



NOTICE OF DECISION

The Deschutes County Planning Division has approved the land use application(s) described below:

FILE NUMBER: 247-21-000537-SP

**SUBJECT PROPERTY/
OWNER:**

Mailing Name: Central Land and Cattle Company, LLC
Map and Tax Lots: 7700, 7800 Assessor's Map 15-12-00.

APPLICANTS:

Central Land and Cattle Company, LLC
Kameron DeLashmutt

REQUEST:

Site Plan Review of Welcome Center, Gatehouse, Golf Clubhouse and
Community Hall

STAFF CONTACT:

Angie Brewer, Senior Planner
Email: Angie.Brewer@deschutes.org
Telephone: (541) 385-1704

DOCUMENTS:

Can be viewed and downloaded from:
www.buildingpermits.oregon.gov

I. APPLICABLE CRITERIA

Final Master Plan (FMP) Approval, file no. M-07/MA-08-6
Title 18 of the Deschutes County Code, the County Zoning Ordinance:
Chapter 18.16, Exclusive Farm Use Zones (EFU)
Chapter 18.113, Destination Resorts Zone (DR)
Chapter 18.116, Supplementary Provisions
Chapter 18.124, Site Plan Review
Title 22, Deschutes County Development Procedures Ordinance

DECISION: Staff finds that the application meets applicable criteria, and approval is being granted subject to the following conditions:

CONDITIONS OF APPROVAL

A. This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will

require review through a new land use application.

- B.** The applicant shall obtain any necessary permits from the Deschutes County Building Division and Environmental Soils Division.
- C.** This approval is based on the specific mapped locations shown in the application materials and that any substantial change to road, right-of-way, parking, structure configurations, or structure locations is not approved under this decision.
- D.** Emergency secondary resort access roads shall be improved in compliance with FMP Condition #4 prior to final plat approval or issuance of any building permit under this site plan, whichever comes first.
- E.** The applicant shall receive confirmation from the Redmond Fire Department that all fire protection requirements of the Redmond Fire Department identified in the submitted June 21, 2021 comment letter have been met, prior to issuance of building permits.
- F.** Clear vision area shall be maintained in accordance with DCC 18.116.020(A).
- G.** The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.
- H.** Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- I.** Required parking facilities shall be provided prior to or concurrently with construction and/or initiation of the proposed use.
- J.** Prior to issuance of building permits, revisions to shading and labeling on the site plan must be provided to confirm 96 paved parking spaces will serve the core resort area. Labeling must include location of ADA parking and unloading spaces.
- K.** Required areas used for standing and maneuvering of vehicles shall be paved surfaces.
- L.** Prior to issuance of building permits, the applicant shall submit an engineer's certification that the development areas used for standing and maneuvering of vehicles shall be paved surfaces adequately maintained for all weather use and will be "so drained as to contain any flow of water on the site".
- M.** Service drives shall be marked and defined through the use of rails, fences, walls or other barriers or markers. Reflective pavement markers shall be placed at no less than 40-foot intervals will comply with this requirement.

- N.** Service drive clear vision area shall be maintained in accordance with DCC 18.116.020(A).
- O.** Bicycle parking surfaces shall be maintained in a smooth, durable, and well-drained condition. The bicycle parking facilities be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material.
- P.** Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure.
- Q.** Prior to initiation of use and/or issuance of building, provide a statement from a licensed professional engineer that the surface drainage systems have been designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality. The property owner shall maintain any such systems in good working condition.
- S.** All exterior lighting shall be shielded so that direct light does not project off site.
- T.** The landscaping in a parking area shall have a width of not less than five feet.
- U.** The applicant shall provide for watering planting areas where such care is required.
- V.** Required landscaping shall be continuously maintained and kept alive and attractive.
- W.** Walkways shall be provided in accordance with 18.124.070(C)(2), as shown on a revised site plan, prior to issuance of building permits.
- X.** To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.
- Y.** Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible. A revised site plan must be provided to illustrate compliance prior to building permit sign off.
- Z.** Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.

- AA.** Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.
- BB.** All lighting will be shielded and directed downward and will otherwise comply with the requirements of Section 15.10 of Title 15.

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee of \$250.00 and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue.

Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

This Notice was mailed pursuant to Deschutes County Code Chapter 22.24.

