impact Analysis for additional information.**

- (h) A written statement addressing how the proposed destination resort satisfies the standards of CCC 18.116.040 or 18.116.050, and the approval criteria of CCC 18.116.100;

**Applicant's Response:** *This narrative, exhibit drawings and appendices demonstrate how the proposed resort satisfies the applicable siting standards of CCC chapter 18.116.040 for a destination resort and the approval criteria of CCC 18.116.100 under headings identifying those sections.*

- (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;

**Applicant's Response:** *Regarding design standards, all development within the resort will be subject to the development's CC&Rs and Architectural Design Guidelines. The CC&Rs will require compliance with the external setbacks established by CCC Chapter 18.116 and any additional setbacks imposed by the County. Finally, the CC&Rs and the Architectural Design Guidelines, when prepared as part of the Final Development Plan, will regulate the style of commercial and residential structures within the resort to ensure that the structures are compatible with the development and landscape of the area.*

*Regarding impacts on adjacent uses, the Applicant/Contract Purchaser will prepare draft CC&R'ss prior to approval of the Final Development Plan for the first phase of the resort. Following issuance of the Final Development Plan decision, the Applicant/Contract Purchaser will incorporate any additional standards imposed as conditions of those decisions.*

*Ownership of lands within the 500' study boundary is listed by tax lot, along with the size of parcel, zoning, and the current general use.*

<b>Tax Lot</b>	<b>Owner</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>
1515080000200	James Crawford	160.17	EFU3	Non-farm
1515000002400	Mike Brock	433.20	EFU3	Non-farm
1515170000101	Carole Hancock	9.85	EFU3	Non-farm
1515170000102	Whispering Winds	9.85	EFU3	Non-farm
1515170000103	Alisha Bennett	9.85	EFU3	Non-farm
1515170000104	Steven & Dianna Brauchler	9.85	EFU3	Non-farm
1515180000100	David Fisher Jr	79.56	EFU3	Small Farm
1515180000200	Benny Allen	78.20	EFU3	Small Farm
1515180000500	Danielle Paul	118.20	EFU3	Small Farm
1515200000200	Brian & Neva Allen	22.37	EFU3	Small Farm
1515200000300	Penelope Allen	25.04	EFU3	Small Farm
1515000001206	Crook County (GMLR's)	170.00	EFU3	Public
1515200000103	Samuel Stafford	5.00	EFU3	Non-farm
1515170000107	Michael & Sue Dunn	10.81	EFU3	Non-farm
1515170000108	Jason & Denise Wilkins	9.78	EFU3	Non-farm
1515210000100	Waibel Joseph & Thelma	263.17	EFU3	Farm

1515180000600	Dorothy Robinson Trust	36.22	EFU3	Small Farm
1515200000105	James Kori Urell	10.27	EFU3	Non-farm
1515190000101	Malott Mark And Ann LLC	79.82	EFU3	Small Farm
1515070000401	John O'Leary	78.55	EFU3	Small Farm
1515180000602	Dorothy Robinson Trust	2.00	EFU3	Small Farm
1515200000100	Samuel Stafford	78.96	EFU3	Small Farm
1515200000104	Samuel Stafford	6.67	EFU3	Non-farm
1515200000301	Brian and Neva Allen	30.79	EFU3	Small Farm
1515080000103	James Crawford	80.55	EFU3	Small Farm

***The resort property is surrounded on four (4) sides of the by privately owned farm and non-farm parcels. Crook County owns a large parcel that touches the northeast corner of the resort property. The properties on the eastern border and the northeastern half of the property are unimproved sagebrush and juniper woodlands. The northwest portion of the property is adjacent to an 80-acre piece of property that is being used for grazing and to four 10-acre non-farm parcels of land that are residential in use. The property directly to the northwest, which borders SW Parrish Lane, is primarily irrigated and used for grazing. However, there is a portion of land west of SW Parrish Lane and at the corner of SW Parrish Lane and SW Wiley Road that is being used for hay production. The properties south of SW Wiley Road are mostly irrigated and are used primarily for grazing and/or hay production.***

***Twenty-five parcels are situated adjacent the proposed resort. Of these twenty five parcels, ten are 12 acres or less, ten are between 12 and 100 acres, and five have acreage larger than 100 acres. Two of the three largest parcels are dryland range. The remain parcel is a non-farm parcel.***

***Crops identified within the 500-foot study area adjoining the proposed resort are irrigated hayfields, pasture, range and livestock. Irrigation is present on a number of parcels. Extending beyond the 500-foot study area, the agriculture remains dedicated to hay and livestock production. Hay fields both in and outside the study area are either mixture of grasses or alfalfa. Where irrigation is present, other field or grain crops can be substituted. Due to the arid nature of the Crook County, dry land crop production is limited. Geographically this area ranges from approximately 3,200 feet to 3,400 feet in elevation. Annual precipitation averages 10 inches.***

***Grazing of livestock has been demonstrated to be compatible with destination resort development, as evidenced by livestock grazing on the perimeter of Black Butte Ranch, Eagle Crest and other resort properties in Central Oregon. The fencing proposed by Applicant/Contract Purchaser around the resort property will eliminate any potential conflicts and assist the owners of the adjacent properties in their efforts to corral their livestock. To the north and west, the subject property borders four non-irrigated parcels that lie east of SW Parrish Lane. Larger agricultural parcels (ranging***



*from 39 to 118 acres in size) abut SW Parrish Lane to the west. The subject property borders two vacant and non-irrigated parcels to the south. Larger agricultural operations are located adjacent to SW Wiley Road to the south.*

*Possible impacts to agriculture in the study area originating from the proposed resort development and mitigation measures (parenthesis) that will minimize significant adverse impacts to adjacent land uses include:*

- *Loss or removal of fences during construction  
(Coordinate with landowners to replace fences in a fashion to fully restore livestock grazing capacity.)*
- *Possible disruption of water source for grazing cattle  
(Coordinate with landowner's access to water where needed.)*
- *Possible dust impact on hay crops and livestock (during construction)  
(Rangeland plants are not very sensitive to dust. The sparse population of cattle grazing per acre on rangeland in the immediate area would eliminate dust as a major concern. In more concentrated pasture-grazing areas to the west and south, the number of cattle per acre increases markedly. However, if dust becomes evident during construction standard water applications and dust control efforts will be employed. Crops can be sensitive to excess dust during pollination and affect grade quality at harvest. Applicant/Contract Purchaser will utilize dust control measures during construction to prevent dust contamination to crops or livestock.)*
- *Increased potential for wildfires arising from development.  
(Wildfire danger is a concern for all rangelands. Based on the Oregon Wildfire Risk Explorer (information assimilated by the Oregon Department of Forestry, Oregon State University Institute for Natural Resources, the US Forest Service, and a wide variety of stakeholders throughout Oregon), the property is mapped as a "Low" risk for Wildfire Hazard to Structures. The Applicant/Contract Purchaser will be required by state and local codes to reduce and prevent all fire dangers. A wildfire management plan is an important component of development not only for the resort, but also for the adjacent public lands.*

*The subject property is currently within the Crook County Fire and Rescue's fire protection District. Crook County Fire and Rescue will respond to any fire on the resort property. Access is currently available to the property along either Wiley Road or Parrish Lane. As the destination resort develops, a series of roadways will interconnect and provide extensive access for emergency vehicles. The proposed primary access off Wiley Road and secondary access off the Parrish Road will offer alternative evacuation routes for future residents.*

***Development of Applicant/Contract Purchaser's resort will include construction of a domestic and fire protection water supply system. Based upon similar resort projects in Central Oregon, a minimum fire protection flow rate of 1,000 gallons per minute in residential areas and 1,500 gallons per minute in commercial areas is expected.***

***Large diameter water mains will be extended throughout the residential and commercial sections of the resort to provide a domestic water supply and to serve fire hydrants. Fire hydrant locations will be subject to the review of Crook County Fire and Rescue and Crook County Road Department and will be installed as each phase of development proceeds. The water supply system will assure an adequate on-site water system for fire protection, throughout all developed areas of the resort property.***

***The subject property abuts two County roads, SW Parrish Lane and SW Wiley Road to the west and south respectively. A nearly 350 foot wide clearing for power lines lies within the project boundary on the east side. The roads and power line corridor account for excellent fire breaks. The north side of the project is the only section where native conditions are contiguous to both sides of the boundary.***

***Constructed roadways and trails throughout the developed portions of the resort provide additional fire breaks, in addition to critical access.***

***In addition, the developer will encourage sound fire protection measures around structures. Fire resistant roofing materials will be required and defensible spaces around structures will be incorporated. Disturbed areas will be restored with landscaping, native bunchgrass, or other native vegetation that will reduce the potential for wildfires, as compared to juniper trees and native brush.***

***Open space areas within the resort, with emphasis on the open north side, will be thinned and fuels removed. Exterior property boundary setbacks will be thinned, where appropriate, for reduction of wildfire hazards. Thinning and fuel reduction will continue as development proceeds.***

***Destination resort development assures the presence of construction personnel, resort operations staff and managers, and future residents. These responsible parties will monitor and report illegal activities, trespassers, lightning strikes, and similar activities or events that increase the risk of wildfire. Resort development will assure the presence of responsible parties, but also provide***

*communication services throughout the resort for immediate responses to emergency personnel.)*

- ***Elevated noise impact on area livestock***  
*(The proposed resort is spread over a large area and will include activities that are not large generators of noise. The sparse number of livestock on the east and north in the study area should be well insulated from any secondary noise generated by the resort. Trails and buffer areas on the west and south flanks of the resort will insulate what little noise is associated with the listed recreational activities and facility maintenance.)*
- ***Spread of noxious weeds***  
*(The Applicant/Contract Purchaser will be responsible for identifying and controlling noxious weeds on its land. The Applicant/Contract Purchaser will conduct a weed survey prior to construction and control any identified weed infestations prior to construction to minimize the possible spread through normal construction activities.)*
- ***Increased traffic on secondary roads***  
*(Applicant/Contract Purchaser will establish three (3) new entries for the development reducing potential traffic problems on secondary roads. It will work with the County to create an acceptable traffic plan. The primary route to the resort from OR 126 is on SW Parrish Lane, a minor collector, with a single turn to the main entrance on Wiley Road. Travelers coming from the east may take Houston Lake Road, a major collector, from OR 126 to SW Parrish Lane. The only local street that should consistently see resort related traffic is Wiley Road, which provides immediate access to the property. 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.)*
- ***Possible increased agricultural practices conflicts with resort residents***  
*(Applicant/Contract Purchaser is committed to being a good neighbor and realizes that the resort is adjacent to EFU zoned farmland. While a resort-zoned activity has been designated by the County, resort management understands the nature of farming practices on the surrounding farmland. Applicant/Contract Purchaser will make sure through its CC&Rs that any residents and guests of the resort are made aware of accepted farming practices of the area, which include noise, dust, and odor generated through accepted farming practices.)*
- ***Night light impact to surrounding ranch and farm residents and livestock.***

*(Crossing Trails will employ a dark skies strategy that will greatly reduce the potential that light pollution could emanate from the resort.)*

*Additional measures proposed to minimize significant adverse impacts on these adjacent land uses within 500 feet of the boundaries of the resort property include the following:*

- *The exterior setbacks imposed by the Crook County Destination Resort Ordinance will provide significant buffers between the resort uses and the adjacent lands;*
- *Applicant/Contract Purchaser's commitment to the required minimum 50 percent open space, will maintain consistency with the rural landscape;*
- *To minimize light pollution, the resort will use only fully or partially shielded outdoor light fixtures to ensure that light rays emitted by the fixtures are generally projected below the horizontal plane;*
- *The Resort will take its primary access from SW Wiley Road to the south which provides a direct connection to Highway 126. This direct highway connection will minimize the impact of the project on the local street system;*
- *Applicant/Contract Purchaser proposes to maintain perimeter livestock fencing around the entire resort boundary, at Applicant/Contract Purchaser's expense. This will ensure that any surrounding owners of EFU lands who choose to conduct grazing operations on their properties will not face any additional financial impact in order to keep their livestock off of the resort property. It will also provide a clear delineation between the resort and the surrounding parcels, thereby minimizing trespass in both directions;*
- *The resort will include a domestic water supply system with fire protection capacity to minimize risk of wildfire. The resort will also implement and maintain wildfire fuel reduction programs to further reduce the risks of wildfire on and around the resort property;*
- *The resort will implement and maintain a noxious weed program to reduce the spread of noxious weeds on and around the resort property;*
- *The resort will require all property owners to execute waivers of remonstrance to enable ODFW to manage wildlife to protect agricultural and other uses on adjacent lands;*
- *The resort will apply water during periods of construction to minimize dust impacts on any surrounding properties and/or agricultural activities;*
- *The resort will adhere to applicable EPA and ODA pesticide rules to minimize potential spray drift;*
- *The resort will improve SW Parrish Lane and SW Wiley Road to provide better access to agricultural properties surrounding the resort.*

