

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section.

RECEIVED

MAR 07 2022

Check all items included with this application. (N/A = Not Applicable)

OWRD

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: C-85472**
 Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503- _____ Date: **13939** / ____ / ____

Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

13939

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Jorge Lopez, PE / Oregon Water Utilities – Cline Butte Inc.		PHONE NO. (626) 543-2518	ADDITIONAL CONTACT NO.
ADDRESS 1325 N Grand Covina Suite 100		FAX NO.	
CITY Covina	STATE CA	ZIP 91724	E-MAIL jlopez@swwc.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Niall Boggs, PE, CWRE / Parametrix		PHONE NO. (541) 550-7694	ADDITIONAL CONTACT NO. (541) 508-7710
ADDRESS 150 NW Pacific Park Lane		FAX NO.	
CITY Bend	STATE OR	ZIP 97701	E-MAIL nboggs@parametrix.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application, and why:
The purpose of the water rights transfer is to add a point of appropriation (a new backup well) next to an existing well.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

RECEIVED

MAR 07 2022

OWRD

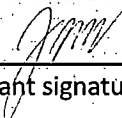
13939

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Bend Bulletin.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

I (we) affirm that the information contained in this application is true and accurate.

RECEIVED



 Applicant signature

Jorge Lopez, Vice President, Engineering

 Print Name (and Title if applicable)

2/25/2022

 Date

MAR 07 2022

 Applicant signature

 Print Name (and Title if applicable)

 Date

OWRD

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No*

**If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see: https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: <input type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner				

Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Deschutes County	ADDRESS 117 NW Lafayette Ave	
CITY Bend	STATE OR	ZIP 97703

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

RECEIVED

MAR 07 2022

OWRD

13939

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 85472

RECEIVED

Description of Water Delivery System

MAR 07 2022

System capacity: 3.34 cubic feet per second (cfs) OR
_____ gallons per minute (gpm)

OWRD

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. The extensive underground domestic distribution system is considered quasi-municipal and serves a variety of private homes, townhomes, condominiums, irrigation of common areas, and commercial areas. The system serving Eagle Crest III is also interconnected and directly serves the Eagle Crest II area of development. Eagle Crest II and portions of Eagle Crest III are located within the same pressure level and water flows to the points of demand throughout the water distribution system, throughout Eagle Crest II and Eagle Crest III.

A domestic water storage reservoir is located on a high point of land adjacent to the Eagle Crest II and Eagle Crest III expansion areas. The storage reservoir "floats" on the system and effectively serves the Eagle Crest II and Eagle Crest III water distribution systems.

Multiple wells contribute to the Eagle Crest II and Eagle Crest III water distribution system and the common storage reservoir. Three wells (wells #6, #7, #8) are located within the Eagle Crest II expansion area of the resort. The water diversions from the Eagle Crest II wells are commingled with the diversion from well #9, located in Eagle Crest III. Wells #6, #7, and #8 are POAs under Certificate #96053. Well #6 pump has a 250 HP motor, Well #7 pump has a 50 HP motor, Well #8 has a 250 HP motor, and Well #9 has a 450 HP motor.

In summary, multiple wells contribute to an interconnected extensive water distribution system that effectively serves all of the demands and uses within Eagle Crest II and Eagle Crest III.

The extensive water distribution system at the Eagle Crest resort is also interconnected to the original Eagle Crest I development area. The Eagle Crest I area, however, primarily receives its water supply from additional water rights and wells located within the Eagle Crest I area. The piping connection between Eagle Crest II/Eagle Crest III and the original Eagle Crest I area is primarily for emergency purposes. Water is not contributed on a regular basis to the Eagle Crest I area, but some contribution is seen annually.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 9	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	DESC 54485	15	S	12	E	16	NE	NE	1512 16AA 0030 0	204 feet south & 476 feet west from NE corner, Section 16
Well 10	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		15	S	12	E	16	NE	NE	1512 16AA 0030 0	247 feet south & 476 feet west from NE corner, Section 16
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|--|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

RECEIVED

MAR 07 2022

OWRD

13939

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 85472

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE:																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
15	S	12	E	16	NE	NE	15 12 16 AA 00300			Quasi- Municipal	Well 9	1998	APOA	15	S	12	E	16	NE	NE	15 12 16 AA 00300			Quasi- Municipal	Well 9 Well 10	1998
TOTAL ACRES:												TOTAL ACRES:														

Additional remarks: _____

11999

RECEIVED

MAR 07 2022

OWRD

Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of DESCHUTES

RECEIVED
 MAR 07 2022
 OWRD

I, NIAL BOGGS, in my capacity as CWRE,
 mailing address 150 NW PACIFIC PARK LN. SUITE 110. BEND, OR 97701
 telephone number (541)550-7694, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # 85472; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

13939

MAR 07 2022

3. The water right was used for: (e.g., crops, pasture, etc.): QUASI-MUNICIPAL USE

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

OWRD

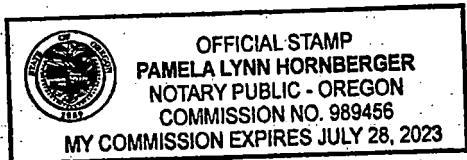
[Signature]
Signature of Affiant

February 24 2022
Date

Signed and sworn to (or affirmed) before me this 23 day of February 2022

[Signature]
Notary Public for Oregon

My Commission Expires: July 28, 2023



Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

13939



COMMUNITY DEVELOPMENT

RECEIVED

MAR 07 2022

OWRD

March 2, 2022

Parametrix
Attn: Niall Boggs
150 NW Pacific Park Lane
Suite 110
Bend, OR 97701

Re: File #247-22-000015-PS, OWRD LUCS

Dear Niall Boggs:

This is to inform you that the Deschutes County Planning Department has reviewed and approved your Oregon Water Resources Department Land Use Compatibility Statement.

If you have any questions, please call me at the Planning Division at (541) 388-6504.