THORNBURGH RESORT PHASE A-1 FACILITIES SITE PLAN

LOCATED AT TOWNSHIP 15 SOUTH, REGION 12 EAST SECTIONS 28 & 29
DESCHUTES COUNTY, OREGON



VICINITY MAP SCALE: 1" = 10,000'

OWNER/DEVELOPER
CENTRAL LAND AND CATTLE COMPANY
2447 NW CANYON DR
REDMOND, OR 97756
PH: (541) 350-8479

SURVEYOR/ENGINEER
HICKMAN WILLIAMS & ASSOCIATES INC.
62930 O.B. RILEY ROAD, SUITE 100
BEND, OR 97703
P. (541) 389-9351

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HWA
180110-SP-CLUBHOUSE-IMP

THORNBURGH RESORT PHASE A-1
COVER SHEET
DESCHUTES COUNTY OREGON

HWA
HICKMAN WILLIAMS & ASSOCIATES INC.
62930 O.B. RILEY ROAD, SUITE 100
BEND, OREGON 97703
PH: (541) 389-9351
WWW.HWA-OR.COM

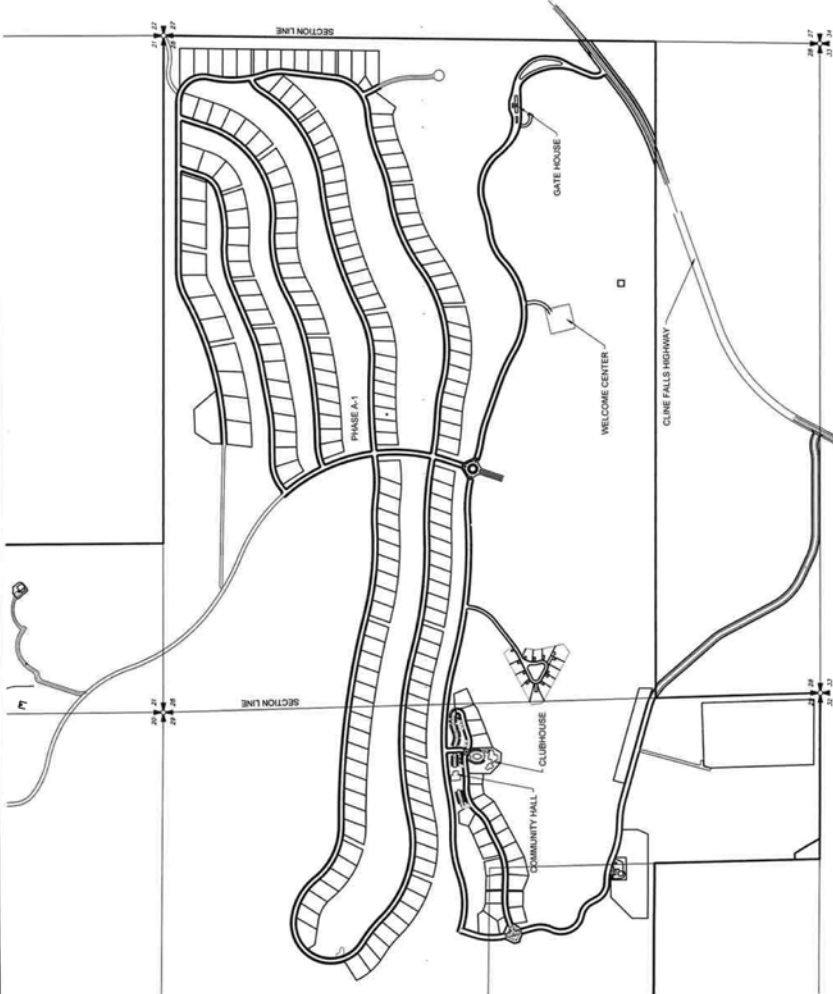
REVISIONS

NO.	DATE	DESCRIPTION
1	05/28/2021	ISSUED FOR PERMITTING

C1.0
SHEET
180110

SHEET INDEX