- ***The resort will be served by the Crook County Sheriff's Department and will have efficient access to medical and emergency facilities in Prineville, Redmond, and Bend.***

(j) A description of the proposed method of providing all utility systems, including the preliminary or schematic location and sizing of the utility systems;

***Applicant's Response: A conceptual Water and Sewer Plan is included as part of the application submittal.***

***The water system approach consists of two components: 1) Water Conveyance and 2) Water Service.***

***1) The conveyance includes:***

- ***Drill a new well and pipeline to the subject property or exercise service agreement through a water purveyor to subject property.***
- ***Build water reservoir.***

***2) The Water Delivery consists of constructing mains within the right of way under the road surface (minimum of 10-foot separation from sewer). The sizing of the water mains is dependent upon number of units within each phase. Water design will accompany each phase of development and will be subject to review and approval by the water provider and the County to ensure the appropriate sizing.***

***The sewer service also consists of two components: 1) Waste Water Treatment and 2) Sewerage Collection.***

***1) The Waste Water Treatment consists of a community sewage systems that will treat the waste water and then discharge the treated effluent it on the resort property; and***

***2) The Sewerage Collection consists of constructing mains within the private road surface (minimum of 10-foot separation from water). The sizing of the sewer mains is dependent upon number of units within each phase. Sewer design will accompany each phase of development and will be subject to review and approval by DEQ and the County to ensure the appropriate sizing.***

***Other utilities (power, phone and cable TV) are proposed to be in a common trench just outside the road sections. A schematic of the location of the water and sewer system and utilities is include in Section C – Exhibit Drawings, Sheet C300 – Water and Sewer Plan.***

(k) A description of the proposed order and schedule for phasing (if any) of all development including an explanation of when facilities will be provided and how they will be secured, proportional to the level of development, if not completed prior to the closure of sale of individual lots or units;

**Applicant's Response:** *Development is expected to occur in numerous phases over the next 20 years. An illustration of the conceptual Phasing Plan is included in the application submittal. Utilities will be developed proportional to the level of development. Final development plans for each area will be submitted for approval at the time of final platting. Density, overnight lodging/residential lot ratios and total units, and open space ratios will be tracked on a plat-by-plat basis and required ratios will be maintained throughout the project development.*

*Water and sewer facilities will be constructed in phases to respond to demand as the project is built out. As the project progresses, the projected daily flows and requirements will be refined to better reflect actual contributions and needs. Water and sewer lines will be stubbed to the next phase of development with the completion of the previous phase.*

*Refer to Section C – Exhibit Drawings, Sheet C101 – Phasing Plan for additional information.*

- (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)*

**Applicant's Response:** *The Crook County Sheriff's Office will provide police protection to the resort. Fire protection will be provided by Crook County Fire & Rescue.*

**18.116.090 Development plan review procedure.**

- (1) Review of the development plan shall be in accordance with the provisions of the planning commission review procedure (Chapter 18.172 CCC).

**Applicant's Response:** *The Applicant/Contract Purchaser acknowledges that the review authority will conduct hearing(s) and reviewed written testimony from Applicant/Contract Purchaser and others during the hearings process.*

- (2) The planning commission may attach any conditions (including requirements for improvement assurances) it deems necessary to the development plan approval when directly related to applicable standards and criteria and supported by substantial evidence in the whole record.

**Applicant's Response:** *The Applicant/Contract Purchaser understands that the review authority will attach conditions relating to the approval criteria to this decision.*

- (3) The planning commission shall issue a final order of its decision on the development plan. The planning commission's decision may be appealed to the county court.

*(Ord. 18 § 12.090, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser acknowledges that the review authority will issue the final order on the decision.***

**18.116.100 Approval criteria.**

The planning commission or county court shall approve a development plan for a destination resort if it determines that all of the following criteria are met:

- (1) The tract where the development is proposed is eligible for destination resort siting, as depicted on the acknowledged destination resort overlay map.

***Applicant's Response: The resort property is mapped as eligible for resort siting on the acknowledged Destination Resort Overlay map and is deemed eligible for destination resort siting.***

***Refer to Section D – Appendix 9 – Destination Resort Map.***

- (2) The development plan contains the elements required by CCC 18.116.080.

***Applicant's Response: The materials submitted by Applicant/Contract Purchaser satisfy all of the content requirements of CCC 18.116.080 as discussed above.***

- (3) The proposed development meets the standards established in CCC 18.116.040 or 18.116.050, qualifying as a destination resort or a small destination resort, respectively.

***Applicant's Response: The proposed Crossing Trails Resort qualifies as a destination resort under CCC 18.116.040.***

- (4) The uses included in the destination resort are either permitted uses listed in CCC 18.116.060, or accessory uses listed in CCC 18.116.070 that are ancillary to the destination resort and consistent with the purposes of this chapter.

***Applicant's Response: All uses proposed within the resort and described in this application narrative are either permitted or accessory uses listed in CCC Sections 18.116.060 and .070. The CC&Rs that will be submitted with the Final Development Plan will restrict all uses to only those allowed by Sections 18.116.060 and 18.116.070.***

- (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.

***Applicant's Response: As required by this criterion, the Crossing Trails Resort will be reasonably compatible with surrounding land uses. The Context Map and table under CCC 11.116.080(3)(i) above indicate the ownership, size, locations and of all surrounding properties. All of the surrounding properties are zoned Exclusive Farm Use, EFU-3 (Powell Butte Area).***

***The resort has been designed in a manner that will ensure compatibility with privately- owned parcels in the surrounding area, and will not cause a significant change in or significantly increase the cost of farm uses on those parcels.***

***As explained above in response to CCC 18.116.080(3)(a)(i), the subject property borders privately held landholdings on two (2) sides and public roadway along the other two (2) side. Crook County owns two large parcels that touches the northeast corner of the property. Adjacent properties to the north and east are largely undeveloped and vegetated with sage brush and juniper woodlands. Some livestock grazing occurs on parcels to the north and west of the subject property. Grazing of livestock has been demonstrated to be compatible with destination resort development, as evidenced by livestock grazing on the perimeter of Black Butte Ranch, Eagle Crest, and other resort properties in Central Oregon. The fencing proposed by Applicant/Contract Purchaser around the resort property will eliminate any potential conflicts and assist the owners of the adjacent properties in their efforts to corral their livestock. To the north and west, the subject property borders four non-irrigated parcels that lie east of SW Parrish Lane. Larger agricultural parcels (ranging from 39 to 118 acres in size) abut SW Parrish Lane to the west. The subject property borders two vacant and non-irrigated parcels to the south. Larger agricultural operations are located adjacent to SW Wiley Road to the south.***

***The proposed resort development will not force a significant change in accepted farm or forest practices. This is because (1) the property is entirely surrounded by (mostly private) land dedicated to livestock grazing, alfalfa hay, and small pastures; (2) the impact study area includes livestock (cattle and horses), pasture, and rangeland, grass hay, and alfalfa hay production, which are not likely to be affected by the resort given the compatible uses and required setbacks; (3) all agricultural activities are buffered by roads, open spaces, and small parcels; and (4) all possible impacts can be readily mitigated or avoided through planning and project development as discussed above.***

***The Waiver of Remonstrance discussed above under CCC 18.116.080(3)(f) will allow neighbors of the resort to address wildlife concerns on their properties without interference from resort management or residents.***

***Refer to Section C – Exhibit Drawings, Sheet C001 – Context Plan for additional information.***

- (6) The development will not have a significant adverse impact on fish and wildlife, taking into account mitigation measures.



**Applicant's Response:** *Oregon Department of Fish and Wildlife applies its own rules (OAR 635 division 415) in making recommendations for mitigation measures to address impacts on fish and wildlife.*

*The Oregon Department of Fish and Wildlife (ODFW) has also indicated that there are no wildlife overlays or designated wildlife ranges on the property. There is also no Sensitive Bird Habitat area anywhere on the property.*

*The modifications being requested are generally considered to be less intensive uses compared to the uses originally proposed, particularly with the removal of the golf course.*

*The Applicant/Contract Purchaser will enter into an MOU with the County incorporating those applicable recommendations contained in the original draft mitigation plan prior to receiving Final Development Plan approval.*

*Refer to Section D – Appendix 16 – Habitat Map for additional information.*

(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:

**Applicant's Response:** *As discussed above, the application submittal included a Traffic Impact Analysis (TIA) prepared by Kittleson & Associates in cooperation with County and ODOT. That TIA scoped, studied and analyzed the potential affects to 12 transportation facilities, as well as the three entrances to the proposed development. To summarize, it concluded that the proposal would significantly affect four (4) transportation facilities by the target year 2026 without any additional mitigation measures. It also concluded that with the proposed mitigation, the proposal will not significantly affect a transportation facility.*

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

**Applicant's Response:** *As the County Commissioners found in DR-08-0092 under this standard, "The 'functional classification' of a road refers to a designation, such as 'arterial' or 'collector.' Melton v. City of Cottage Grove, 28 Or LUBA 1 (1994). It does not refer to performance standards, level of service or volume/capacity ratio."*

*The studied transportation facilities have the respective functional classifications under the Crook County TSP: OR 126 – Major Arterial; SW Parrish Lane – Minor Collector; Wiley Road – Local Street; Powell Butte Road – Minor arterial; Alfalfa Road – major Collector; Bussett Road – Local Street; Riggs Road – major Collector; Reif Road – Major Collector; Williams Road – Minor Collector; Copley Road – Local Street; Minson Road – Minor Collector;*

**Houston Lake Road – Major Collector. The City of Prineville TSP classifies Tom McCall Road as a Major Collector.**

**The TIA concludes that the proposal will not change the classification of any transportation facilities.**

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

**Applicant's Response: The proposal will not result in a level of travel inconsistent with the functional classifications of any of the identified roads. The two proposed access points to SW Wiley Road are spaced more than 1,500 feet apart, which is consistent with County access standards. The submitted TIA also did an intersection sight distance and turn lane warrant for the three project entrances and demonstrated they met the requirements Crook County applies.**

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

**Applicant's Response: The TIA identified three intersections that will be failing at the 2026 planning period date even without the traffic from the proposed development. These facilities are: OR 126/ Powell Butte Highway; OR 126/ Tom McCall Road; and Powell Butte Highway/Alfalfa Market Road. These facilities will also be failing in 2026 once the traffic impacts from the proposed development are considered. Furthermore, an additional transportation facility will fail in 2026 with the proposal's traffic, the OR 126/Parrish Lane intersection.**

**Consequently, the Applicant/Contract Purchaser is required to implement one of the methods set forth under (b) below.**

(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.

**Applicant's Response: Of the three options provided above, the Applicant/Contract Purchaser is seeking to implement option (ii) and the TIA establishes the evidence and requirements for satisfying that option.**

***Option (ii) cites OAR Chapter 660, Division 12, which concerns transportation planning. OAR 660-012-0060(2) provides that when there is a significant affect to a transportation facility, the proposal must be conditioned to bring the facility up to its identified function, capacity or performance standard at the end of the planning period in the adopted TSP. However, OAR 660-012-0060(3) provides that when a facility will already fail, a proposal is only required to mitigate the impacts directly related to the proposal; the proposal is not required to mitigate to bring the facility back to its planned capacity. Note also that the County Commissioners in DR-08-0092 that ODOT testified that, while the code references OAR Chapter 660, Division 12, the Transportation Planning Rule does not apply to this type of application.***

***Also relevant here is ORS 197.460(4), which applies to traffic impact analysis and mitigation for destination resorts. ORS 197.460(4) provides, in relevant part, “[I]f the site is east of the summit of the Coast Range and within 25 miles of an urban growth boundary, the county shall require the Applicant/Contract Purchaser to submit a traffic impact analysis of the proposed development that includes measures to avoid or mitigate a proportionate share of adverse effects of transportation on state highways and other transportation facilities affected by the proposed development, including transportation facilities in the county and in cities whose urban growth boundaries are within the distance specified in this subsection.” Furthermore, this proportionate share approach is consistent with the approach the County Commissioners concluded was appropriate and followed in DR-08-0092. In that decision the Commissioner found that apportioning costs roughly proportionate to anticipated development impacts is not only fair, it is reasonable under the Dolan caselaw and the County code.***

***The TIA proposed mitigation for each of the four intersections identified to fail as a result of the significant effects on transportation facilities that flow from the proposal. The TIA analysis establishes that, with the proposed mitigation, all four facilities will operate as planned and will no longer fail. The TIA also identifies the pro-rata share that should be provided by the developer to offset the impacts to the regional transportation network. For the OR 126/Parrish Lane intersection, the Applicant/Contract Purchaser should carry the full cost of construction; for the other intersections, the Applicant/Contract Purchaser is to carry a proportionate amount depending on the level of impact from the proposal. In total, the pro-rata payment should be \$675,000. Refer to Section D – Appendices, Appendix 24 – Transportation Impact Analysis, page 45.***

(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.