Sincerely yours,

DESCHUTES COUNTY PLANNING DIVISION

Rachel Vickers, Assistant Planner

Encl. OWRD LUCS
TP-00-918

13939

FINDINGS AND DECISION

FILE NUMBER: TP-00-918

**APPLICANT/
PROPERTY OWNER:** Eagle Crest, Inc.
c/o Alan Van Vliet
P.O. Box 1215
Redmond, Oregon 97756

AGENT/ENGINEER: W & H Pacific, Inc.
c/o Ron Hand
920 SW Emkay, Suite C-100
Bend, OR 97702

REQUEST: An application for a tentative plat for a 108-lot subdivision within Eagle Crest Phase III Destination Resort.

STAFF CONTACT: Paul Blikstad, Associate Planner

I. APPLICABLE CRITERIA:

- I. Eagle Crest Phase III Destination Resort Final Master Plan, as outlined in County File nos. CU-99-85 and M-00-1.
- II. Title 17 of the Deschutes County Code, Subdivisions:
- Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans.
Sections 17.16.030 and 17.16.100
- Chapter 17.36, Design Standards.
Sections 17.36.020, 17.36.080, 17.36.140, 17.36.170, 17.36.180 and 17.36.260
- Chapter 17.48, Design and Construction Specifications.
Sections 17.48.100, 17.48.160 and 17.48.180
- III. Title 18 of the Deschutes County Code, Zoning Ordinance:
- Chapter 18.16, Exclusive Farm Use Zones.
Section 18.16.035

13939

Chapter 18.113, Destination Resort - DR Combining Zone.
Section 18.113.040

OWRD

II. **FINDINGS OF FACT:**

1. **LOCATION:** The property is identified on County Assessor's map #15-12, as tax lot 4800. It is located west of the existing Eagle Crest II development, with an intervening parcel under Bureau of Land Management (BLM) jurisdiction.
2. **ZONING:** The subject property is zoned EFU-SC, Exclusive Farm Use - Sisters/Cloverdale Subzone, with a Surface Mining Impact Area (SMIA) combining zone. The site is also within a DR - Destination Resort combining zone. The subject property is designated Agriculture on the Comprehensive Plan Map.
3. **REQUEST:** The applicant is seeking approval of 107 residential lots within portions of Areas 1, 2 and 4 of phase III of the Eagle Crest destination resort, on 93.9 acres within the 480-acre expansion property. The applicant is also proposing one lot (lot 108) as a site for a public utility, as well as several common lots. According to the application, the subdivision will be developed and platted in up to four phases. The 107 lots will be developed for single-family residential dwelling units. Total residential lot area comprises 37.4 acres. The proposed lots range in size from 9,543 to 25,983 square feet, with an average lot size of approximately 15,222 square feet. The proposed utility lot is shown to be approximately two acres.

In order to develop this project, the proposed access road between Eagle Crest phases II and III will need to be extended from the existing road (Eagle Crest Boulevard) to the west across BLM land to provide access to the proposed subdivision. This same road serves areas of the existing Eagle Crest II development, and will be one of two accesses to the new Eagle Crest III phase. All necessary subdivision improvements (water, sewer, power, telephone and cable t.v.) will be underground.

4. **SURROUNDING USES:** The project site is in the northeast portion of the Eagle Crest phase III property, which is currently undeveloped. Property to the north (15-12-9, tax lot 600), east (15-12, tax lot 1500), west and northwest (15-12, tax lots 4900 and 1300), and south (15-12, tax lots 1504 and 5300) are all under public ownership (BLM and State of Oregon), and are managed primarily as open space by these agencies.

Tax lots 4700 and 4701 directly south and east of the subject property are zoned Surface Mining (SM). The remaining zoning surrounding the property is Exclusive Farm Use - Sisters/Cloverdale subzone, with a Surface Mining Impact Area (SMIA) combining zone, and a Destination Resort (DR) overlay zone.

5. **SITE DESCRIPTION:** The site (tax lot 4800) is approximately 480 acres in size and is currently vacant. The site slopes down from the most northerly of Cline Buttes, the peak of which is located just to the southeast of the subject property on tax lot 4700. The site has a juniper woodland vegetative cover, along with various native grasses and shrubs.
6. **PROCEDURAL HISTORY:** The proposed subdivision plan is located in an area approved for such development under File nos. CU-99-85 and RC-99-3 (480-

MAR 07 2022

OWRD

acre expansion of Eagle Crest into phase III), and M-00-1, the Final Master Plan for phase III. The proposed subdivision lies within portions of areas 1, 2 and 4 of the Final Master Plan. The applicant is proposing 107 units to be counted against the potential 900-unit limit for phase III.

7. The Planning Division sent notice of the proposed application to several public agencies and received the following responses:

A. Deschutes County Property Address Coordinator:

All new proposed road names must be approved by the Property Address Coordinator prior to final approval.

B. Deschutes County Road Department:

The applicant is to meet all the following conditions if this land use request is approved:

1. The applicant shall meet all 24 conditions set forth in the approval of Eagle Crest III in CU-99-85 listed on pages 39-42 of the decision of the Deschutes County Hearings Officer.
2. The applicant shall submit the names of all streets to the Deschutes County Address Coordinator as required under section 17.36.120, Street names.
3. The applicant is to submit a signed document showing that the BLM has given approval to connect Eagle Crest Boulevard across BLM land between Eagle Crest II and III.

The Road Department believes that if the applicant meets all of the requirements set forth in the decision of the Deschutes County Hearings Officer on land use request CU-99-85, most of our concerns would be met. All of the roads within Eagle Crest III will be private roads as was the earlier case with Eagle Crest I and II, and thus, the County will not be responsible for the construction or maintenance of the roads within the development. A question we do have is when does the access out to Highway 126 get constructed? Obviously, the access to the highway isn't being constructed as part of this first phase, but it should be constructed during the 2nd or 3rd phases to provide a second access to Eagle Crest III for the provision of emergency services and to provide an evacuation route.

C. Redmond Fire Department:

Fire hydrants must be operational within 250 feet of each lot before combustible construction.

