

SECTION 4.085 COMPLIANCE

Section 4.083

4. *Evidence that the resort will comply with all the standards and criteria of Section 4.085.*

The Crook Point resort is considered a Large Resort and therefore must comply with Section 4.085(1) Large Resort Standards of the Destination Resort Ordinance. Below is the list of those standards with each followed by supporting evidence that the Crook Point project complies.

1. *Large Resort Standards*

- a. *The resort will be located on a site of 160 acres or more, except within two miles of the ocean shoreline where the site shall be 40 acres or more in size.*

The proposed Crook Point destination resort is located on the ocean shoreline and contains approximately 443 acres.

- b. *The resort site is shown as being eligible for the siting of a destination resort on the Curry County Map of Eligible Lands for Destination Resorts.*

The resort site is shown on the Curry County Map of Eligible Lands for Destination Resort dated May 27, 2010, as approved by the Board of Commissioners on June 2, 2010.

- c. *At least 60 percent of the site will be dedicated to permanent open space.*

As indicated on page 27 of the Master Plan the site is planned with 92.4% open space which includes the 18-hole and 9-hole golf courses and undeveloped areas.

- d. *At least \$7 million (Spending requirements are in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumers Price Index) will be spent on improvements for on-site developed recreational and visitor oriented accommodations exclusive of cost for land, sewer and water facilities, and roads. At least one-third of this amount must be spent on developed recreational facilities.*

In 2010 dollars the spending requirement is approximately \$10 million. The estimated cost of the development excluding land, sewer, water and roads is \$41,500,000 of which at least \$15,000,000 will be spent on recreational facilities. The cost of each phase is shown on pages 40 – 45 of the Master Plan.

Therefore, this development will obviously exceed the spending requirement.

- e. Visitor oriented accommodations including meeting rooms, restaurants with seating for at least 100 persons and a minimum of 150 overnight lodging units shall be provided.*

When fully developed Crook Point will provide 175 overnight lodging units and restaurant seating for approximately 350 people plus an additional conference room with seating for 275 people. Details for these facilities are on pages 47 – 49 of the Master Plan.

- f. Commercial and entertainment uses shall be limited to types, numbers, location and levels of use necessary to meet the needs of visitors to the resort. Industrial uses of any kind are not permitted. Commercial uses may include specialty shops such as delis, clothing stores, bookstores and gift shops; barber shops or beauty salons; automobile service stations limited to fuel and tire sales; art galleries; convenience stores; real estate office, limited to the sale of lots or units within the resort; and other similar uses.*
 - 1. Its primary purpose is to provide good or services that are typically provided to overnight or other short-term visitors to the resort; and*
 - 2. The use is oriented to the resort and is located away from or is screened for the highways and other major roads.*

There are no industrial uses planned for the resort and, as can be seen in the Master Plan, the commercial uses are limited to serve the resort visitors and oriented so not to be an attraction from the highway. It is anticipated that the vast majority of customers using the resort facilities will be guests of the resort.

- g. Large resorts must also comply with Subsection 3 of this Section.*

Subsection 3 of this Section is below along with supporting evidence of compliance.

3. Additional Standards for Both Large and Small Resorts

- a. *Important features, including habitat of threatened or endangered species, streams, rivers and significant wetlands shall be retained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. Alteration of natural features, including placement of structures, may be allowed provided the overall values of the feature are retained.*

The resort is designed to minimize any impact in the natural features of the site. There are no known threatened or endangered species on the site. A Wildlife Habitat Assessment prepared by Pacific Habitat Services is included the Other Supporting Documents section of this application packet.

A wetland study is included in the Other Supporting Documents section of this application packet. The design of the project has taken in account a 100 foot setback for riparian vegetation. The setbacks are shown on page 22 of the Master Plan.

- b. *Improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on farming and forestry operations in the area and on state parks and national wildlife refuges. At a minimum, measures to accomplish this shall include the establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and, where appropriate, fences, berms, landscaped areas and other similar types of buffers and setbacks as part of the tentative resort plan and the Planning Commission shall determine whether the proposed measures are adequate to avoid or minimize impacts to surrounding lands. Adverse effects on surrounding lands are to be avoided first and minimized if avoidance is not possible. The Planning Commission may set forth additional conditions to avoid or minimize impacts to surrounding lands.*

The resort has been designed to minimize impact in surrounding lands. On the west side of Highway 101, there are landscaped buffers and/or fences along the property lines to avoid any impact to neighboring properties.

The uses on the east side of Highway 101 are limited to overnight lodging (cabins), employee housing and equestrian facilities. All of these are well buffered from surrounding lands.