***Applicant's Response:*** *Consistent with this standard, the County should impose a condition of approval that requires the Applicant/Contract Purchaser to provide the pro-rata share of mitigation measures as set forth in the Traffic Impact Analysis (TIA).*

- (7) The water and sewer facilities master plan required by CCC 18.116.080(3)(b) illustrates that proposed water and sewer facilities can reasonably serve the destination resort.

***Applicant's Response:*** *The Applicant/Contract Purchaser' conceptual Water and Sewer Plan illustrates that the proposed water and sewer facilities can reasonably serve the destination resort.*

#### **Adequacy of Proposed Water Facilities**

***The total annual water demand for the resort is 300 acre-feet per year at full build out. This total includes water for domestic uses, a variety of commercial uses and roughly 28 acres of landscape irrigation. A minimum fire protection flow rate of 1,000 gallons per minute in residential areas and 1,500 gallons per minute in commercial areas is expected.***

***Water to meet these requirements will be supplied by a new well and will be conveyed to the subject property. No new water rights are required for the project.***

***The existing COID water rights authorize a total of 5.45 acre-feet per acre, per year, for irrigation use on 163.45 acres appurtenant to the resort property. The proposed combination of potable water service from a private well or water purveyor, and use of the existing appurtenant COID water rights is sufficient to fully address the estimated need at full build-out of the resort. In addition, Applicant/Contract Purchaser proposes to use treated effluent, as it becomes available to the project, to offset irrigation demand and for recharge purposes.***

***Refer to Section C – Exhibit Drawings, Sheet C300 – Water and Sewer Plan for additional information. Also refer to Section D – Appendices, Appendix 3, 4 & 5 – Partition Plats, Appendix 20 - Water and Sewer Analysis as well as Appendix 21 – Water Rights for additional information.***

#### **Sewer Facilities**

***The Water and Sewer Plan demonstrates that the proposed community sewage systems can reasonably serve the proposed resort. The***

**community sewerage systems for the project will be constructed and operated under a Water Pollution Control Facilities ("WPCF") permit issued by the Oregon Department of Environmental Quality ("DEQ"). Collection, treatment, disposal and reuse systems will be designed in accordance with applicable state and local rules, statutes and guidelines. Total projected daily sewage flow for the project is estimated at 183,000 gallons per day, at full build-out. The sewage collection system will be built in phases corresponding to resort development. The wastewater treatment facility will be completed in Phase 1. Surface and subsurface drip distribution/irrigation reuse systems and/or storage, and solids handling and disposal systems will be expanded per phase.**

**Refer to Section C – Exhibit Drawings, Sheet C300 – Water and Sewer Plan for additional information. Also, refer Appendix 20 – Water and Sewer Analysis for additional information.**

(8) The development complies with other applicable standards of the county zoning ordinance.

*(Ord. 18 § 12.100, 2003)*

**Applicant's Response: The only additional standards applicable to the resort are the road standards. The roads depicted on the conceptual Development Plan and as illustrated on the Typical Roadways Plan are consistent with the County's minimum rural road standards. Applicant/Contract Purchaser will be required to demonstrate consistency with these standards at the time of future subdivision plat review.**

**Refer to Section C – Exhibit Drawings, Sheet C100 – Development Plan (Conceptual) and C102 – Typical Roadway Sections for additional information.**

**18.116.110 Final development plan review procedure.**

- (1) Following approval of the development plan, the applicant shall submit for review a final development plan that meets the requirements of CCC 18.172.040 and addresses all conditions of the development plan.
- (2) The planning commission shall review a final development plan. The planning commission shall approve a final development plan if it conforms to the approved development plan and its conditions of approval.
- (3) If the planning commission finds that the final development plan is materially different from the approved development plan, the applicant shall submit an amended development plan for review. "Materially different," as used in this subsection, means a change in the type, scale, location, or other characteristics of the proposed development such that findings of fact on which the original approval was based would be materially affected. Submission of an amended plan shall be considered in the same manner as the original application, except that

the review of an amended plan shall be limited to aspects of the proposed development that are materially different from the approved development plan.

*(Ord. 216 § 2, 2009; Ord. 18 § 12.110, 2003)*

***Applicant's Response: Applicant/Contract Purchaser acknowledges that each phase will be subject to final development plan review as provided for above.***

**18.116.120 Duration of final development plan approval.**

A final development plan approval shall become void if construction has not commenced within two years after the date the approval became final.

*(Ord. 18 § 12.120, 2003)*

***Applicant's Response: In accordance with this section, the final development plan will be considered void if construction has not commenced within two years after the date the approval became final.***

## Chapter 18.160 – Conditional Uses

### Sections:

- 18.160.010 *Authorization to grant or deny conditional uses.*
- **18.160.020 *General criteria.***
- 18.160.030 *General conditions.*
- 18.160.040 *Permit and improvements assurance.*
- 18.160.050 *Standards governing conditional uses.*
- 18.160.060 *Procedure for taking action on conditional use application.*
- 18.160.070 *Permit expiration dates.*
- 18.160.080 *Occupancy permit.*

### **18.160.010 Authorization to grant or deny conditional uses.**

A conditional use listed in this title shall be permitted, altered or denied in accordance with the standards and procedures of this title and this chapter by action of the planning director or planning commission. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, a change in use or in lot area or an alteration of structure shall conform with the requirements for a conditional use.

*(Ord. 236 § 3 (Exh. C), 2010; Ord. 18 § 6.010, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser acknowledges that a conditional use may be permitted, altered or denied in accordance with the standards and procedures this chapter by action of the planning commission.***

### **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:

***Applicant's Response: CCC 18.160.020 sets forth the County's general conditional use criteria. The destination resort ordinance (CCC chapter 18.116) sets forth a very specific set of criteria to govern resorts, and those criteria typically go beyond the conditional use criteria. Consequently, many of the issues noted below have been addressed in the responses for CCC chapter 18.116 and are incorporated in the response to the conditional use criteria. The Applicant/Contract Purchaser understands that in judging whether or not a conditional use proposal should be approved, approved with conditions or denied, the Planning Commission will weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions.***

- (1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies and regulations of the county.

**Applicant's Response:** *The relevant provisions of the zoning ordinance are addressed above and are incorporated herein by reference. CCC chapter 18.116 implements the destination resort chapter of the County comprehensive plan, which itself implements Goal 8. Significantly, the property has been identified by adopted maps as suitable for a destination resort. Therefore, because the Applicant/Contract Purchaser has demonstrated compliance with CCC chapter 18.116 above, it is not necessary to directly address the comprehensive plan policies or Goal 8 in order to conclude that the proposal is consistent with both.*

*As each future tentative plat is submitted, the Applicant/Contract Purchaser will be required to address the County's subdivision ordinance. There is nothing to indicate that the proposal cannot comply with that ordinance. Furthermore, the Applicant/Contract Purchaser is required to submit site plans when required for various elements of the resort, following or concurrent with final development plan approval.*

- (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.

**Applicant's Response:** *Compatibility with and the minimization of adverse impacts on surrounding uses is discussed above in response to CCC 18.116.100(5) and 18.116.080(3)(i). Those findings are incorporated herein by reference. The findings discuss compatibility with abutting properties currently in farm use, and with the surrounding area generally. This criterion does not require Applicant/Contract Purchaser to show that the resort will have no adverse impacts. Rather, the standard requires Applicant/Contract Purchaser to minimize its potential adverse impacts through careful design, location, and mitigation measures. As demonstrated by the attached site plans, proposal details and mitigation measures discussed in the application materials, the development will have minimal adverse impacts on surrounding properties.*

*The proposed modifications to the destination resort approved by DR-08-0092 continue to make open space a primary feature of the resort property, consistent with the character of the surrounding farming community. For the reasons provided above, this proposal will have minimal impacts on the livability, value, and development of surrounding properties.*

- (3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.

**Applicant's Response:** *The Overall Site Plan, Section C- Exhibit Drawings, Sheet C100 – Development Plan, demonstrates that the proposed project lay-out, that utilizes clusters of*



***structures separated by open areas and that leaves vast portions of the property undeveloped is consistent with the high desert setting. The CC&Rs and the Architectural Design Guidelines that will be submitted with the Final Development Plan will ensure that the design of buildings will respect the setting and will incorporate elements appropriate to the high desert. The Applicant/Contract Purchaser's goal is to use the natural amenities of the property and the region to enhance the resort's attractiveness to persons who wish to recreate and relax in a natural high desert setting. Further land use reviews will allow both greater focus on the exact design of the proposed development as well as ensure the proposal's compliance with this standard.***

(4) The proposal will preserve assets of particular interest to the county.

***Applicant's Response: The county has not identified any assets of particular interest to the county. The only significant geographic features are some smaller rock ridgelines located in the COID right of way and in the northeast of the property. Both areas are planned to be utilized as open space and will therefore be preserved.***

(5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

*(Ord. 236 § 3 (Exh. C), 2010; Ord. 18 § 6.020, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser has an established history of successfully developing high-quality destination resorts that are affordable for the average working family. There can be no question that the Applicant/Contract Purchaser has the intent and capability to develop the land as proposed. The proposed modification seeks to amend the previous destination resort approval, oriented towards the golf market, to one that fits their very successful model. With this approval, the Applicant/Contract Purchaser should be able to provide an affordable recreational experience that meets the County's demonstrated recreational needs.***

#### **18.160.030 General conditions.**

In addition to the standards and conditions set forth in a specific zone, this chapter, and other applicable regulations, in permitting a new conditional use or the alteration of an existing conditional use, the planning director or planning commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the county as a whole. These conditions may include the following:

- (1) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establishing a special yard or other open space or lot area or dimension.

- (3) Limiting the height, size or location of a building or other structure.
- (4) Designating the size, number, location and nature of vehicle access points.
- (5) Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
- (6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.
- (7) Limiting or otherwise designating the number, size, location, height and lighting of signs.
- (8) Limiting the location and intensity of outdoor lighting and requiring its shielding.
- (9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- (10) Designating the size, height, location and materials for a fence.
- (11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- (12) Other conditions necessary to permit the development of the county in conformity with the intent and purpose of this title and the policies of the comprehensive plan.

*(Ord. 236 § 3 (Exh. C), 2010; Ord. 18 § 6.030, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser further understands that in addition to the standards and conditions, in permitting an alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the county as a whole.***

***The Applicant/Contract Purchaser notes that this is a proposed modification of DR-08-92. That decision included 45 conditions of approval. Many of those conditions are equally applicable to this proposal. Others may need modification such as referenced dollar amounts or references to uses such as casitas or a golf course that are not part of this proposal. Other conditions may no longer be warranted.***

#### **18.160.040 Permit and improvements assurance.**

The commission may require an applicant to furnish the county with an agreement and security in accordance with CCC 17.40.080 and 17.40.090 that the planning director or planning commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

*(Ord. 296 § 11 (Exh. I), 2016; Ord. 236 § 3 (Exh. C), 2010; Ord. 18 § 6.040, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser acknowledges that the Commission may require the Applicant/Contract Purchaser to furnish the county with an agreement and security in accordance with CCC 17.40.080 and 17.40.090.***

**18.160.050 Standards governing conditional uses.**

A conditional use shall comply with the standards of the zones in which it is located and with the standards and conditions set forth in this section.

- (1) Airports, Aircraft Landing Fields, Aircraft Charter, Rental, Service and Maintenance Facilities Not Located in an Aircraft Approach Zone. The planning director or planning commission shall find that the location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, and that the location will not unnecessarily restrict existing and future development of surrounding lands as designated by the comprehensive plan.
- (2) Automobile Wrecking Yard or Junkyard. In considering a conditional use application for an automobile wrecking yard or junkyard, the planning director or planning commission shall require that it be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height. If applicable, the planning director or planning commission shall be assured that the proposal is in conformance with applicable state regulations.
- (3) Cemeteries. The planning director or planning commission shall require evidence and shall find that the terrain and soil types of a proposed location are suitable for interment, and that the nature of the subsoil and drainage will not have a detrimental effect on ground water sources or domestic water supplies in the area of the proposed use.
- (4) Church, Hospital, Nursing Home, Convalescent Home, Retirement Home.
  - (a) Such uses may be authorized as a conditional use only after consideration of the following factors:
    - (i) Sufficient area provided for the building, required yards and off-street parking (related structures and uses such as a manse, parochial school or parish house are considered separate principal uses and additional lot area shall be required therefor).
    - (ii) Location of the site relative to the service area.
    - (iii) Probable growth and needs therefor.
    - (iv) Site location relative to land uses in the vicinity.
    - (v) Adequacy of access to and from principal streets together with the probable effect on the traffic volumes of abutting and nearby streets.
  - (b) Such uses or related buildings shall be at least 30 feet from a side or rear lot line.