D. Oregon Health Division:

Development has distribution (piping) plan review exemption with the State Health Division. Subdivision distribution work is approved by State per plan review exemption.

13939

MAR 07 2022

E. Watermaster's Office:

OWRD

In the Eagle Crest III burden of proof statement, Title 17, A. III b., page 10, 5th paragraph, there is a statement about the water systems being interconnected between Eagle Crest II and Eagle Crest III. The water right permits for both developments only allow use on the individual developments, not both. This does not preclude the connections of the systems; however, the applicant should be aware that it would be illegal to use water from one development on the other without modification to the water rights.

F. Deschutes County Assessor:

No comments.

G. The following agencies did not respond to the notice: Watermaster's Office, Central Electric Cooperative, US West Communications, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Department of Transportation, and the Bureau of Land Management.

8. The Planning Division sent notice of the proposed subdivision to all property owners within 750 feet of the subject site. No response was received to the notice.
9. **REVIEW PERIOD:** This application was deemed complete and formally accepted on December 15, 2000. The 150th day on which the County must take final action on this application is May 14, 2001.

The applicant has also complied with the posted notice requirements of Section 22.23.030(B) of Title 22. The applicant has submitted a Land Use Action Sign Affidavit dated December 4, 2000, that indicates that the applicant posted the notice of land use action sign on November 30, 2000.

III. CONCLUSIONARY FINDINGS:**A. Conformance with Eagle Crest III Conceptual and Final Master Plans:**

FINDING: The proposed lots are located in an area approved for such development in the Eagle Crest III Conceptual and Final Master Plans. For the record, staff is reviewing the proposed subdivision against the approval conditions for CU-99-85 (as amended by RC-99-3) and M-00-1. The findings for each condition are as follows:

CU-99-85, RC-99-3:

1. **This approval is based upon the submitted Eagle Crest III CMP. Any substantial modification...**

No substantial change has occurred from what was approved in the original CMP from 1999.

2. **The FMP for Eagle Crest III shall show the following...**

MAR 07 2022

The Final Master Plan for Eagle Crest III was reviewed under file no. M-00-1.

OWRD

3. **Development within Eagle Crest Phase III shall be subject to the lot and yard dimension standards in the former Planned Community Zone for Sunriver, former Chapter 18.108 of Title 18 of the Deschutes County Code, a copy of which is attached hereto as Exhibit A.**

For single-family residential lots within Eagle Crest III, the following standards apply: minimum lot area – 6,000 square feet; minimum lot width: 60 feet, except a corner lot shall be a minimum of 70 feet; minimum lot frontage: 50 feet, except on a cul de sac – 30 feet. This section also includes minimum setback requirements and maximum lot coverage of 35%. All of the proposed lots meet the above size standards. The yard and solar setbacks, as well as the lot coverage standard can only be checked at the time of submission of building permits for structures on each lot.

4. **Development within Eagle Crest Phase III shall be subject to the building height limitations in Section 18.120.040 and the off-street parking and loading standards in Section 18.116.030.**

The building height limitation for this phase of Eagle Crest is 30 feet, unless a building height exception is approved through a land use process. The off-street parking and loading standards will be reviewed through site plan applications that will be required.

5. **Development within Eagle Crest Phase III shall be subject to the solar access standards in Chapter 18.116 of Title 18 for single-family residential lots. Exceptions to allow...**

All of the proposed lots will be subject to the solar access ordinance of Title 18. It appears that many of the lots will not have solar access constraints given their orientation to the north, to streets and to open space areas.

6. **The applicant/owner shall assure through continuous monitoring that development within the Eagle Crest Resort, including Phase III, meets the requirement of 50 percent open space.**
7. **The applicant/owner shall assure through continuous monitoring that development within Eagle Crest Resort, including Phase III, does not exceed a maximum density of 1.5 dwellings units per acre.**
8. **The applicant/owner shall assure through continuous monitoring that development within the Eagle Crest Resort, including Phase III, meets the requirement that individually-owned residential units not exceed two such units for each unit of visitor-oriented overnight lodging.**

Prior to final plat approval of this tentative plat in phase III, the applicant will be required to provide the calculations for the above standards. This will be made a condition of approval.

9. **The applicant/owner shall assure through continuous monitoring that the erosion control plan submitted as Exhibit 16 to the burden**

MAR 07 2022

OWRD

of proof is following (sic) throughout development of Eagle Crest Phase III.

10. The applicant/owner shall assure through continuous monitoring that the water conservation plan submitted as Exhibit 19 to the burden of proof is following (sic) throughout development of Eagle Crest Phase III.

Any erosion control occurring and the water conservation plan will require continuous monitoring by the applicant.

11. The applicant/owner shall assure through continuous monitoring that all temporary structures located within Eagle Crest Phase III are limited to use for construction and lot sales and that such structures do not remain on the Phase III site longer than 18 months.

Some temporary structures will require permits, which will be monitored by the Planning Division. Any other structures which do not require a permit can be on the site up to 18 months.

12. The applicant/owner will be required to obtain conditional use approval pursuant to Chapter 18.128 of Title 18 for any timeshare units developed in Eagle Crest Phase III that are not included on the FMP or on individual subdivision plats.

None of the proposed lots are timeshare units.

13. The applicant/owner shall improve all interior roads within Eagle Crest III to the county's standards for private roads, including:

This condition requires right of way sufficient to accommodate the minimum pavement widths and required utility easements. The tentative plan map shows rights of way that vary from 40 to 50 feet, and road widths that are either 20 or 25 feet. The only roads that can be 20 feet wide are the low-volume side loop roads and cul de sacs. Roads such as Eagle Crest Boulevard and William Lyche Drive must be 25 feet wide. These roads must also include a 10-foot wide paved bicycle/pedestrian path, including that portion of Eagle Crest Boulevard between phases II and III of Eagle Crest on the BLM land.