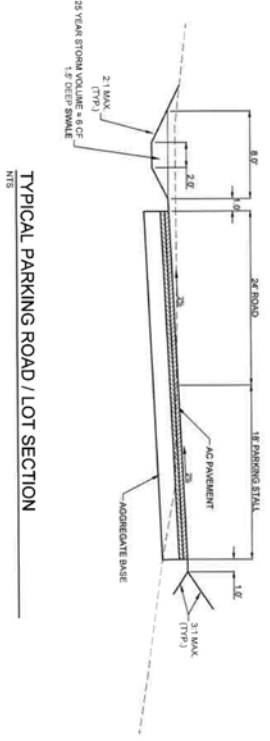
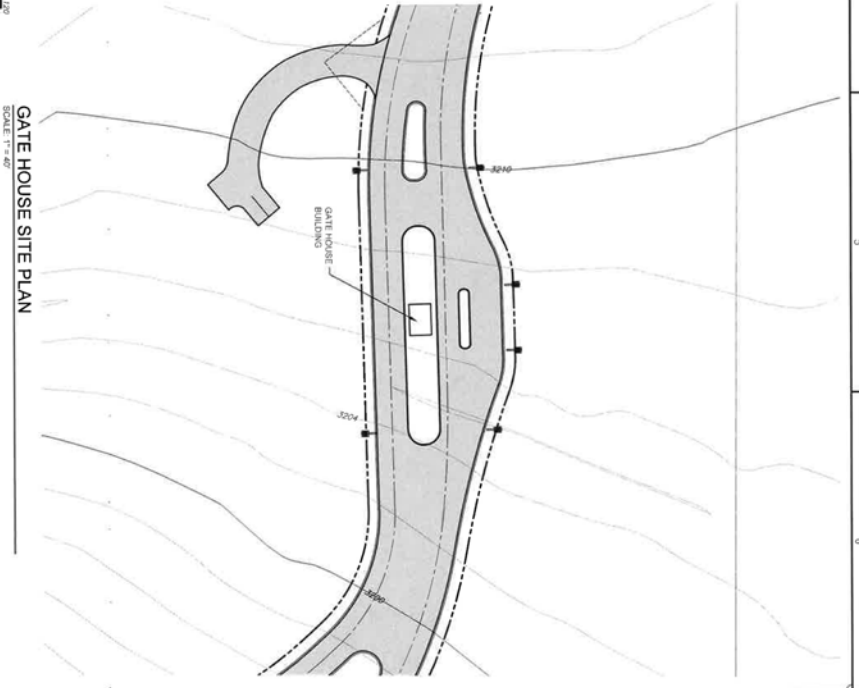
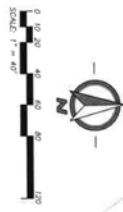
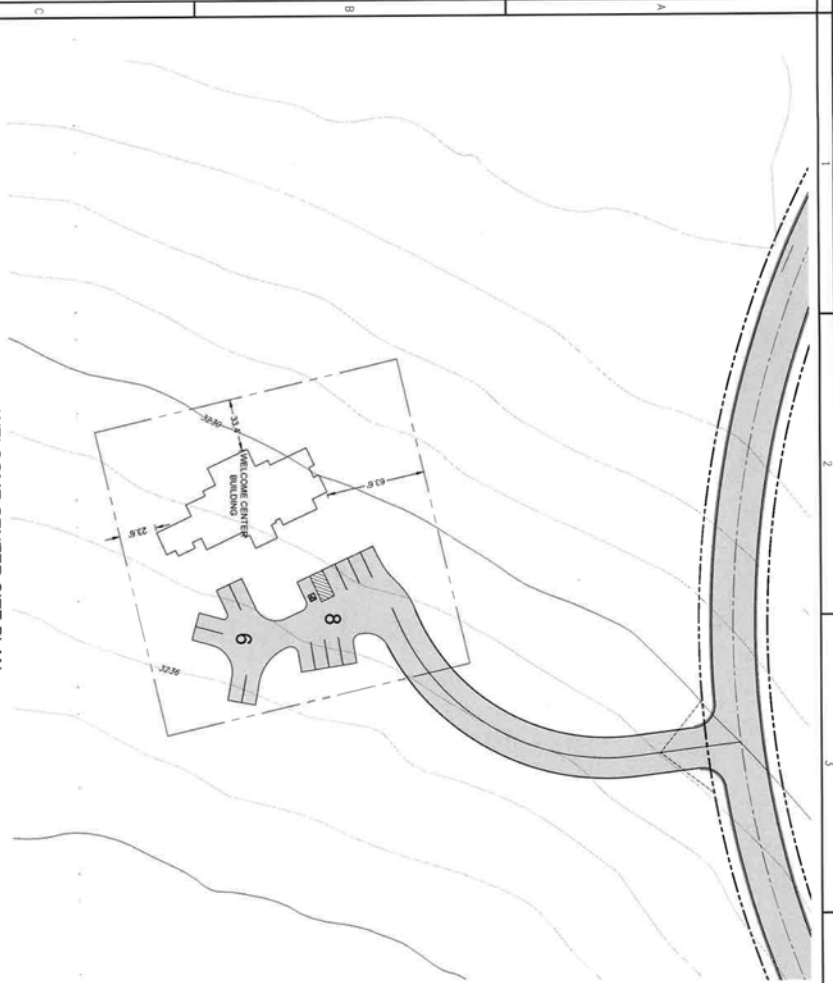
SHEET NUMBER	TITLE
C1.0	COVER SHEET
C2.0	CLUBHOUSE / COMMUNITY HALL SITE PLAN
C3.0	WELCOME CENTER / GATE HOUSE SITE PLAN
LC-1	GATE HOUSE LANDSCAPE CONCEPT
LC-2	WELCOME CENTER LANDSCAPE CONCEPT
LC-3	CLUBHOUSE AND COMMUNITY HALL LANDSCAPE CONCEPT
LC-4	PLANT LEGENDS
BA-1	GATEHOUSE SCHEMATICS
BA-2	GATEHOUSE FLOOR PLAN
BA-3	GATEHOUSE ELEVATIONS
BR-1	WELCOME CENTER SCHEMATICS
BR-2	WELCOME CENTER FLOOR PLAN
BR-3	WELCOME CENTER ELEVATIONS #1
BR-4	WELCOME CENTER ELEVATIONS #2
BC-1	CLUBHOUSE SCHEMATICS
BC-2	CLUBHOUSE FLOOR PLAN
BC-3	CLUBHOUSE ELEVATIONS #1
BC-4	CLUBHOUSE ELEVATIONS #2
BD-1	COMMUNITY HALL SCHEMATICS
BD-2	COMMUNITY HALL FLOOR PLAN
BD-3	COMMUNITY HALL ELEVATIONS