- (c) Such uses may be built to exceed the height limitations of the zone in which they are located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the parcel or lot and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.
- (5) Clinics, Clubs, Lodges, Fraternal Organizations, Community Centers and Grange Halls, Golf Courses, Grounds and Buildings for Games or Sports, Country Clubs, Swimming, Boating, Tennis Clubs, and Similar Activities, Governmental Structures and Land Use, Parks, Playgrounds. In considering the above, the planning director or planning commission may authorize the conditional use after assurance that the following is to be provided:
- (a) Adequate access from principal streets.
  - (b) Adequate off-street parking.
  - (c) Adequate building and site design provisions to minimize noise and glare from the building and site.
- (6) Dog Pounds and Kennels. The planning director or planning commission may allow dog pounds or kennels as a conditional use based upon:
- (a) Noise requiring sound proofing insulation of the structure.
  - (b) Smell or odor.
  - (c) Number of animals for the area and the distance from the nearest neighbor and structure.
  - (d) Adequate facilities for the number of animals, square feet per animal including exercise area.
  - (e) Access road and parking.
  - (f) Shall comply with any additional conditions of approval established by the approval authority under CCC 18.160.030.
- (7) Home occupations, when permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:
- (a) In all nonexclusive farm use zones and in the county's EFU 1 and 2 (exclusive farm use) zones on parcels 20 acres or less:
    - (i) The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the residents of such dwelling within the same dwelling or in an accessory building on the same property.
    - (ii) Structural alterations shall be allowed to accommodate the home occupation when required by law or only after the plans for such alterations have been reviewed and approved by the planning director or planning commission. Such structural alterations

shall not detract from the outward appearance of the building or change the appearance of the building from a dwelling or otherwise permitted accessory building.

- (iii) One nonilluminated sign not to exceed six square feet and bearing only the name and occupation of the resident shall be permitted.
- (iv) No materials or mechanical equipment shall be allowed which are detrimental to residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.
- (v) No materials or commodities shall be delivered to or from the property, which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer not including a licensed parcel service (such as, but not limited to, UPS, Systems 99 and FedEx) or the United States Mail. All parking of allowed delivery vehicles or customer vehicles shall be in a manner and frequency as to cause no disturbance or inconvenience to nearby residents. The proposed home occupation should allow for on-site parking.
- (vi) Home occupations shall not include freight depots, building materials business, ice or cold storage plants, machine shop or related activities, veterinary clinics, kennels, laboratories, storage of hazardous chemicals, any processes requiring the rendering of fats or oils, animal slaughtering, concrete or redi-mix manufacture or distribution plants, wrecking yards, quarries, gravel pits, subsurface or surface mining, commercial feed lot, stock yards, railroad facilities, lumber and other wood products manufacturing, agricultural product storage and processing plants, bulk petroleum products storage and distribution or any other manufacturing process which would violate subsection (7)(a)(v) of this section.
- (vii) Only one person may be employed other than members of the immediate family.
- (viii) The home occupation shall be limited to 30 percent of the dwelling or 400 square feet, whichever is less.
- (ix) For any use permitted by this section on a lot adjacent to or across the street from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) more than 200 feet in the direction of the affected residential use or lot in a residential zone.
- (x) Shall comply with any additional condition of approval established by the approval authority under CCC 18.160.030.
- (xi) A bed and breakfast facility that is operated in association with a winery or cider business and is sited as a home occupation on the same tract as a winery or cider business established pursuant to CCC 18.16.050 is permitted to:
  - (A) Serve meals at the bed and breakfast facility or at the winery or cider business; and

(B) Prepare and serve up to two meals per day to the registered guests of the bed and breakfast facility.

(b) In the county's EFU 1 and 2 zones on parcels greater than 20 acres:

(i) The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the residents of such dwelling within the same dwelling or in an accessory building on the same property.

(ii) Structural alterations shall be allowed to accommodate the home occupation when required by law or only after the plans for such alterations have been reviewed and approved by the planning commission. Such structural alterations shall not detract from the outward appearance of the building or change the appearance of the building from a dwelling or otherwise permitted accessory building.

(iii) One nonilluminated sign not to exceed six square feet and bearing only the name and occupation of the resident shall be permitted.

(iv) No materials or mechanical equipment shall be allowed which are detrimental to residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.

(v) All parking of allowed delivery vehicles or customer vehicles shall be in a manner and frequency as to cause no disturbance or inconvenience to nearby residents. The proposed home occupation should allow for on-site parking.

(vi) No more than five full-time or part-time persons may be employed.

(vii) Shall not unreasonably interfere with residential uses permitted in the zone in which the property is located.

(viii) For any use permitted by this section on a lot adjacent to or across the street from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) more than 200 feet in the direction of the affected residential use or lot in a residential zone.

(ix) Shall comply with any additional conditions or approval established by the approval authority under CCC 18.160.030.

(x) A bed and breakfast facility that is operated in association with a winery or cider business and is sited as a home occupation on the same tract as a winery or cider business established pursuant to CCC 18.16.050 is permitted to:

(A) Serve meals at the bed and breakfast facility or at the winery or cider business; and

(B) Prepare and serve up to two meals per day to the registered guests of the bed and breakfast facility.

- (c) In the county's EFU-3 zone, a home occupation shall:
- (i) Be operated by a resident or employee of a resident of the property on which the business is located.
  - (ii) Employ on the site no more than five full-time or part-time persons at any given time.
  - (iii) Be operated substantially in:
    - (A) The dwelling; or
    - (B) Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences.
  - (iv) Not unreasonably interfere with other uses permitted in the zone in which the property is located.
  - (v) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery or cidery established pursuant to CCC 18.16.050 and is operated in association with the winery:
    - (A) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
    - (B) The meals may be served at the bed and breakfast facility or at the winery or cidery.
  - (vi) The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.
  - (vii) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
  - (viii) All off-street parking must be provided on the subject parcel where the home occupation is operated.
  - (ix) Employees must use an approved off-street parking area. (ii) Customers visiting the home occupation must use an approved off-street parking area. No more than [2-5] vehicles from customers/visitors of the home occupation can be present at any given time on the subject parcel.
  - (x) Retail sales shall be limited or accessory to a service.
  - (xi) One nonilluminated sign not to exceed six square feet and bearing only the name and occupation of the resident shall be permitted.

(xii) No materials or commodities shall be delivered to or from the property, which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer not including a licensed parcel service (such as, but not limited to, UPS, Systems 99 and FedEx) or the United States Mail. All parking of allowed delivery vehicles or customer vehicles shall be in a manner and frequency as to cause no disturbance or inconvenience to nearby residents.

(xiii) Prohibited Home Occupations.

(A) Retail sales or professional services, other than by appointment only.

(B) Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).

(8) Landfill, Solid Waste Disposal Site. The planning director or planning commission may authorize a landfill or other solid waste disposal site as a conditional use, subject to the following standards:

(a) The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.

(b) The proposed site shall be located in or as near as possible to the area being served.

(c) The proposed site shall be located at least one-fourth mile from any existing dwelling, home or public road (except the access road).

(d) The proposed site shall be provided with a maintained access road (all weather).

(9) Mining, Quarrying or Other Extraction Activity.

(a) Plans and specifications submitted to the planning director or planning commission for approval must contain sufficient information to allow the planning director or planning commission to consider and set standards pertaining to the following:

(i) The most appropriate use of the land.

(ii) Setback from the property line.

(iii) The protection of pedestrians and vehicles through the use of fencing and screening.

(iv) The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants.

(v) The prevention of the collection and the stagnation of water of all stages of the operation.

(vi) The rehabilitation of the land upon termination of the operation.



- (b) Surface mining equipment and necessary access roads shall be constructed, maintained and operated in such a manner as to eliminate, as far as is practicable, noise, vibration or dust which may be injurious or annoying to persons or other uses in the vicinity.
  - (c) The comments and recommendations of all appropriate natural resource agencies of the state and federal government shall be sought.
  - (d) A rock crusher, washer or sorter shall not be located closer than 500 feet from a residential or commercial use.
- (10) Commercial Use or Accessory Use Not Wholly Enclosed Within a Building, Retail Establishment, Office, Service Commercial Establishment, Financial Institution or Personal or Business Service Establishment on a Lot Abutting or Across the Street from a Lot in a Residential Zone. In any zone, a commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot abutting or across the street from a lot in a residential zone may be permitted as a conditional use subject to the following standards:
- (a) A sight-obscuring fence of evergreen hedge may be required by the planning director or planning commission when, in the director's or its judgment, such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
  - (b) In addition to the requirements of the applicable zone, the planning director or planning commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.
  - (c) In order to avoid unnecessary traffic congestion and hazards, the planning director or planning commission may limit access to the property.
- (11) Commercial Amusement Establishment. A commercial amusement establishment may be authorized after consideration of the following factors:
- (a) Adequacy of access from principal streets together with the probable effect of traffic volumes of abutting and nearby streets.
  - (b) Adequacy of off-street parking.
  - (c) Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.
- (12) Mobile Home Park. A mobile home park shall be built to state standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the planning director or planning commission's approval prior to occupancy:
- (a) Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

- (b) The space provided for each mobile home shall be provided with piped potable water and electrical and sewerage connections.
- (c) The number of spaces for mobile homes shall not exceed 12 for each acre of the total area in the mobile home park; except that the planning director or planning commission may vary this density as follows:
  - (i) If dedicated open space equals 50 percent or more of the total area of the park, a maximum 10 percent increase in units per acre may be granted.
  - (ii) If in addition to subsection (12)(c)(i) of this section a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional five percent.
  - (iii) If in addition to subsections (12)(c)(i) and (ii) of this section an approved recreation/community building is provided, an additional 10 percent increase of units/acre may be allowed (maximum total increase possible equals 25 percent).
- (d) A mobile home shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the mobile homes and exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways, and area for recreation and landscaping.
- (e) No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park. No mobile home accessory building or other building or structure on a mobile home space shall be closer than 10 feet from a mobile home accessory building or other building or structure on another mobile home space. No mobile home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.
- (f) A mobile home permitted in the park shall meet the following standards as determined by an inspection by the building official:
  - (i) It shall have a state insignia indicating compliance with all rules of any relevant agency in effect at the time of manufacture and including compliance for reconstruction or equipment installation made after manufacture.
  - (ii) Notwithstanding deterioration, which may have occurred due to misuse, neglect, accident or other cause, the mobile home shall meet the state standards for mobile home construction evidenced by the insignia.
  - (iii) It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
  - (iv) It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.

- (g) A mobile home permitted in the park shall be provided with a continuous skirting, and if a singlewide unit, shall be tied down with devices that meet state standards for tie-down devices.
- (h) The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height. The fence or hedge shall be maintained in a neat appearance.
- (i) If the park provides spaces for 50 or more mobile home units, each vehicular way in the park shall be named and marked with signs, which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.
- (j) If a mobile home space or permanent structure in a park within the urban growth boundary is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.
- (k) Open Space. A minimum of at least 2,500 square feet plus 100 square feet per mobile home space shall be provided for a recreational play area group or community activities. (No play area is required if the individual mobile home spaces contain in excess of 4,000 square feet.) The planning director or planning commission may require this area to be protected from streets, parking areas or the like, by a fence or the equivalent. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacings or buildings suitable for recreational use. No recreation facility created within a mobile home park wholly to satisfy the requirements of this section shall be open to, or offered in itself to, the general public.
- (l) Parking Space Requirement. A parking space shall be provided for each mobile home space on the site. In addition, guest parking spaces shall also be provided in every mobile home park within 200 feet of the mobile home spaces served and at a ratio of one parking space for each two mobile home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all weather use and shall be properly drained.
- (m) All mobile home parks over 10 acres in size shall be located so as to have access on a street designated as a collector street.
- (n) All trailer parks containing a total site area of 20 acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.
- (o) Lighting shall be installed along the access ways of the trailer park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wires for service to light poles and trailer spaces shall be underground.
- (p) Roadways within the park shall be improved with an all-weather dustless surface and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or

less than 20 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles (such area shall be designed and improved to provide not less than one parking space per each two spaces in the park).

(q) No mobile home park shall be created on a site less than one acre.

(13) Multifamily Dwelling Complex. A multifamily dwelling complex shall comply with the following provisions, and any additional conditions set forth in the planning director or planning commission's approval, and shall be constructed pursuant thereto prior to occupancy:

(a) The number of units permitted by the applicable zone per gross square footage of a site may be increased as follows:

(i) If dedicated open space, which is developed and landscaped, equals 50 percent or more of the total area of the site, a maximum 10 percent increase in the number of units may be granted.