14. The applicant/owner shall provide two points of access to Eagle Crest III including an access to Cline Falls Road through Eagle Crest II and an access to Highway 126. The applicant/owner shall...
15. The applicant/owner shall improve the two required access roads across BLM land to the county's rural local road standards set forth in Condition 13 above. However, if the grants of right of way...

The applicant is required to construct the road between Eagle Crest II and III as part of this subdivision approval. This road must be constructed to the 25-foot minimum standard, including the 10-foot wide bicycle/pedestrian path. The second access road to Highway 126 must also be constructed to the same standard, including bicycle path. The final master plan decision on Eagle Crest III specifies that the second access road must be constructed when 25 dwelling units are completed.

MAR 07 2022

OWRD

16. **The applicant/owner shall obtain written approval from the Oregon Department of Environmental Quality for a modification to the existing WPCF permit ...**

The applicant submitted a copy of a letter from DEQ stating that approval for additional flow into the existing system has been granted for EC III for the final master plan review. Connection to the City of Redmond's sewage treatment system or additional on-site system construction will be required for full build-out of the resort.

17. **The applicant/owner shall obtain approval from the Oregon Water Resources Department for a groundwater permit for the new well for Eagle Crest III. A copy of the groundwater permit...**

The applicant submitted a copy of the final order from OWRD for the groundwater permit as part of the final master plan review..

18. **The applicant/owner shall obtain written approval from the Oregon State Health Division for the proposed domestic water system for Eagle Crest Phase III. A copy of the written approval...**

The applicant submitted a copy of a letter from OHD stating the resort's exemption status for plan review is renewed for 2000. An updated letter for the new subdivision must be submitted as part of final plat review.

19. **The applicant/owner shall obtain approval of annexation of the Eagle Crest Phase III site in the the boundaries of DCRFPD No. 1.**

The annexation to the RFPD was verified by staff through County Commissioner's Order No. 99-166, dated November 10, 1999.

20. **The applicant/owner shall assure through continuous monitoring and the construction of water storage and delivery facilities and fire hydrants that the minimum required fire flow of 2,500 gpm is available at all times during development of Eagle Crest Phase III.**

As indicated in the approval for M-00-1, the minimum fire flow according to the Redmond Fire Department is 1,500 gpm versus the 2,500 listed by the Hearings Officer. The applicant will be required to obtain written verification from the Fire Department that all standards have been met prior to final plat approval for each proposed phase.

21. **The applicant/owner shall submit with the FMP approval application a wildlife habitat and mitigation plan, or equivalent document(s)...**

The applicant submitted a wildlife mitigation plan as part of the FMP application that was signed by both the applicant and ODFW.

22. **The applicant/owner shall comply with the terms of the Memorandum of Understanding dated October 12, 1999, between Eagle Crest, Inc. and ODOT...**

13939

MAR 07 2022

OWRD

The applicant will be required to meet the terms of the MOU with ODOT as required under this condition.

- 23. The applicant/owner shall submit with the FMP approval application a noise analysis prepared by a licensed engineer or other professional...**

The applicant submitted the noise analysis as part of the FMP application.

- 24. The applicant/owner shall assure the execution and recording of a waiver of remonstrance in accordance with section 18.56.120...**

The waiver must be recorded either prior to or with the recording of the final plat for the first phase of this subdivision.

M-00-1

- 1. All conditions of the Conceptual Master Plan approval shall be met and continue to be met throughout the life of the project, unless approval is granted for any changes.**

This condition of approval will assure that the requirements of CU-99-85 (as amended by RC-99-3) are met.

- 2. Site plan and subdivision application and approval shall be required for the applicable phases of development.**

The applicant has applied for the first phase of Eagle Crest III through the subject subdivision application.

- 3. Direct access to the main road access road within phase III shall not be taken from individual lots.**

The tentative plat demonstrates that none of the proposed 107 lots will take access from the main access road. The proposed utility lot will require access from the main road.

- 4. The secondary access road extending from Highway 126 to the Eagle Crest III project shall be constructed no later than the construction and completion of 25 dwelling units within the project.**

This condition will be monitored through the building permits issued for any dwelling units within Eagle Crest III. Once a final plat is recorded for this portion of Eagle Crest III, all dwellings will be monitored for completion to ensure that the secondary access road is constructed as required. If any site plan approvals are granted for other than single-family dwelling lots, the other dwelling units will be monitored to assure that regardless of the type of dwelling unit, the 25-unit threshold for construction of the access road will be met.

- 5. The main roads within phase III of the project shall include a paved pedestrian/bike path a minimum of 10 feet wide, including the road connection between phases 2 and 3.**

Staff finds that Eagle Crest Boulevard and William Lyche Drive constitute main roads within this project. Consequently, these roads must be constructed to the minimum 25-foot wide standard, and must also include an additional 10-foot wide bicycle/pedestrian path along the road.

7. **Maintenance of all roads within the project shall be assured through Covenants, Conditions and Restrictions or other homeowner's association documents. These shall be recorded with the first phase of development within the project and shall be binding upon all phases within Eagle Crest III.**

The CC & R's for the third phase will be required to be recorded with the first phase of Eagle Crest III.

8. **The final plats for each phase shall include any necessary utility easements.**

The utility companies did not respond to the transmittal notice sent by staff. It is not clear if any utility easements are necessary.

9. **The applicant shall continue to meet all requirements of the State of Oregon Health Division and Oregon Department of Environmental Quality for construction and use of the community water and sewer systems within the phase III project. The community sewer system within the Eagle Crest resort will require either connection to the City of Redmond's sewer system, or additional on-site construction within the resort property.**

Final plat approval for each phase of the subdivision will require that the applicant submit written verification from OHD and DEQ for compliance with the water and sewer system requirements.

10. **The applicant shall follow the wildlife mitigation as outlined in the plan dated January 7, 2000. Verification of compliance with the plan from the Oregon Department of Fish and Wildlife shall be required two times a year, due on January 1st and July 1st of each calendar year.**

This condition must be met by the applicant throughout the life of the project.