SITE MAP
SCALE: 1" = 500'

LEGEND

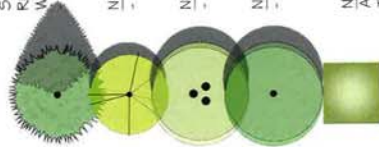
PROPOSED	EXISTING
CURB OF PAVEMENT	EDGE OF PAVEMENT
WATER LINE (SIZE AS NOTED)	WATER LINE (SIZE AS NOTED)
SEWER LINE (SIZE AS NOTED)	SEWER LINE (SIZE AS NOTED)
UTILITY LINE	UTILITY LINE
ASPHALT PAVING	CONCRETE
FIRE HYDRANT	WATER VALVE (G.V. / B.F.V.)
WATER METER	SEWER METER
SECTIONALIZING CABLE TRANSFORMER	SECTIONALIZING CABLE TRANSFORMER
CLUSTER POSTAL DELIVERY BOX	CLUSTER POSTAL DELIVERY BOX
SEWER MANHOLE	SEWER MANHOLE
INTERNAL	INTERNAL
EXTERNAL	EXTERNAL
CLEAR WOOD	CLEAR WOOD
PROPERTY BOUNDARY	PROPERTY BOUNDARY
WATER VALVE (G.V. / B.F.V.)	WATER VALVE (G.V. / B.F.V.)
SEWER VALVE (G.V. / B.F.V.)	SEWER VALVE (G.V. / B.F.V.)
ELECTRIC SERVICE	ELECTRIC SERVICE
TELEPHONE Riser	TELEPHONE Riser
TRANSFORMER	TRANSFORMER
SECTIONALIZING CABLE TRANSFORMER	SECTIONALIZING CABLE TRANSFORMER
CLUSTER POSTAL DELIVERY BOX	CLUSTER POSTAL DELIVERY BOX
SEWER MANHOLE	SEWER MANHOLE
INTERNAL	INTERNAL
EXTERNAL	EXTERNAL
DECIDUOUS TREE (SIZE AS NOTED)	DECIDUOUS TREE (SIZE AS NOTED)
JANUARY TREE (SIZE AS NOTED)	JANUARY TREE (SIZE AS NOTED)



<p>CONTRACT NO. 180110</p>	<p>DATE: 180110</p>	<p>C3.0</p>	<p>DESIGNED BY: MFC CHECKED BY: MFC SCALE: AS SHOWN DATE: 05/28/2021</p>	<p>HWA CIVIL ENGINEERING SURVEYING PLANNING 200 S. 10th Street, Ste. 100, Bend, OR 97701 503.325.4444 www.hwa-engineers.com</p>	<p>THORNBURGH RESORT PHASE A-1 PHASE A-1 FACILITIES WELCOME CENTER AND GATE HOUSE SITE PLAN</p> <p>DESCHUTES COUNTY OREGON</p>	<p>CONTRACT NO. 180110 DATE: 180110 SHEET NO. 03 OF 03</p>
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CONCEPT PLANT SCHEDULE GATE HOUSE