(ii) If in addition to subsection (13)(a)(i) of this section a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased five percent.

(iii) If in addition to subsections (13)(a)(i) and (ii) of this section an approved recreation community building is provided, an additional 10 percent increase of units may be granted. (Maximum total increase possible is 25 percent.)

(b) There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.

(c) If such a complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the city.

(d) A minimum of at least 2,500 square feet plus 100 square feet per dwelling unit shall be provided for a recreation play area, group or community activities. Such area shall be improved with grass, plantings, surfacings, equipment or buildings suitable for recreational use. The planning director or planning commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent. (No play area is required if more than 70 percent of the area is preserved as open space and is sufficiently developed and landscaped.)

(e) All such complexes with more than 20 dwelling units shall be located so as to have access on a street designated as a collector unless otherwise approved by the planning director or planning commission.

(f) All such complexes shall provide at least two accesses.

- (g) All roadways and parking areas shall be paved, and roadways shall not be less than 20 feet in width, except as approved by the planning director or planning commission.
  - (h) A sight-obscuring fence or evergreen hedge may be required by the planning director or planning commission when, in the director's or its judgment, such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.
  - (i) All accessory structures associated with such a complex shall be set back 50 feet from the property line of an abutting single-family residential lot or use.
- (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:
- (a) The space provided for each recreation vehicle shall be not less than 700 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than recreation vehicles and landscaped areas.
  - (b) Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreation vehicle space.
  - (c) A space provided for a recreation vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreation vehicle, not intended as an accessway to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
  - (d) A recreation vehicle space shall be provided with piped potable water and sewage disposal service. A recreation vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
  - (e) A recreation vehicle space shall be provided with electrical service.
  - (f) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
  - (g) Repealed by Ord. 297.
  - (h) The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreation vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

- (i) The park shall provide toilets, lavatories and showers for each sex in the following ratios: for each 15 recreation vehicle spaces or any fraction thereof: one toilet, one urinal, one lavatory and one shower for men; and two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or if in the same building, shall be separated by a soundproof wall.
- (j) The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreation vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate pursuant to these standards.
- (k) Building spaces required by subsections (14)(i) and (j) of this section shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drains to permit easy cleaning.
- (l) Except for the access roadway into the park, shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height, unless otherwise approved by the planning director or planning commission.
- (m) The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
- (n) Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

(15) Radio, Television Tower, Utility Station or Substation.

- (a) In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
- (b) The use may be required to be fenced and provided with landscaping.
- (c) The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.
- (d) Transmission towers, poles, overhead wires, pumping stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

(16) Schools.

- (a) Nursery schools shall have at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from abutting lots.

- (b) Elementary schools shall provide a basic site area of five acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
  - (c) Secondary schools shall provide a basic site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
- (17) Transmission Towers. An application for a wireless telecommunications facility will be approved upon findings that:
- (a) The facility will not be located on land that at the time of application has irrigation water rights available;
  - (b) The applicant has considered other sites in its search area that would have less visual impact as viewed from nearby residences than the site proposed and has determined that any less intrusive sites are either unavailable or do not provide the communications coverage necessary. To meet this criterion, the applicant must demonstrate that there has been a good faith effort to collocate his or her antennas on existing monopoles in the area served. The applicant can demonstrate this by submitting a statement from a qualified engineer that indicates the necessary service cannot be provided by collocation within the area to be served. County reserves the right to have a qualified engineer of its own choosing review and endorse the findings of applicant's engineer. In such cases, the concurrence of county's engineer shall be necessary to establish the required findings. The term "search area" refers to a geographic area within which the applicant seeks to establish a facility;
  - (c) The facility, including support structures, is sited using trees, vegetation, and topography to the maximum extent practicable to screen the facility from view of nearby residences;
  - (d) No antenna arrays will be allowed to be installed to exceed the height of the tower or monopole. Towers or monopoles shall not be sited in locations where there is no vegetative (including native high desert sagebrush or juniper stands), structural or topographic screening available;
  - (e) In all cases, the applicant shall site the facility in a manner to minimize its impact on scenic views and shall site the facility using trees, vegetation, and topography in order to screen it to the maximum extent practicable from view from protected roadways. Towers or monopoles shall not be sited in locations where there is no vegetative (including native high desert sagebrush or juniper stands), structural or topographic screening available. All ground-based equipment, including any equipment shelters or cabinets and security fencing, shall be screened from view from residences on abutting properties and from properties on the opposite side of a public road. The applicant can accomplish this by screening the perimeter of a lease area with plant materials appropriate for the location. The lessee shall be required as a condition of an approval to continuously maintain all introduced and preexisting landscape material;
  - (f) Telecommunication towers or monopoles shall be finished with a nonreflective surface in color which will blend with the surroundings and minimize visual impact, as approved by the planning director or planning commission;

- (g) Any required aviation lighting is shielded from surrounding buildings to the maximum extent allowed by FAA and/or ODOT – Aeronautics regulations;
  - (h) The form of lease for the site does not prevent the possibility of colocation of additional carriers on the same facility;
  - (i) Any tower or monopole over 50 feet in height shall be designed in a manner that it can carry the antennas of at least one additional wireless carrier. This criterion may be satisfied by submitting the statement of a licensed structural engineer licensed in Oregon that the monopole or tower has been designed with sufficient strength to carry such an additional antenna array and by elevation drawings of the proposed tower or monopole that identify an area designed to provide the required spacing between antenna arrays of different carriers;
  - (j) Any approval of a wireless telecommunications facility shall include a condition that if the facility is left unused or is abandoned by all wireless providers located on the facility for more than one year the facility shall be removed by the permittee;
  - (k) An application for a conditional use permit for only a support structure such as a tower or monopole may only be approved with the condition that the county will not issue any building permits for the support structure or any ground-based equipment buildings until the applicant provides the planning department with a copy of a signed lease agreement between the owner of the support structure and a personal wireless service provider;
  - (l) The planning director or planning commission, or in the event of an appeal, the county court may attach additional conditions of approval;
  - (m) The applicant shall provide an agreement and security, in accordance with CCC 17.40.080 and 17.40.090, sufficient to pay for the removal of the tower;
  - (n) The planning director or planning commission may retain a technical consultant(s) for the purpose of evaluating the application;
  - (o) The telecommunication tower shall be to the maximum extent designed to resemble natural features (e.g., trees and vegetation);
  - (p) A telecommunication tower shall be not located or designed in such a manner as to significantly impact scenic values;
  - (q) The approval of a wireless telecommunication facility shall not include any covenant, promise, or agreement that prohibits or restricts any person or entity from engaging in direct or indirect competition with providers of cellular service, specialized mobile radio (SMR) service, personal communication service (PCS) service, paging service, or any other form of telecommunication service provided to the public.
- (18) **Eating and Drinking Establishments.** The planning director or planning commission may authorize an eating and drinking establishment as a conditional use based upon the following criteria:



- (a) Hours of operation may be regulated based on an establishment’s proximity to residential neighborhoods or schools, the concentration of establishments in an area serving alcoholic beverages or for other reasons that may arise based on the location of the establishment.
  - (b) Modification of the conditional use permit may be required whenever the use is intensified or is expanded in square footage.
  - (c) Alcoholic beverage service in approved outdoor seating areas may be permitted as allowed by the OLCC. The separation shall clearly suggest that alcohol is not allowed outside the seating area. Outdoor seating areas adjacent to residential uses may be limited or restricted by the planning director or planning commission. The additional criteria will also apply to outdoor seating areas:
    - (i) Size Limitations. Outdoor seating areas shall not exceed the indoor seating area or seating capacity of the restaurant or tavern.
    - (ii) Parking Required. Parking in compliance with CCC 18.128.010(6)(e) shall be provided for all outdoor seating areas.
    - (iii) Music. No outdoor music or entertainment shall be provided after 11:00 p.m., or such earlier time as the planning director or planning commission may establish.
    - (iv) Trash. All trash located within the outdoor dining area, on the restaurant or tavern property, and adjacent streets, sidewalks, and properties shall be picked up and properly disposed of immediately after closing.
  - (d) License approval by OLCC.
  - (e) Adequate access from principal streets.
  - (f) Adequate off-street parking.
  - (g) Adequate building and site design provisions to minimize noise and glare from the building and site.
- (19) Commercial Power Generating Facilities. A commercial power generating facility that is a conditional use in the applicable zone is governed by the general criteria and conditions in CCC 18.160.020 and 18.160.030 and the provisions of Chapter 18.161 CCC.
- (20) Noncommercial Energy Systems. A noncommercial energy system that is a conditional use in the applicable zone is governed by the general conditional use criteria and conditions in CCC 18.160.020 and 18.160.030 and the provisions of Chapter 18.162 CCC.

*(Ord. 317 §§ 3 – 5, 2020; Ord. 309 § 2 (Exh. C), 2019; Ord. 297 § 2, 2016; Ord. 296 § 11 (Exh. I), 2016; Ord. 245 § 1, 2011; Ord. 236 § 3 (Exh. C), 2010; Ord. 229 § 1 (Exh. A), 2010; Ord. 222 § 1 (Exh. A), 2010; Ord. 201 § 1, 2008; Ord. 18 Amd. 61 §§ 4, 5, 6, 2003; Ord. 18 § 6.050, 2003)*

***Applicant's Response: The proposal includes an eating establishment. At the time a final development plan is submitted for the phase that includes the eating establishment, it will be reviewed for consistency with the above provisions for eating and drinking establishments. The Illustrative Concept Plan, Section A – Introduction, notes an area for future overnight lodging. One option under consideration is for this is a recreational vehicle (RV) park. If it is included in a future phase, it will be reviewed for consistency with the above provisions.***

**18.160.060 Procedure for taking action on conditional use application.**

See Chapter 18.172 CCC for the procedure for taking action on a conditional use application.

*(Ord. 321 § 4, 2020; Ord. 236 § 3 (Exh. C), 2010; Ord. 18 § 6.060, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser understand the procedures for taking action on a conditional use application.***

**18.160.070 Permit expiration dates.**

- (1) A conditional use shall be void after four years unless development action has been initiated, the proposed use has occurred or the county has granted an extension of time in accordance with subsection (2) of this section.
- (2) The county shall grant two-year extensions to the four-year time period set forth in subsection (1) of this section as planning director decisions pursuant to CCC 18.172.060(2).
- (3) For the purposes of this section, the term “initiate development” means that substantial construction towards completion of the conditional use permit has taken place. Substantial construction has occurred when the land and/or structure has been physically altered or the use changed and such alteration or change is directed toward completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development.

*(Ord. 236 § 3 (Exh. C), 2010; Ord. 216 § 2, 2009; Ord. 178 §§ 1 – 3, 2007; Ord. 18 § 6.070, 2003)*

***Applicant's Response: A conditional use is void after four years unless development action has been initiated.***

**18.160.080 Occupancy permit.**

The planning director or planning commission may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of this title. The planning director or planning commission shall consider such a requirement for any use authorized by a conditional use permit for which this title requires on-site or off-site improvements or where such conditions have been established by the planning director or planning commission upon approval of such use. The requirement of an occupancy permit shall be for the purpose of ensuring permit compliance and an occupancy permit shall not be issued except as set forth by the planning director or planning commission. The authority to issue an occupancy permit upon compliance with the requirements and conditions of a conditional use permit may be delegated by the planning director or planning

commission at the time of approval of a specific conditional use permit to the planning director and/or the building official.

*(Ord. 236 § 3 (Exh. C), 2010; Ord. 216 § 3, 2009; Ord. 18 § 6.080, 2003)*

***Applicant's Response: In accordance with this section, the planning commission may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of this Chapter..***

## Chapter 18.172 – Administrative Provisions

### Sections:

- 18.172.005 *Definitions.*
- 18.172.010 *Quasi-judicial hearing authority.*
- 18.172.015 *Authority to make land use decisions.*
- 18.172.020 *Application.*
- 18.172.025 *Consolidated review of applications.*
- 18.172.030 *Health department approval.*
- 18.172.040 *Form of petitions, applications and appeals.*
- 18.172.050 *Filing fees.*
- 18.172.060 *Director decisions.*
- 18.172.070 *Notice of public hearing.*
- 18.172.080 *Members of the planning commission.*
- 18.172.081 *Public hearings and order of proceedings.*
- 18.172.090 *Land use decisions.*
- 18.172.100 *Revocation or modification of permit.*
- 18.172.110 *Appeals.*
- 18.172.120 *Remand by the county court.*
- 18.172.130 *Remand by the Land Use Board of Appeals.*

### **18.172.005 Definitions.**

For the purpose of this chapter, unless the context requires otherwise, the following words and phrases mean:

- (1) Acceptance. Received and considered by the director to contain sufficient information and materials to begin processing in accordance with the procedures of this chapter.
- (2) Appearance. Submission of testimony or evidence in the proceeding, either oral or written. A person's name appearing on a petition filed as a general statement of support or opposition to an application without additional substantive content, and that typically contains the names of a number of other persons, does not constitute an appearance.
- (3) Appellant. A person who submits to the department a timely appeal of a decision issued by the county.
- (4) Applicant. A person who applies to the department for a decision under this chapter. An applicant must be an owner of the property or someone authorized in writing by the property owner to make application.
- (5) **Approval Authority. A person or a group of persons, given authority by Crook County Code to review and make decisions upon certain applications in accordance with the procedures of this chapter. The approval authority may either be the director, the planning commission, hearings officer, or Crook County court as specified for application types by this chapter or otherwise specified in this chapter.**
- (6) Argument. The assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by a party to a decision. Argument does not include facts.