11. **All setback standards under section 18.113.060(G)(2) shall be met by the development within phase III.**

The proposed lots are for single-family residences. As indicated on the tentative plat drawing, the closest lot line to the exterior boundary of this portion of phase III is 150 feet, assuring that any structure will meet the standard under 18.113.060(G)(2)(iii) for above-grade development other than commercial, multi-family and visitor-oriented accommodations. Additionally, there are no roads within 100 feet of the boundary, except for the entrance road, which is allowed.

12. **The open space plan shall be followed as outlined in exhibit no. 9 of the conceptual master plan. Conformance with the open space plan shall require a written report to the Planning Division due by the end of each calendar year.**

The plan is required to be followed and the written report will be required each year.

13. **A Waiver of Remonstrance Easement shall be signed for the entire phase III expansion property prior to recording of any first phase of the project.**

At the time of platting of the first phase of the proposed subdivision, the waiver must be recorded.

14. **At the time of development of the phases identified as Areas 6 and 8 on the master plan, the applicant shall assure compliance with the Surface Mining Impact Area requirements prior to approval of any tentative plat or site plan for development in these areas.**

The applicant is not proposing at this time to develop the areas shown as 6 and 8 on the final master plan.

B. Conformance with Title 17 of the County Code:

A. Chapter 17.16, Approval of Subdivision Tentative Plans

1. 17.16.030, Informational Requirements.

FINDING: The applicant's engineer, W&H Pacific, has prepared a tentative plat and a burden of proof statement which contains all of the information required by this section. The plat has been submitted in support of this application. In addition, a title report has been prepared and submitted in support of the tentative plat.

2. 17.16.100, Required Findings for Approval

A tentative plan for a proposed subdivision shall not be approved unless the Planning Director or Hearings Body finds that the subdivision as proposed or modified will meet the requirements of this title and Titles 18 through 21 of this code and is in compliance with the comprehensive plan. Such findings shall include, but not be limited to, the following:

FINDING: Compliance with Titles 17 and 18 of the Deschutes County Code is addressed in findings below. Titles 19, 20 and 21 are applicable to the Bend, Redmond and Sisters Urban Growth Boundaries, respectively, and are not applicable to the subject property. The requirements of the Comprehensive Plan are codified within the Zoning Ordinance. Because no change to the Comprehensive Plan is sought by this application, staff finds that conformance with Chapters 17 and 18 also indicate conformance with the Comprehensive Plan. In addition, the proposed subdivision is in conformance with the Final Master Plan approval for Eagle Crest III, as discussed in foregoing findings.

- A. *The subdivision contributes to the orderly development and land use patterns in the area, and provides for the***

MAR 07 2022

OWRD

preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands and other natural resources.

FINDING: According to the applicant, the proposed development contributes to the orderly development of Eagle Crest III as it is the first phase of Eagle Crest III and is in accordance with the approved Eagle Crest III Final Master Plan. The proposal will provide the connection between Eagle Crest II and III, as approved in the conceptual and final master plans. The road connection to Highway 126 will also be required when 25 dwelling units are completed. It provides for an efficient utilization of land by developing a parcel already approved for the use.

Natural contours will be preserved to some extent because the applicant has generally designed the roads to follow the topography of the site. No special natural resources are found on the subject site. The wildlife mitigation plan and the open space plan must be followed.

Based on the above findings, staff finds the design of the lots will contribute to the orderly development and land use patterns in the area.

B. The subdivision will not create excessive demand on public facilities, services and utilities required to serve the development.

FINDING: According to the applicant, the proposed residential lots were contemplated at the time of master plan approval. The Eagle Crest III Master Plan sets the maximum number of dwelling units at 900. Public facilities for Eagle Crest III will be sized for a build-out of 900 units, allowing the proposed subdivision to be developed without any negative effect on existing or future service capacities.

Public street access to Eagle Crest III will be provided initially from an extension of Eagle Crest Boulevard west across BLM land to phase III. A secondary access from Highway 126 will be required when 25 dwelling units have been completed within this phase of Eagle Crest III. The construction of a left-turn refuge and a right-turn deceleration lane at the Highway 126 entrance will be required by ODOT.

Access to the proposed lots will be provided by Eagle Crest Boulevard and William Lyche Drive, with two loop roads extending from these two roads, as well as two proposed cul de sacs. The loop roads will be constructed to a width of 20 feet within a 40-50 foot wide right-of-way; the cul de sacs will be constructed to a width of 20 feet within a 50-foot wide right of way, with 45-foot radius cul de sac bulbs or circles. These new streets will provide efficient and direct access to vehicles, bicyclists, and pedestrians. Trail easements are shown between lots 20-21, 42-43, 33-34 and 7-8 in the first loop, and lots 5-6 and 54-55 in the second loop, as well as at the end of the most easterly cul de sac. Easements for the trail through these lots must be shown on the final plats.

The proposed street layout also provides access for emergency vehicles and allows for efficient evacuation of residents in emergency situations.

Pedestrian and bicycle access is further enhanced by the proposed pathways.

Sanitary sewage disposal will be provided by the Cline Butte (Eagle Crest) Utility Company sanitary sewage disposal system. Pressure sewer lines will be extended from the existing system to serve the proposed lots. These proposed lines are shown on the tentative subdivision plan. All collection and distribution of waste must be done in accordance with the Department of Environmental Quality WPCF permit for Eagle Crest.

Domestic water to the lots will be provided by the existing Cline Butte (Eagle Crest) Utility Company. This system utilizes deep wells and a storage reservoir. The applicant states that the water main extension will interconnect the water delivery system for Eagle Crest II and III. The applicant further states that the existing storage facility, including its fire protection capacity, will be directly available to Eagle Crest III through gravity flow. The applicant will be required to obtain written verification of fire flow requirements from the Redmond Fire Department for the final plats for each phase prior to final plat approval. Water for the fire suppression system will be provided by the installation of fire hydrants at a spacing acceptable to the Redmond Fire Department. The proposed sewer and water lines are shown on the submitted tentative plan.