EXISTING HERITAGE JUNIPER TREES TO BE SAVED THESE TREES ARE THE "HERITAGE" JUNIPERS THAT HAVE BEEN STAKED IN THE FIELD FOR THE PURPOSE OF SAVING IN PLACE. THESE TREES HAVE SIGNIFICANT CHARACTER AND/OR SIZE, RELATIVE TO OTHER TREES IN THE WORK AREA.



NEW ACCENT TREES - TALL

NEW ACCENT TREES - LARGE

NEW NATIVE TREES

NATIVE REVEG ZONE
AREAS OF DISTURBANCE TO BE TREATED WITH NATIVE VEGETATION TO BLEND IN SEAMLESSLY WITH THE ADJACENT UNDISTURBED NATIVE

TRANSITIONAL ZONE
TRANSITIONAL LANDSCAPING BETWEEN NATIVE REVEG/UNDISTURBED NATIVE AND ORNAMENTAL LANDSCAPING - TO INCLUDE SOME NATIVES AND SOME NON-NATIVES

ORNAMENTAL LANDSCAPING
HIGH DENSITY ACCENTED OR ORNAMENTAL LANDSCAPING NEAR BUILDINGS

SEE LEGENDS ON SHEET LC-4 FOR PLANTS FOR EACH ZONE AND TREE TYPE

ALL LOTS WILL HAVE LOW-VOLTAGE LANDSCAPE LIGHTING TO ILLUMINATE PATHS AND LANDSCAPE AS NECESSARY. LIGHTING WILL BE CONTAINED WITHIN THE LOT AND WILL NOT SPREAD INTO ADJACENT LOTS.

PLAN SHOWN IS CONCEPTUAL - FINAL ADJUSTMENTS TO DISTURBANCE LIMITS AND DESIGN LAYOUT WILL BE UNDERTAKEN DURING CONSTRUCTION. THE QUANTITY OF EXISTING JUNIPER TREES SHOWN TO BE SAVED ON THE PLANS MAY CHANGE DURING CONSTRUCTION AS WE DISCOVER HOW CLOSE DISTURBANCE LIMITS COME TO THE ROOT STRUCTURE OF THE TREES.



SPECIFICATIONS	
SHEET#	BOOK#
PROJ. MOR.	KA
DRAWN:	DF
CHECKED:	DF
PROJ. NO:	PT222
DATE:	05-27-21
SCALE:	1" = 50'-0"
REVISIONS:	
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SPECIFICATIONS	
SHEET	BOOK
PROJ. MOR.	KA
DRAWN:	DF
CHECKED:	DF
PROJ. NO.:	P2122
DATE:	05-27-21
SCALE:	1" = 50'
REVISIONS:	
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Δ X	
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Δ X	

CONCEPT PLANT SCHEDULE WELCOME CENTER

EXISTING HERITAGE JUNIPER TREES TO BE SAVED
THESE TREES ARE THE "HERITAGE"
JUNIPERS THAT HAVE BEEN STAKED IN
THE FIELD FOR THE PURPOSE OF
PRESERVING THEM. THE SIZE IS
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LANDSCAPING. INCLUDE SOME NATIVES AND SOME
NON-NATIVES

ORNAMENTAL LANDSCAPING
HIGH DENSITY ACCENT OR
ORNAMENTAL LANDSCAPING NEAR
BUILDINGS

LAWN

SEE LEGENDS ON SHEET LC-4 FOR
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MAY CHANGE DURING CONSTRUCTION AS WE DISCOVER HOW
CLOSE DISTURBANCE LIMITS COME TO THE ROOT STRUCTURE
OF THE TREES.





FINDINGS AND DECISION

FILE NUMBER: 247-21-000537-SP

**SUBJECT PROPERTY/
OWNER:** Mailing Name: Central Land and Cattle Company, LLC
Map and Tax Lots: 7700, 7800 Assessor's Map 15-12-00.