- (7) De Novo. A hearing by the review body as if the action had not previously been heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration will be considered a part of the review on the record.
- (8) Director. The Crook County community development director or the director's designated representative.
- (9) End of Business. The end of the business day is 4:00 p.m. Pacific Time.
- (10) Evidence. The facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.
- (11) Hearing Authority. The county court, planning commission, or a hearings officer appointed by the court under CCC 18.172.010(2).
- (12) **Land Use Decision. A final decision or determination made by a Crook County approval authority that concerns the adoption, amendment, or application of the statewide planning goals, a comprehensive plan provision, a land use regulation, or a new land use regulation where the decision requires the interpretation or exercise of policy or legal judgment.**
- (13) Land Use Regulation. Any Crook County zoning ordinance, land division ordinance adopted under ORS 92.044 to 92.046, or similar general ordinance establishing standards for implementing the Crook County comprehensive plan.
- (14) Legislative. An action or decision involving the creation, adoption, or amendment of a law, rule, or a map when a large amount of properties are involved, as opposed to the application of an existing law or rule to a particular use or property.
- (15) Ministerial. An action or decision based on clear and objective standards and criteria where no discretion by the approval authority is required.
- (16) Owner. A person on the title to real property as shown on the latest assessment records in the office of the Crook County tax assessor. Owner also includes a person whose name does not appear in the latest tax assessment records, but who presents to the county a recorded copy of a deed or contract of sale signed by the owner of record as shown in the Crook County tax assessor's records.
- (17) Party. With respect to actions under this chapter, the following persons or entities are defined as parties:
  - (a) The applicant;
  - (b) Any owner of the subject property that is the subject of the decision under consideration in accordance with this chapter; and
  - (c) A person who makes an appearance before the approval authority or hearing authority.

(18) Permit. A discretionary approval of a proposed development of land under ORS 215 or county legislation or regulation adopted in accordance with ORS 215.

(19) Planning Commission. The planning commission of Crook County, Oregon.

(20) Quasi-Judicial. A land use action or decision requires discretion or judgment in applying the standards or criteria of this code to an application for approval of a development or land use proposal.

*(Ord. 317 § 6, 2020)*

***Applicant's Response: The Applicant/Contract Purchaser acknowledges definitional meanings associated with the words and phrases in Chapter 18.172 – Administrative Provisions. The more relevant definitions that apply to this proposed application are as follows:***

***“Land Use Decision. A final decision or determination made by a Crook County approval authority that concerns the adoption, amendment, or application of the statewide planning goals, a comprehensive plan provision, a land use regulation, or a new land use regulation where the decision requires the interpretation or exercise of policy or legal judgment.”***

***It is important to note that this application is a modification only. The original land use decision to allow a destination resort on this property was approved in 2008. Refer to case file DR-08-0092 for additional information.***

***“Approval Authority. A person or a group of persons, given authority by Crook County Code to review and make decisions upon certain applications in accordance with the procedures of this chapter. The approval authority may either be the director, the planning commission, hearings officer, or Crook County court as specified for application types by this chapter or otherwise specified in this chapter.”***

***For Modifications of a Prior Approved of a Conditional Use for a Destination Resort, the Planning Commission will act as the approval authority.***

**18.172.010 Quasi-judicial hearing authority.**

- (1) The county court hereby designates that the hearing authority to conduct hearings in a quasi-judicial capacity in order to make land use decisions is the Crook County planning commission.
- (2) Whenever the court determines it necessary, the court may appoint a hearings officer to have the same authority and powers as the planning commission.
- (3) The county court may appoint agents to issue zoning permits and to otherwise assist the director in the processing of applications.

- (4) “Quasi-judicial” zone changes or plan amendments generally refer to a plan amendment or zone change directly affecting individual property owners and involve the application of existing policy to a specific factual setting. (The distinction between legislative and quasi-judicial actions must ultimately be made on a case-by-case basis with reference to case law on the subject.)

(Ord. 317 § 6, 2020; Ord. 18 § 9.010, 2003)

***Applicant’s Response: The Crook County Court designates the Planning Commission to be the hearing authority in a quasi-judicial land use decision application to modify a destination resort approval. Accordingly, they will act as the decision authority for the Modification Request.***

**18.172.015 Authority to make land use decisions.**

- (1) Except for comprehensive plan amendments and zone changes and other instances where a public hearing is required by state law or by other ordinance provision, the director may make any land use decision by issuing an administrative determination either with prior notice or without prior notice, in accordance with ORS 215.416(11) and CCC 18.172.060(1). The director may refer any application for a land use decision to the planning commission for a hearing.
- (2) The planning commission shall annually establish a list of the types of land use applications the planning commission will review in a public hearing. The list shall be approved by the last meeting in January. The director shall to the extent practicable follow the decision of the planning commission. The director’s choice between making an administrative decision or submitting an application to the planning commission for a public hearing shall not be an appealable decision.

(Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010)

***Applicant’s Response: The request for a modification to a previously approved conditional use is processed as a Type III procedure and requires a public hearing.***

**18.172.020 Application.**

- (1) The applicant shall make application to the director upon forms provided by the county.
- (2) An application is deemed to be complete when in the judgment of the director all application issues have been adequately addressed in the application and all applicable fees have been paid to the county.
- (3) If an application is incomplete, the director shall, within 30 days of receipt of the application, notify the applicant in writing of exactly what information is missing. The applicant may amend the original application or submit a new application supplying the missing information.
- (4) The applicant shall have 180 days from the date of notice from the director to supply the missing information.

- (5) If the applicant submits the missing information within the 180-day period specified in subsection (4) of this section, the application shall be deemed complete upon receipt of the missing information.
- (6) For lands located within the urban growth boundary and for applications for mineral aggregate extraction, the hearing authority shall act upon a completed application within 120 calendar days of the filing of a completed application. For all other permit applications, the hearing authority shall act upon a completed application within 150 calendar days of filing of a completed application. Such time limitations can be extended with the consent of the applicant.

*(Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 231 § 1 (Exh. A), 2010; Ord. 216 § 2, 2009; Ord. 18 § 9.020, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser has submitted the application on the form provided by the Crook County Planning Department as well as paid the required fees determined by City Staff.***

***Refer to the Section A – Introduction for a copy of the signed application form and a photocopy of the applicable filing fees (i.e. \$27,000 for the Modification of a Conditional Use for a Destination Resort and Transportation Engineering Review of \$10,000)***

#### **18.172.025 Consolidated review of applications.**

When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

*(Ord. 317 § 6, 2020; Ord. 303 § 1 (Exh. C), 2017)*

***Applicant's Response: The Modification of a Previous Conditional Use Approval for a Destination Resort is the only application being submitted.***

#### **18.172.030 Health department approval.**

No zoning permit shall be issued for any use or structure which will have an individual sanitary subsurface disposal system until written approval is obtained by the applicant for said system from the county sanitation department.

*(Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 18 § 9.030, 2003)*

***Applicant's Response: There are no uses or structures that will be connected to an individual sanitary subsurface disposal system. The Applicant/Contract Purchaser will develop and construct an independent Wastewater Treatment Facility to serve the 750 units as well as any auxiliary commercial and recreational amenities.***

#### **18.172.040 Form of petitions, applications and appeals.**



Petitions, applications and appeals provided for in this title shall be made on forms prescribed by the county. Applications shall be accompanied by plans and specifications, drawn to scale, showing actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this title.

*(Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 18 § 9.040, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser understands that the application will be accompanied by plans, showing actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with the intent of this section.***

***Refer to Section C – Exhibit Drawings for detailed graphic information illustrating the modification request.***

#### **18.172.050 Filing fees.**

All fees described in this section shall hereafter be set annually as determined by the county court.

- (1) All fees for permits, variances, zone map amendments, comprehensive plan amendments, zone text amendments, appeals, and any other necessary review or permits pursuant to this title shall be set annually as determined by the county court.
- (2) Filing of an application is not considered complete until all applicable fee(s) are paid to the county.
- (3) Refunds.
  - (a) If the applicant withdraws a land use application prior to the mailing of the notice on the matter, the applicant may apply to the planning department for a refund of a fee paid for that action.
  - (b) If the applicant withdraws a land use application before the seventh working day prior to the commencement of the first hearing on the matter or prior to the action of the director, the applicant may apply to the planning department for a partial refund of a fee paid for that action.
  - (c) No refunds or partial refunds shall be granted by the director if the applicant withdraws a land use application on or after the seventh working day prior to the commencement of the first public hearing on the matter or after action of the director.
  - (d) The director shall within five working days of receiving an application for a refund or a partial refund make a determination whether to grant the refund or partial refund. If the

director makes a determination to grant a refund or a partial refund, the director shall make the appropriate refund or partial refund of that fee to the applicant within 30 days.

(e) The applicant may file with the county court an appeal of a determination by the director to deny a refund or a partial refund of a land use application fee. The county court may grant a refund or a partial refund of a land use application fee upon good cause shown by the applicant.

(f) For purposes of this subsection, “partial refund” shall mean the filing fee less notice and reasonable staff costs.

(4) Fees charged for processing permits shall be no more than the actual or average cost of providing that service.

*(Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 155 § 1, 2005; Ord. 18 § 9.050, 2003)*

***Applicant’s Response: In accordance with this section, all fees required to review the Modification request will be pursuant to this Chapter will be determined by the county court. Filing of an application is not considered complete until all applicable fee(s) are paid to the county.***

***The Applicant/Contract Purchaser has submitted a check in the amount of \$37,000 based on the 2021-2022 fee schedule to the Crook County Community Development Department.***

***For a detailed breakdown of the required fees, refer to Section A – Introduction.***

**18.172.060 Director decisions. *This section is not applicable to this application since the decision authority is the Planning Commission (PC).***

**18.172.070 Notice of public hearing.**

(1) A hearing shall be held only after notice to the applicant and any other person required by law to be given notice.

(2) Notice of the hearing to approve any quasi-judicial land use matter shall be provided to the applicant and to the owners of record of property on the most recent tax assessment roll in accordance with ORS 197.763(2).

(3) Notice shall also be given to the following persons or agencies:

(a) Any person, agency, or organization that may be designated by this title;

(b) Any other person, agency, or organization that may be designated by the county court or its agencies;

- (c) An owner of an airport, defined by the Department of Transportation as a “public use airport” in accordance with applicable state law;
  - (d) (On a zone change application.) A tenant of a mobile home or manufactured dwelling park as defined by state law in accordance with applicable state law;
  - (e) Transportation agencies whose facilities are impacted by the proposed action or jurisdictions affected by the transportation impacts of future development resulting from the proposal.
- (4) Notice of any quasi-judicial matter shall be mailed in accordance with the requirements of ORS 197.763(3)(f) at least:
- (a) Twenty calendar days before the evidentiary hearing; or
  - (b) If two or more hearings are allowed, 10 calendar days before the first evidentiary hearing.
- (5) The notice shall contain at least the following information:
- (a) An explanation of the nature of the application and the proposed use or uses which could be authorized;
  - (b) A listing of the applicable criteria from this title and the comprehensive plan that apply to the application at issue;
  - (c) A statement setting forth the street address or other easily understood geographical reference to the subject property;
  - (d) The date, time and location of the hearing;
  - (e) A statement that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
  - (f) The telephone number of the director and that the director is the person to contact for additional information;
  - (g) A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
  - (h) A statement that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost; and
  - (i) A general explanation of the requirements for submission of testimony and the procedures for conduct of hearings.

- (6) The failure of a property owner, airport owner or tenant of a mobile home or manufactured dwelling park to receive notice shall not invalidate such proceedings if the director, commission or court can demonstrate by affidavit that such notice was given.
- (7) For the purpose of personal notification, the records of the county assessor's office shall be used.
- (8) These notice requirements by mail shall not restrict the giving of notice by other means, including posting, newspaper publication, radio, television, electronic mail or the county website.
- (9) Notice may be posted in a conspicuous manner in any of the following three locations:
  - (a) Crook County Courthouse;
  - (b) City of Prineville City Hall; and
  - (c) The United States Post Office located in Prineville, Oregon.