Electrical power, cable t.v. and telephone service will be provided to each lot through the extension of underground lines. Garbage and recycling service will be provided to each lot.

C. *The tentative plan for the proposed subdivision meets the requirements of Oregon Revised Statutes Section 92.090.*

FINDING: W&H Pacific has created a subdivision tentative plat which contains all of the informational requirements of Title 17, the County Subdivision Ordinance. The requirements of ORS 92.090 have been codified into the County Code in Title 17. Thus staff finds that conformance with Title 17 will ensure the proposal complies with ORS 92.090.

D. *For subdivision or portions thereof proposed within a Surface Mining Impact Area...*

FINDING: The applicant will be required to sign and record a waiver of remonstrance for the subject property prior to or at the same time as the recording of the first plat for this proposed subdivision.

E. *The subdivision name have been approved by the County Surveyor.*

FINDING: The proposed name of the subdivision is Eagle Crest 3, Phase 1 (the Ridge at Eagle Crest 34). Final approval of the proposed name must be obtained prior to final platting.

B. Chapter 17.36, Design Standards.

1. **17.36.020, Streets.**

- A. *The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety...***

FINDING: Based on the submitted tentative plan, staff finds the proposed location of the streets and pathways provide for continuation of and connection to the connecting road between Eagle Crest II and III, which has not yet been constructed. When 25 dwelling units are completed in Eagle Crest III, the access road to Highway 126 must be constructed. These connections will provide two access points to the project which assure adequate circulation for all modes of transportation, including emergency vehicles. Proposed street centerlines align with the street centerline for the connecting road between Eagle Crest II and III. Street widths will comply with the standards set forth in CU-99-85 and M-00-1. Street grades will be in compliance with the applicable design standards.

- B. *Streets in subdivisions shall be dedicated to the public, unless located in a destination resort, planned community or planned or cluster development, where roads can be privately owned.***

FINDING: This project is located within Eagle Crest, a destination resort. All streets within the subdivision will be private streets, which will be required to be constructed to the applicable standards for private street standards identified in the Master Plan approval.

2. **17.36.080, Future Extension of Streets. *When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.***

FINDING: According to the submitted tentative plan, the subdivision will be the first lots in phase III. Construction of the connecting road between Eagle Crest II and III and extending Eagle Crest Boulevard and William Lyche Drive will allow the two loop roads to be constructed. This will be the first phase in Eagle Crest III, that will provide a continuous road in this portion of the resort. No additional streets will be needed in the area at this time.

3. **17.36.140, Bicycle, Pedestrian and Transit Requirements.**

- A. *Pedestrian and Bicycle Circulation within Subdivision:***

FINDING: The applicant states that bicycle paths are proposed in the project. Staff has observed that there are bicycle paths within Eagle Crest II, and the paths in Eagle Crest III will be part of the overall system.

- B. *Subdivision Layout. Cul-de-sacs or dead-end streets shall be allowed only where, due to topographical or environmental constraints, the size and shape of the parcel, or a lack of through-street connections in the area, a street connection is determined by the Planning Director or Hearings Body to be***

MAR 07 2022

OWRD

infeasible or inappropriate. In such instances, where applicable and feasible, there shall be a bicycle and pedestrian connection connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.

FINDING: The applicant is proposing two cul de sacs as part of this application. There are no neighborhood activity centers near the proposed project, and it is in a destination resort, where street connections at the boundaries of the property are not critical. Additionally, the adjacent property is BLM land. The cul de sacs must be constructed with a minimum 45-foot radius bulb or loop. Staff finds this criterion to be satisfied.

4. 17.36.160, Easements.

A. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

B. Drainage. If a tract is traversed by a water course...

FINDING: No utility easements have been requested by the electric or phone companies. There are no water courses adjacent to the subject site.

5. 17.36.170, Lots - Size and Shape. The size, width and orientation of lots or parcels shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot or parcel size provisions of Titles 18 through 21 of this code...

FINDING: The size, width, and orientation of the parcels are appropriate to the use contemplated and meet the requirements of the Eagle Crest Master Plan and Chapters 17 and 18 of the County Code.

6. 17.36.180, Frontage.

A. Each lot or parcel shall abut upon a public road for at least fifty feet, except for lots or parcels fronting on the bulb of a cul-de-sac, then the minimum frontage shall be 30 feet, and except for partitions off of U.S. Forest Service or Bureau of Land Management roads.

B. All side lot lines shall be at right angles to street lines or radial to curved streets wherever practical.

FINDING: All streets within Eagle Crest are private. The proposed lots have frontage on the proposed roads, and the side lot lines are generally at right angles to the street lines.

7. **17.36.210, Solar access performance.**

A. ***As much solar access as feasible shall be provided each lot or parcel in every new subdivision or partition, considering topography, development pattern and existing vegetation...***

FINDING: The proposed lots are subject to the solar setback requirements of Title 18. Many of the lots will have no solar constraints, as they have either right of way or open space/common area directly north of them. The other lots will be subject to the solar constraints of the ordinance.

8. **17.36.260, Fire Hazards. *Whenever possible, a minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease resident evacuation.***

FINDING: The proposed subdivision will have two access points once the proposed road connection between Eagle Crest II and III is completed, and the road connection to Highway 126 is also completed. The road connection to Highway 126 must be constructed at the time of completion of 25 dwelling units in Eagle Crest III. Therefore, staff finds this criterion to be satisfied.

9. **17.36.300, Public water system. *In any subdivision or partition where a public water system is required or proposed, plans for the water system shall be submitted and approved by the appropriate state or federal agency. A community water system shall be required where lot or parcel sizes are less than one acre or where potable water sources are at depths greater than 500 feet, excepting land partitions. Except as provided for in sections 17.24.120 and 17.24.130, a required water system shall be constructed and operational, with lines extended to the lot line of each and every lot depicted in the proposed subdivision or partition plat, prior to final approval.***

FINDING: The Oregon State Health Division has stated that the applicant has an exemption for all distribution piping within the resort. The applicant will need to obtain written verification of the exemption for the proposed lots in phase 1 of Eagle Crest III prior to final plat approval.