- c. *Any designated Goal 5 resource on the tract where the resort will be sited will be preserved through conservation easements as set forth in ORS 271.715 to 271.795. A conservation easement under this section shall be sufficient to protect the resource values of the Goal 5 site and shall be recorded with the property records of the tract on which the destination resort is sited.*

Through the mapping process of this site it was determined that there are no significant Goal 5 resources on the Crook Point resort site. Therefore, no conservation easements are required.

- d. *Adequate access to serve the resort exists or will be provided by the developer. For fire safety purposes, more than one road for ingress and egress shall be provided unless the resort includes a fire safety area that is large enough so that all visitors and residents of the resort can congregate in vehicles and survive a passing wildfire. If a safety area is provided, it shall be kept free of combustible material and vegetation. Information indicating the location of the safety area shall be provided to all resort visitors and residents, and signs shall be posted around the safety area and throughout the resort providing directions to the safety area.*

The number of accesses is limited to that which is approved by ODOT. However, there is adequate fire safety areas located throughout the resort as shown on page 21 of the Master Plan

- e. *The resort developer shall demonstrate that the resort will not significantly affect a transportation facility identified in an adopted Transportation System Plan by:*
1. *Changing the level of service of an existing or planned transportation facility;*
 2. *Changing standards implementing the street classification;*
 3. *Allowing types or levels land uses which result in levels of travel or access which are inconsistent with the level of service of a transportation facility;*
or
 4. *Reducing the level of service of the facility below the minimum acceptable level identified in the Curry County Transportation System Plan.*

A Transportation Impact Study was prepared by Hann Lee & Associates and approved by ODOT. This study is included in the Traffic section of this application packet. The study indicates that there is no capacity issue with the development. All required improvements are for purpose of safety concerns.

- f. *Any component of the resort plan, any subsequent site plan, or any development, which significantly affects a transportation facility shall assure that the proposed uses or development are consistent with the identified function, capacity, and performance standards of the transportation facility by either:*
1. *Limiting allowed uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*
 2. *Altering densities of design requirements to reduce demand for automobile travel and meet travel needs through other modes; or*
 3. *Providing transportation facilities adequate to support the proposed uses.*

See Traffic Impact Study included in the Traffic section of this application packet.

- g. *Any portion of the tract which the resort will be sited that is in an area of special flood hazard, has slopes exceeding 25 percent, or is subject to other natural hazard shall not be altered or developed except for the following uses:*
1. *Outdoor recreation facilities including golf courses, bike paths, trails, or similar facilities;*
 2. *Minor drainage improvements which do not significantly impact important natural features or the stability of the site; and*
 3. *Roads, bridges and utilities where there are no feasible alternative locations on the site.*
 4. *Development approved under the provisions of CCZO Section 3.250 – Natural Hazard Overlay Zone (NH)*

There are no special flood hazard areas in the development areas. A topography map which identifies slopes over 25% is on page 14 of the Master Plan. Any development in these or other natural hazard area will be limited to the requirements in the above Section 4.085(3)(g) of the Destination Ordinance.

- h. *Any portion of a proposed destination resort located in areas that are subject to acknowledged comprehensive plan and land use requirements implementing the coastal goals (i.e. Statewide Goals 16 (Estuarine Resources); 17 (Coastal Shorelands); and 18 (Beaches and Dunes)) shall be planned and constructed in a manner that is consistent with the applicable provision of the acknowledged comprehensive plan, and land use regulations implementing the Coastal Goals. The county shall require appropriate conservation easements, conditions of approval and a site configuration to ensure compliance with specific substantive standards of the county's comprehensive plan and land use regulations that implement the coastal goals. Where appropriate, the county shall require areas*

subject to coastal goal-related use and activity limitations to be retained as open space, for the purpose of meeting Goal 8 open space requirements and protecting coastal uses and resources.

A portion of the Crook Point property has a Curry County Shorelands Overlay Zoning as shown on the Shorelands Overlay map included in the Other Supporting Documents section of this application packet. However, no development is planned for the areas with this zoning designation.

If, in the future, plans indicate that development is necessary in the Shorelands Overlay zoned area a conditional use permit will be required and any development in that area will be planned and constructed in a manner consistent with the applicable provision of the Curry County acknowledged comprehensive plan and land use regulations implementing the Coastal Goals.

- i. Any portions of a proposed destination resort located in areas that are subject to acknowledged comprehensive plan and land use regulation requirements implementing Goal 5 shall be planned and constructed in a manner that is consistent with the applicable provisions of the acknowledged comprehensive plan and land use regulations implementing this goal. The county shall require appropriate conservation easements, conditions of approval and a site configuration to ensure compliance with specific substantive standards of the county's comprehensive plan and land use regulations that implement Goal 5.*

There are no significant Goal 5 resources on the site; therefore this section will not apply.