*(Ord. 317 § 6, 2020; Ord. 303 § 1 (Exh. C), 2017; Ord. 236 § 5 (Exh. E), 2010; Ord. 18 § 9.070, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser acknowledges that notice of the public hearing to approve any quasi-judicial land use matter, such as a modification request, will be provided to the Applicant/Contract Purchaser and to the owners of record of property on the most recent tax assessment roll as well as other affected agencies.***

#### **18.172.080 Members of the planning commission.**

- (1) Members of the Planning Commission.
  - (a) The planning commission shall consist of seven members appointed by the county court for four-year terms, or until their respective successors are appointed and qualified.
  - (b) Any vacancy on the planning commission shall be appointed by the county court for the unexpired term.
  - (c) Members of the planning commission shall serve without compensation. However, the director may authorize mileage reimbursement at the standard county rate for planning commission members who must travel from outlying areas of the county to attend planning commission meetings.
  - (d) Members of the planning commission shall be residents of the various geographic areas of the county. The various geographic areas are depicted in the map of citizen planning areas in the Crook County comprehensive plan. The county court may deviate from these areas to the extent practicable needed to obtain a full seven-member planning commission from the applicant pool available. An objection to an applicant by the majority of the county court may be the basis for deviating from the geographic areas in the citizen planning areas.

- (e) No more than two members shall be engaged principally in buying, selling or developing real estate for profit as individuals or be members of any partnership, or officers or employees of any corporation, that is engaged principally in buying, selling or developing real estate for profit.
  - (f) No more than two voting members shall be engaged in the same kind of business, trade or profession.
  - (g) A member may have his or her term of appointment terminated by the county court if a change in occupation results in more than two members being engaged in the same kind of business, trade or profession.
  - (h) A member's term of appointment may be terminated by the county court, after a determination that the member has unexcused absences from 20 percent or more of the scheduled commission meetings or if they exhibit personal or business conduct which raises questions concerning their bias or objectivity in fulfilling the duties of a commissioner.
  - (i) During the temporary absence or disability of a member of the planning commission, the chair shall select a commissioner pro tem to serve during the absence or disability of the absent member. At the chair's request, a commissioner pro tem shall be selected from a list of one or more commissioners pro tem and be appointed by the county court.
- (2) Chairperson and Vice-Chairperson. The planning commission shall elect a chairperson and a vice-chairperson. The election shall be held annually at the first regularly scheduled meeting in January of each year, or at a later regularly scheduled meeting if necessary.
- (3) The Crook County planning department shall keep an accurate record of all commission proceedings.
- (4) Procedures.
- (a) The planning commission shall meet at least once a month, at such time and places as may be fixed by the planning commission or the planning department.
  - (b) A member of the planning commission shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest: the member or his or her spouse, sibling, child, parent, parent-in-law, partner, or any business in which he or she has a financial interest, or by which he or she is employed or has been employed within the previous two years, or any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.
  - (c) A quorum of the planning commission shall be four planning commission members. A majority of the quorum voting in favor of a motion shall be sufficient to adopt that motion.
- (5) Recommendation to County Court. All recommendations and suggestions made to the county court by the planning commission shall be in writing.

(6) Advisory Committees.

- (a) The planning commission will serve as the county's citizen involvement committee for land use issues. For the purpose of obtaining citizen participation in, and to assist in coordinating, land use planning for all lands situated within the county, the planning commission may establish advisory committees on land use planning for each geographic area considered to be a reasonable land use planning unit. Each such committee shall be composed of residents of the area concerned.
- (b) The planning commission may also establish advisory committees on specific planning issues such as economics, housing, transportation, solid waste, natural resource management, open space, and recreation.
- (c) The planning commission shall consult with each advisory committee established under subsections (6)(a) and (b) of this section in the preparation, adoption, revision, and implementation of a comprehensive plan and other plans for the county. The commission shall furnish each such committee with technical and other assistance.

(7) Finances. The planning commission may employ consultants to advise on county problems, and pay for their services, and for such other expenses as the commission may lawfully incur, including the necessary disbursements incurred by its members in the performances of their duties as members of the commission, out of funds at the disposal of the commission as authorized by the county court.

(8) Powers. The planning commission shall have all of the powers which are now or hereafter granted to it by the ordinances of this county or by the general laws of the state of Oregon. The commission shall make recommendations regarding subdivisions of land and land use to the county court, to public officials, and to individuals, and may make recommendations regarding location of thoroughfares, public buildings, parks, and other public facilities, and regarding any other matter related to the planning and development of the county. The commission may make studies, hold hearings, and prepare reports and recommendations on its own initiative or at the request of the county court.

(9) Expenditures. The planning commission shall have no authority to make expenditures on behalf of the county, or to obligate the county for the payment of any sums of money, except as herein provided, and then only after the county court shall have first authorized such expenditures by appropriate resolution, which resolution shall provide administrative method by which such funds shall be drawn and expended.

*(Ord. 321 § 4, 2020; Ord. 317 § 6, 2020; Ord. 298 § 1 (Exh. A), 2016; Ord. 266 § 2, 2013; Ord. 236 § 5 (Exh. E), 2010; Ord. 212 § 2, 2009; Ord. 18 § 9.080, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser acknowledges the provisions pertaining to the make-up and the authority of the Planning Commission.***

**18.172.081 Public hearings and order of proceedings.**

- (1) **Staff Report.** At least seven days prior to a public hearing, the director will provide a staff report to the hearing authority and parties to the application, and make it available to the public upon request. If the report is not provided by such time, the hearing will be held as scheduled, but any party may at the hearing or in writing prior to the hearing request a continuance of the hearing to a date certain that is at least seven days after the date the staff report is provided. The granting of a continuance under these circumstances will be at the discretion of the hearing authority.
- (2) Personal Conduct.
  - (a) No person may be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
  - (b) No person may testify without first receiving recognition from the hearing authority and stating their full name and address.
  - (c) No person may present irrelevant, immaterial, or unduly repetitious testimony or evidence.
  - (d) Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing are not permitted. Any such conduct may be cause for immediate suspension of the hearing or removal of the offender from the hearing.
- (3) Limitations on Oral Presentations. The hearing authority may set reasonable time limits on oral testimony.
- (4) Appearing. Any interested person may appear either orally before the close of a public hearing or in writing before the close of the written record, except that for an on-the-record hearing, persons who may appear are limited to those described at CCC 18.172.110(6). Any person who has appeared in the manner prescribed in CCC 18.172.110(6) will be considered a party to the proceeding.
- (5) **Disclosure of Ex Parte Contacts.**
  - (a) Any member of a hearing authority for a quasi-judicial application must reasonably attempt to avoid ex parte contact. As used in this section, ex parte contact is communication directly or indirectly with any party or their representative outside of the hearing in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should a hearing authority member engage in ex parte contact, that member must:
    - (i) Publicly announce for the record at the hearing the substance, circumstances, and parties to such communication;
    - (ii) Announce that other parties are entitled to rebut the substance of the ex parte communication during the hearing; and
    - (iii) State whether they are capable of rendering a fair and impartial decision.

- (b) If the hearing authority or member thereof is unable to render a fair and impartial decision, or recommendation in the case of the planning commission, they must recuse themselves from the proceedings.
  - (c) Communication between the director and the hearing authority or a member thereof is not considered an ex parte contact.
- (6) Disclosure of Personal Knowledge. If any member of a hearing authority uses personal knowledge acquired outside of the hearing process in rendering a decision, they must state the substance of the knowledge on the record.
- (7) Site Visit. For the purposes of this section, a site visit by any member of a hearing authority will be deemed to be personal knowledge. If a site visit has been conducted, the hearing authority member must disclose their observations gained from the site visit.
- (8) Challenge for Bias, Prejudgment, or Personal Interest. Prior to or at the commencement of a hearing, any party may challenge the qualification of any member of the hearing authority for bias, prejudice, or personal interest. The challenge must be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, that member must either recuse themselves from the proceedings or make a statement on the record that they can make a fair and impartial decision and will hear and rule on the matter.
- (9) Potential Conflicts of Interest. No member of the hearing authority may participate in a hearing or a decision upon an application when the effect of the decision would be to the private pecuniary benefit or detriment of the member or the member's relative or any business in which the member or a relative of the member is associated unless the pecuniary benefit arises out of:
- (a) An interest or membership in a particular business, industry occupation or other class required by law as a prerequisite to the holding by the member of the office or position;
  - (b) The decision, or recommendation in the case of the planning commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged; or
  - (c) The decision, or recommendation in the case of the planning commission, would affect to the same degree a class consisting of an industry, occupation or other group in which the member or the member's relative or business with which the member or the member's relative is associated, is a member or is engaged.
- (10) Qualification of a Member Absent at a Prior Hearing. If a member of the hearing authority was absent from a prior public hearing on the same matter which is under consideration, that member will be qualified to vote on the matter if the member has reviewed the record of the matter in its entirety and announces prior to participation that this has been done. If the member does not review the record in its entirety, that member must not vote and must abstain from the proceedings.



- (11) Hearing Authority's Jurisdiction. In the conduct of a public hearing, the hearing authority will have the jurisdiction to:
- (a) Regulate the course, sequence and decorum of the hearing.
  - (b) Decide procedural requirements or similar matters consistent with this chapter.
  - (c) Rule on offers of proof and relevancy of evidence and testimony and exclude repetitious, immaterial, or cumulative evidence.
  - (d) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation and rebuttal testimony.
  - (e) Take such other action appropriate for conduct of the hearing.
  - (f) Grant, deny, or, in appropriate cases, attach such conditions to the matter being heard to the extent allowed by applicable law and that may be necessary to comply with the applicable approval criteria or, in appropriate cases, formulate a recommendation for the court.
  - (g) Continue the hearing to a date certain as provided at subsection (16) of this section.
  - (h) Allow the applicant to withdraw and cancel the application. Subsequent to the cancellation of the application, if the applicant wishes to proceed with the same or different proposal requiring a land use application, a new application may be submitted and the new application must be processed in compliance with all the provisions of this chapter.
- (12) **Hearing Procedures.** At the commencement of a hearing, the hearing authority must state to those in attendance all of the following information and instructions:
- (a) Date of the hearing;
  - (b) Department file number;
  - (c) Nature, purpose, and type of the hearing;
  - (d) When applicable, the parties that may participate in the hearing and/or issues to which the hearing is limited;
  - (e) Identification of the address and assessor's map and tax lot number of, or other easily understood geographical reference to, the subject property, if applicable;
  - (f) Order of the proceedings, including reasonable time limits on oral presentations by parties;
  - (g) For a quasi-judicial application, a statement disclosing any pre-hearing ex parte contacts;
  - (h) A statement disclosing any personal knowledge, bias, prejudice, or personal interest on the part of the hearing authority;

- (i) Call for any challenges to the hearing authority's qualifications to hear the matter. Any such challenges must be stated at the commencement of the hearing, and the hearing authority must decide whether they can proceed with the hearing as provided in subsection (9) of this section;
  - (j) List of the applicable approval standards and criteria for the application;
  - (k) Statement that testimony, arguments, and evidence must be directed toward applicable approval standards and criteria, or other standards and criteria in the Crook County land use regulations or comprehensive plan that the person testifying believes to apply to the decision;
  - (l) Statement that failure to raise an issue accompanied by statements or evidence with sufficient detail to give the hearing authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;
  - (m) Statement that the failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the hearing authority to respond to the issue precludes an action for damages in circuit court;
  - (n) Statement that prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearing authority must grant the request by either continuing the public hearing or leaving the record open for additional written evidence, arguments, or testimony in accordance with subsection (16) of this section; and
  - (o) Statement that the decision of the approval authority may be appealed in accordance with CCC 18.72.110.
- (13) Order of Proceeding. In the conduct of a public hearing other than an on-the-record hearing, the following order of procedure will generally be followed. However, the hearing authority may modify the order of proceeding.
- (a) The director will present the staff report;
  - (b) Allow agency comments;
  - (c) The applicant will be heard first;
  - (d) Allow persons in favor of the proposal to be heard;
  - (e) Allow persons neutral to the proposal to be heard;
  - (f) Allow persons opposed to the proposal to be heard;
  - (g) Allow applicant opportunity to respond or address any presented material;

- (h) Allow the director to present any further comments or information in response to the testimony and evidence;
- (i) Allow applicant to waive or maintain their seven-day final argument;
- (j) Conclude or continue the public hearing;
- (k) Present motion for deliberations or set time and date certain.

(14) Questions. The hearing authority at any point during the hearing may ask questions of the director or parties. Questions by parties, interested persons, or the director may be allowed by the hearing authority at their discretion. Questions must be directed to the hearing authority; questions posed directly to the director or any party are not allowed.