D. **Chapter 17.48, Design and Construction Specifications**

1. **17.48.100, Minimum right of way width.**

The minimum right of way is 60 feet unless specified otherwise in Table A.

FINDING: Table A does not identify a minimum right-of-way width for private streets. All the streets within Eagle Crest are private and will be maintained initially the developer and ultimately by the homeowner's association for Eagle Crest. The applicant has proposed 40 and 50-foot rights of way for the main road and for the cul de sacs (50-foot radius for the bulb). Staff finds that this right-of-way width will be sufficient to accommodate the proposed street widths and all utility improvements, and is also allowed by the master plan for Eagle Crest III.

2. **17.48.160. Road Development Requirements – Standards.**

A. **Subdivision Standards. All roads in new subdivisions shall either be constructed to a standard acceptable for inclusion in the county maintained system or the subdivision shall be part of a special road district or a homeowners association in a planned unit development.**

FINDING: The roadways within the proposed subdivision will be private roadways. Maintenance of the roadways will be made a responsibility of the developer initially and ultimately by the homeowners association at some point in the future. Staff finds that the proposed roadways comply with all identified standards.

F. **Cul-de-sacs. Cul-de-sacs shall have a length of less than six hundred feet, unless a longer length is approved by the applicable fire protection district, and more than one hundred feet from the center of the bulb to the intersection with the main road. The maximum grade on the bulb shall be four percent.**

FINDING: The proposed cul de sacs range in length from approximately 250 to 400 feet in length, meeting the above standard. As indicated above, the ends of the cul de sacs must have a 45-foot radius bulb or circle to meet the minimum standard.

3. **17.48.180. Private Roads. The following minimum road standards shall apply for private roads:**

A. **The minimum paved roadway width shall be twenty-four feet in planned unit developments and cluster developments containing twenty or more residential units when separate paved bicycle/pedestrian ways are provided in such developments, the minimum paved roadway width shall be twenty-eight feet, including four-foot wide bike lanes, and two-foot wide gravel shoulders;**

FINDING: The applicant proposes to construct all streets within this project in accordance with the street standards set forth in CU-99-85 and M-00-1. These documents dictate a 20 width for lesser roadways and a 25 foot width for major through streets. Staff finds that the standards set forth in the above approvals are specific to Eagle Crest and supersede the standards set forth in this criterion. As a condition of approval, all roadways will be constructed in accordance with the standards approved in the Eagle Crest III Final Master Plan.

B. Minimum radius of curvature, fifty feet;

C. Maximum grade, 12 percent;

FINDING: According to the applicant, the proposed roadways within the subdivision are designed to comply with these standards. Further compliance with these standards will be demonstrated by the construction plans for this project, which require approval from the County Road Department.

D. At least one road name sign will be provided at each intersection for each road.

FINDING: The applicant has indicated road name signs will be provided at all intersections. Therefore, staff finds this criterion can be satisfied.

E. A method for continuing road maintenance acceptable to the County;

FINDING: Continuing road maintenance will ultimately be the responsibility of the homeowners association for Eagle Crest. According to the applicant, provisions for the continuing maintenance will be set forth in the CC&R's for Eagle Crest and funded by the collection of association dues.

F. Private road systems shall include provisions for bicycle and pedestrian traffic. Shoulder bike lanes shall be a minimum of 4 feet wide, paved and striped, with no on-street parking allowed within the bikeway. When private roads are developed to a width of less than 28 feet, bike paths constructed to County standards shall be required.

FINDING: The roadways are proposed to be constructed to a width of less than 28 feet. Bicycle/pedestrian paths must be constructed along Eagle Crest Boulevard and William Lyche Drive, as required in the CMP and FMP decisions. According to the submitted burden of proof statement, on-street parking will not be allowed anywhere within Eagle Crest. Sufficient space for off-street parking spaces is provided on each lot, making on-street parking unnecessary.

C. Conformance with Title 18 of the Deschutes County Code.

1. Chapter 18.16, Exclusive Farm Use - EFU Zone.

FINDING: The subject property is zoned for Exclusive Farm Use, with a Destination Resort Combining Zone overlay. The site is within a Destination Resort approved pursuant to the provisions of Chapter 18.113, the DR-Zone. Pursuant to section 18.113.020(B), when the provisions of the DR zone are applicable, "they shall supercede all other provisions of the underlying zone." Therefore, the provisions of Chapters 18.16 are not applicable to the subject proposal.

2. Chapter 18.113, Destination Resort - DR Combining Zone.

FINDING: As stated above, the subject property is located within a Destination Resort approved pursuant to the provisions of Chapter 18.113 (County files CU-99-85 and M-00-1). Pursuant to section 18.113.040, the authorization of a permit for a destination resort consists of three steps: Conceptual Master Plan, Final Master Plan and Site Plan Review. The applicant has received County approval of both the CMP and FMP. Subsection (C) of 18.113.040 provides that:

"Each element or development phase of the destination resort must receive additional approval through the required site plan review (Chapter 18.124 of the County Code). In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of this chapter and the FMP."

The applicant is seeking tentative subdivision plan plat approval for the development. The proposed lots will be created through the subdivision process. The proposal is in compliance with the Final Master Plan as discussed above.

IV. CONCLUSIONS:

The applicant has demonstrated conformance with all applicable standards of Title 17 and 18 of the County Code if all of the following conditions are met.

V. DECISION:

APPROVAL

VI. CONDITIONS OF APPROVAL

1. Approval is based upon the submitted plan. Any substantial change in the subdivision will require a new application.
2. The applicant shall have a licensed land surveyor prepare a subdivision plat for each phase which conforms with Oregon Revised Statutes Chapter 92 and Title 17 of the Deschutes County Code. The plat shall contain a statement of water rights, and the certificate or permit number, if a water right or permit is appurtenant to the subdivision. The final plat shall include the exact lot sizes for each lot.
3. All ad valorem taxes, fees, and other charges that have become a lien on the property shall be paid.
4. Any and all proposed road names must be approved by the property address coordinator before final approval. Road signs shall be placed at all intersections.
5. All existing and proposed easements and rights-of-way shall be shown on the final plat. The final plat shall also indicate the 150-foot building setback requirement of the destination resort ordinance; the setback shall be shown as dashed lines and labeled on the final plat.