The hearing authority may allow questions to be answered by the director or a party if a question pertains to them. They will be given a reasonable amount of time to respond solely to the question.

(15) Presenting and Receiving Evidence. No oral testimony will be accepted after the close of the hearing. Written testimony may be received after the close of the hearing only in accordance with subsections (17) through (19) of this section.

(16) Continuances and Leaving the Record Open.

(a) Grounds.

- (i) Prior to the date set for an initial hearing, an applicant shall receive a continuance upon any request. If a continuance request is made after the published or mailed notice has been provided by the county, the hearing authority shall take evidence at that scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.
- (ii) Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances:
  - (A) Where additional documents or evidence are submitted by any party; or
  - (B) Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.

For the purposes of subsection (16)(a)(ii)(A) of this section, "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

- (iii) The grant of a continuance or record extension in any other circumstance shall be at the discretion of the hearings body.

(b) Except for continuance requests made under subsection (16)(a)(i) of this section, the choice between granting a continuance or leaving the record open shall be at the discretion of the hearings body. After a choice has been made between leaving the record open and granting a continuance, the hearing shall be governed thereafter by the provisions that relate to the path chosen.

(c) Continuances.

(i) If the hearings body grants a continuance of the initial hearing, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial hearing.

(ii) An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.

(iii) If new written evidence is submitted at the continued initial hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

(iv) If the hearing is other than initial hearing, any continuances are at the discretion of the hearings body.

(d) Leaving the Record Open.

(i) If at the conclusion of the initial hearing the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

(e) A continuance or leaving the record open that is granted under this section shall be subject to the 150-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 150-day clock is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

(17) Rescheduling. In the event that a noticed public hearing must be rescheduled due to an emergency situation, the rescheduling of the meeting will constitute sufficient notice of a public hearing provided the following minimum procedures are observed:

(a) Notice is posted on the door of the building in which the hearing is scheduled advising of the cancellation and the date, time, and place for the rescheduled meeting or that new notice will be sent indicating that new date, time, and place.

- (b) Reasonable attempts are made prior to the scheduled hearing to announce the cancellation and rescheduling by direct communication to applicants and known interested parties and through available news media to the general public.

(18) Reopening the Record. When the hearing authority reopens the record to admit new evidence, arguments, or testimony, the hearing authority must allow people who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts. Upon announcement by the hearing authority of their intention to take notice of such facts in its deliberations, any person may raise new issues which relate to the new evidence, arguments, testimony, or standards and criteria which apply to the matter at issue

(19) Conclusion of Hearing.

- (a) After the close of the hearing record, the hearing authority may either make a decision and state findings which may incorporate findings proposed by any party or the director, or take the matter under advisement for a decision to be made at a later date.
- (b) The hearing authority may request proposed findings and conclusions from any party at the hearing. The hearing authority, before adopting findings and conclusions, may circulate them in draft form to parties for written comment.
- (c) The decision and findings must be completed in writing and signed by the hearing authority within 10 days of the closing of the record for the last hearing. A longer period of time may be taken to complete the findings and decision if the applicant provides written consent to an extension to any applicable timelines in which the county must process the application for an amount of time that is equal to the amount of additional time it takes to prepare the findings.

(20) Record of the Hearing. The hearing authority will consider only facts and arguments in the hearing record; except that it may consider laws and legal rulings not in the hearing record (e.g., local, state, or federal regulations; previous department decisions; or case law).

- (a) The hearing record will include all of the following information:
  - (i) All oral and written evidence submitted to the hearing authority;
  - (ii) All materials submitted by the director to the hearing authority regarding the application;
  - (iii) A recording of the hearing;
  - (iv) The final written decision; and
  - (v) Copies of all notices given as required by this chapter and correspondence regarding the application that the director mailed or received.

(b) All exhibits presented will be kept as part of the record and marked to show the identity of the person offering the exhibit. Exhibits will be numbered in the order presented and will be dated.

(21) Decision and Findings Mailing. Upon a written decision adopting findings being signed by the approval authority, the director will mail/email to the applicant and all parties a copy of the decision and findings, or, if the decision and findings exceed five pages, the director will mail/email notice of the decision.

*(Ord. 323 § 6 (Att. A), 2021; Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 18 § 9.081, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser acknowledges the public hearing process and the subsequent order of proceedings.***

**18.172.090 Land use decisions.**

(1) Written approval or denial of an application for a use allowed by this title shall be based upon and accompanied by a brief statement that:

(a) Explains the criteria and standards considered relevant to the decision;

(b) States the facts relied upon in rendering the decision; and

(c) Explains the justification for the decision based upon the criteria, standards and facts set forth.

(2) Following the signing of the land use decision made by the commission, the director shall cause to be issued a written notice of final decision which describes the decision of the hearing authority, the date of the final decision and the applicable appeal period.

(3) **The date the land use decision becomes final shall be the date the decision is reduced to writing and signed by the commission or, if the commission so orders, its designee.**

(4) The written notice of final decision shall be issued to:

(a) All parties to the proceeding;

(b) All persons who testified at the public hearing and those who submitted written testimony; and

(c) All persons entitled to receive a notice of disposition by other provisions of this title.

(5) Subject to CCC 18.172.110, a permit shall not be effective or issued by the county until 12 calendar days after the final decision.

*(Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 18 § 9.090, 2003)*

***Applicant's Response: The Applicant/Contract Purchaser acknowledges the process and procedures of issuing a land use decision in Crook County. The written notice of final decision will be issued to all parties of the proceeding and land use decision will be final the date the decision is issued and signed by the commission.***

**18.172.100 Revocation or modification of permit.**

- (1) The hearing authority may revoke or modify any permit granted under the provisions of this title on any one or more of the following grounds:
  - (a) For fraud, concealment, or misrepresentation or on the basis of wrong information supplied on the application, or given at a public hearing which materially relates to the reasons on which the permit was granted.
  - (b) The use for which such permit was granted is not being exercised within the time limit set forth by the commission or this title.
  - (c) The use for which such permit was granted has ceased to exist or has been suspended for one year or more.
  - (d) The permit granted is being or recently has been exercised contrary to the terms or conditions of such approval.
  - (e) The proposed modification will result in a change to the original proposal sought by the permittee or permittee's successor and meets the applicable standards specified in subsection (3) of this section.
- (2) Any modified permit granted pursuant to this title shall become null and void if not exercised within the time period specified in such permit, or, if no time period is specified in the modified permit, within two years from the date of approval of said modified permit subject to CCC 18.172.060. Appeals to higher state authorities challenging a modified permit approval shall toll the running of the periods provided in this section.
- (3) The commission shall hold a public hearing on any proposed revocation or modification requested by the commission or the permittee after giving written notice to the permittee and other affected persons as set forth in this title. The commission shall hold a public hearing on any proposed revocation or modification after giving written notice to the permittee and other affected persons as set forth in this title. The hearing on the decision, which is subject to revocation or modification, is subject only to either the standards, criteria and conditions that were applicable when the original permit was issued or in effect at the time of the revocation or modification, whichever is less restrictive. The commission shall render its decision within 45 calendar days after the conclusion of the hearing.

*(Ord. 323 § 6 (Att. A), 2021; Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 18 § 9.100, 2003)*

***Applicant's Response: This application proposes a modification to DR-08-0092, which will result in a change to the original proposal. It is submitted by the permittee pursuant to CCC 18.172.100(1)(e), and meets the standards provided in subsection (3). The***

*application materials and this narrative address the standards and criteria in effect at the present time. The Applicant/Contract Purchaser acknowledges that the proposal may be subject to standards and criteria applicable to the original permit if they are less restrictive than the present standards.*

*The Applicant/Contract Purchaser understands that the hearing authority may modify any permit if the proposed modification will result in a change to the original proposal and meets the applicable standards.*

*Again, the proposed “program” modifications can be summarized in two (2) general categories.*

- 1. Housing/Lodging: The approved development plan includes single family dwellings, 154 casitas and 96 lock off multi-family units. The modified development plan includes three (3) primary types of housing/lodging options in addition to some overnight seasonal rental options. Each of these is briefly described below:*
  - Vacation Villas (400 Units): These units are fee simple ownership units with leased parcels.*
  - Overnight Rentals/Cabins (200 Units) These units are available for short term rental.*
  - Workforce Housing (100 Units): These units are available for long term rentals for workers of resort or nearby area.*
  - Overnight Seasonal Rentals (50 Spaces): These units are available for available for short term rental and may only be available on a seasonal basis.*
  
- 2. Recreation Facilities: The main recreational component in the original approval was an 18-hole golf course. Instead of providing a golf course, the modified development plan will provide a number of smaller recreation areas and or facilities. These include:*
  - Parks (4 areas)*
  - Clubhouse & Pool (2 areas)*
  - Sports Courts*
  - Open Space (natural and common areas)*
  - Trails System*

**18.172.110 Appeals. *This section is not applicable to this application at this time.***

**18.172.120 Remand by the county court. *This section is not applicable to this application at this time.***

**18.172.130 Remand by the Land Use Board of Appeals. *This section is not applicable to this application at this time.***



**C.**  
**Exhibit Drawings**

---

The following exhibit drawings illustrate the **Requested Modifications** associated with the prior **Conditional Use Approval for the Crossing Trails Destination Resort**.

Exhibit drawings contained in this section include:

C000	Cover Sheet/Vicinity Map .....
C001	Context Plan.....
C002	Existing Conditions Plan .....
C100	Development Plan ( <i>Conceptual</i> ) .....
C101	Phasing Plan ( <i>Conceptual</i> ).....
C102	Typical Road Sections ( <i>Conceptual</i> ) .....
C200	Grading & Drainage Plan ( <i>Conceptual</i> ) .....
C300	Water and Sewer Plan ( <i>Conceptual</i> ) .....
C400	Amenity Images .....
C401	Overnight Rentals/Cabin Images.....

**D.**  
**Appendices**

---

The following appendices provide background documentation and technical data that support the **Modification of the Conditional Use Approval for the Crossing Trails Destination Resort**. These include following:

Appendix 1	TRIO Report ( <i>Western Title &amp; Escrow Company</i> ).....
Appendix 2	Property Summary Report ( <i>Crook County</i> ) .....
Appendix 3	Partition Plat 2001-22 ( <i>Crook County</i> ) .....
Appendix 4	Partition Plat 2004-18 ( <i>Crook County</i> ) .....
Appendix 5	Partition Plat 2004-40 ( <i>Crook County</i> ) .....
Appendix 6	ALTA Survey ( <i>Millman Land Services</i> ) .....
Appendix 7	Assessors Tax Map ( <i>Crook County</i> ) .....
Appendix 8	Zoning Map ( <i>Crook County</i> ) .....
Appendix 9	Destination Resort Map ( <i>Crook County</i> ) .....
Appendix 10	Final Decision Crossing Trails Resort Development Plan DR-08-0092 ( <i>Crook County</i> ) .....
Appendix 11	Final Opinion and Order – LUBA 2009-018 ( <i>Crook County</i> ) .....
Appendix 12	Extension Request 217 -20-000846 ( <i>Crook County</i> ) .....
Appendix 13	Stakeholder Contacts..... <ul style="list-style-type: none"><li>• COID</li><li>• ODFW</li><li>• Crook County Weed Master</li><li>• Crook County Roadmaster</li><li>• Crook County Fire Marshall</li></ul>
Appendix 14	Soils Map ( <i>NRCS</i> ).....
Appendix 15	Geotechnical Report and Infiltration Testing ( <i>Wallace Group, Inc.</i> ).....
Appendix 16	Habitat Areas ( <i>Crook County</i> ) .....
Appendix 17	National Wetland Inventory Map ( <i>US Fish and Wildlife Service</i> ).....
Appendix 18	Wetland Delineation ( <i>Pacific Habitat Services, Inc.</i> ).....
Appendix 19	Floodplain Map ( <i>FEMA</i> ) .....
Appendix 20	Water and Sewer Analysis ( <i>Atwell, LLC.</i> ) .....
Appendix 21	Water Rights ( <i>OWRD</i> ) .....
Appendix 22	Easement Exhibit ( <i>Atwell, LLC.</i> ).....
Appendix 23	Sewerage Treatment System Application ( <i>Crook County/DEQ</i> ) .....
Appendix 24	Transportation Impact Analysis (TIA) ( <i>Kittelson &amp; Associates, Inc.</i> ) .....

Appendix 25      Analysis of Definition of “Overnight Lodgings” in Destination Resort Statues (*Kellington Law Group, PC*) .....

Appendix 26      Rough Order of Magnitude Costs (*Sun Communities, LLC*).....

Appendix 27      Property Map within 500 feet (*Western Title & Escrow Company*).....

Appendix 28      Address List (*Western Title & Escrow Company*) .....

Appendix 29      Mailing Labels (*Western Title & Escrow Company*) .....