MAR 07 2022

6. The final plat shall meet all requirements for necessary information as required in Section 17.24.060 of the Deschutes County Code. OWRD
7. The location of the fire hydrants shall be approved by the Redmond Fire Department. All hydrants must be installed and operational and all roads must meet minimal fire code standards prior to final plat approval. The applicant shall submit a letter from the Redmond Fire Department indicating the required fire protection facilities have been constructed prior to final plat approval.
8. The applicant shall construct all improvements under the inspection and approval of the Deschutes County Road Department. The Road Department may accept certification of a registered professional engineer consistent with ORS 92.097.
9. Eagle Crest Boulevard and William Lyche Drive shall be constructed to the minimum 25-foot standard, and must also include an additional 10-foot wide bicycle/pedestrian path along the road.
10. A Waiver of Remonstrance for surface mining site no. 252 shall be recorded for the subject property prior to or at the same time as the final plat for the first phase of this subdivision.
11. The applicant shall submit an up-to-date letter from the Oregon Health Division verifying approval of the domestic water system for phase III.
12. The primary access road from Eagle Crest II to Eagle Crest III shall be constructed prior to final plat approval of the first phase of the proposed subdivision. The secondary access road to Highway 126 shall be constructed when 25 dwelling units have been completed within Eagle Crest phase III. These roads shall be constructed to the standards established under file nos. CU-99-85 and M-00-1, including bicycle/pedestrian paths.
13. Street signs shall be required at all intersections within the proposed subdivision.
14. The proposed trail through the subdivision shall be completed as shown on the tentative plan prior to final plat approval of the phases through which the trail extends.
15. The cul de sacs shall be constructed with minimum 45-foot radius bulbs or circles. The loop roads and non-bulb sections of the cul de sacs shall be improved to the minimum 20-foot wide standard required under CU-99-85 and M-00-1.
16. The erosion control and water conservation plan shall require continuous monitoring by the applicant.
17. The applicant shall provide at the time of final plat review application verification that the 50 percent open space, maximum density dwelling units, and individually owned residential units standards are met prior to final plat approval.

13939

VII. DURATION OF APPROVAL:

Final plat approval of the first phase of this proposed subdivision shall be submitted within two (2) years of the date this decision becomes final, or otherwise extended through the provisions of Title 22 of the County Code, or the approval shall be void. All subsequent phases within this phase 1 of Eagle Crest III subdivision shall be recorded within 3 years of the recording of the final plat for the first phase.

This decision becomes final twelve (12) days from the date mailed, unless appealed by a party of interest.

DESCHUTES COUNTY PLANNING DIVISION

RECEIVED

MAR 07 2022

Written by: Paul Blikstad, Associate Planner

OWRD

Reviewed by: Kevin M. Harrison, Principal Planner

PEB

STATE OF OREGON WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

(1) OWNER:

Name: Eagle Crest Resort
Address: 920 SW Emkay DR Suite C-100
City: Redmond State: OR Zip: 97702

(2) TYPE OF WORK: (repair/
[X] New Well [] Deepening [] Alteration recondition [] Abandonment

(3) DRILL METHOD:
[X] Rotary Air [] Rotary Mud [] Cable [] Auger
[] Other:

(4) PROPOSED USE:
[X] Domestic [] Community [] Industrial [X] Irrigation
[] Thermal [] Injection [] Livestock [] Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval [] Yes [X] No
Depth of Completed Well 735"
Explosives Used [] Yes [X] No Type --- Amount ---

Table with columns: HOLE Diameter, From, To, Material, SEAL From, To, sacks or pounds. Row 1: 23, 0, 20, Cement, 0, 20, 34 Sacks.

How was seal placed: Method [] A [] B [X] C [] D [] E
Backfill placed from ___ to ___ Material ___
Gravel placed from 635 to 736 Size of gravel: #6-9sand

(6) CASING/LINER:
Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Row 1: 18", +1, 20, .375, [X], [], [X], [].

LINER:
Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Row 1: 8", 663, 671, [], [], [], [].

(7) PERFORATIONS/SCREENS:
Table with columns: From, To, Slot Size, No., Diameter, Tele/pipe size, Casing, Liner. Row 1: 628, 663, .20, [], 8", P, [], [X].

(8) WELL TESTS: Minimum testing time is 1 hour.
[] Pump [] Bailer [X] Air [] Flowing Artesian
Yield gpm Drawdown Drill Stem at Time
500' 610 8
Temperature of water 51 Depth Artesian Flow Found ---
Was a water analysis done? --- By whom: ---
Did any strata contain water not suitable for intended use? (explain) ---
Depth of Strata: ---

WELL ID # L 50204
START CARD # 111252

RECEIVED

(9) LOCATION OF WELL by legal description:
County: Deschutes Latitude: Longitude:
Township: 15 S Range: 12 E
Section: 16 NE 1/4 NE 1/4 OWRD
Tax Lot: 4800 Lot: N/A Block: Subdivision:
Street Address of Well (or nearest address) Eagle Crest Dr

(10) STATIC WATER LEVEL:
508 Ft. below land surface Date 11/15/01
Artesian pressure lb. per sq. in. Date

(11) WATER BEARING ZONES:
Table with columns: From, To, Est. Flow Rate, SWL. Row 1: 630, 660, 200+, 508.

(12) WELL LOG:
Table with columns: Material, From, To, SWL. Row 1: Top Soil, 0, 2, [].

Date Started: 5/21/01 Completed: 11/15/01
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
Signed Dave Smith WWC Number 1487 Date 11/20/01

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed WWC Number 723 Date 11/20/01