APPLICANTS: Central Land and Cattle Company, LLC
Kameron DeLashmutt

REQUEST: Site Plan Review of Welcome Center, Gatehouse, Golf Clubhouse and
Community Hall

STAFF CONTACT: Angie Brewer, Senior Planner
Phone: 541-385-1704
Email: angie.brewer@deschutes.org

RECORD: Record items can be viewed and downloaded from:
www.buildingpermits.oregon.gov

I. APPLICABLE CRITERIA

Final Master Plan (FMP) Approval, file no. M-07/MA-08-6
Title 18 of the Deschutes County Code, the County Zoning Ordinance:
Chapter 18.16, Exclusive Farm Use Zones (EFU)
Chapter 18.113, Destination Resorts Zone (DR)
Chapter 18.116, Supplementary Provisions
Chapter 18.124, Site Plan Review
Title 22, Deschutes County Development Procedures Ordinance

II. BASIC FINDINGS

SUBJECT PROPERTY: The proposed project will be located on areas currently shown on tax lots 7700 and 7800, Assessor's Map 15-12-00.

LOT OF RECORD: Tax Lot 7800 is a lot of record because it was found to be a lot of record in LR-91-56. Tax Lot 7700 is comprised of four lots of record as determined by 247-14-000450-LR. The entire

Resort property was also determined to be a lot of record by the Board of Commissioners in CU-05-20, its approval of the CMP (page 4 of decision).

The applicant provided a supplemental response to this section as follows:

“Tax Lot 7700 is comprised of a number of lots of record. The part of Tax Lot 7700 that comprises the subject property for this application is comprised of lots of record 1, 2, 3 and 4 of 247-14-000450-LR. A copy of the decision approving 247-14-000450-LR is Exhibit 2 of this application. Tax Lot 7800 is a single lot of record as determined by LR-91-56. Furthermore, the entire Resort property was determined to be a lot of record by the BOCC’s decision approving the CMP, CU-05-20, DC 2006-11.”

SITE DESCRIPTION: The subject property is a part of a tract of approximately 1,980 acres of land adjacent to Cline Buttes that has been approved for the development of the Thornburgh Destination Resort. The subject property is mostly undeveloped land with sloping terrain, natural vegetation, rock outcroppings and ridge tops. The property adjoins and lies west of Cline Falls Road.

SURROUNDING ZONING AND USES: The applicant provided the following summary; Staff does not contest any of its contents:

The subject property is surrounded by land zoned EFU-SC and OS&C. All adjoining and nearby EFU-SC land owned by Central Land and Cattle Company has, like the subject property, received approval to be developed as a part of the Thornburgh destination resort. Land northeast of the subject property is zoned EFU-SC, SM, RR-10 and OS&C. This area includes an unrecorded rural residential subdivision, the Eagle Crest Destination Resort, a cell tower and a surface mine. The SM-zoned surface mine property is at least .75 mile away from the subject property. The remainder of the surrounding land is owned by the USA, Deschutes County, and the State of Oregon. The federal lands are part of the Cline Butte Recreation Area (CBRA) and are developed for public recreational use and conservation. Thornburgh will be performing wildlife habitat enhancement work in the CBRA to offset impacts of resort development on wildlife on the schedule established by the Wildlife Mitigation Plan (WMP) element of the FMP.

LAND USE HISTORY: The applicant summarizes the land use history as follows:

Conceptual Master Plan: The Deschutes County Board of Commissioners approved a conceptual master plan (CMP) for the resort in File CU-05-20 on May 10, 2006. The decision was appealed by Annunziata Gould and Steve Munson and remanded. The CMP was again approved by the BOCC on remand on April 2008 in County Document No. 2008-151. Ms. Gould unsuccessfully appealed the 2008 approval. Approval of the CMP was final on December 9, 2009.

Declaratory Ruling: Loyal Land Company filed a declaratory ruling regarding the status of the CMP in 2011. The County twice approved the application. The current status of this matter

is that it has been remanded to the County by the Oregon Court of Appeals and LUBA. Loyal Land has not initiated a review on remand. This application is moot, however, because the resort's final master plan (FMP) incorporates and satisfies all conditions of the CMP and has received final approval.

Final Master Plan: Thornburgh Resort Company filed for approval of the FMP in 2007. It amended the application in 2008. The application was approved by the County, appealed by Ms. Gould and remanded by LUBA to address issues regarding the Thornburgh Wildlife Mitigation Plan (TMP). In 2015, a County hearings officer denied approval of the remanded FMP. Central Land and Cattle Company, LLC successfully appealed the denial. On remand, the FMP was approved by the county. Ms. Gould again appealed the FMP approval. LUBA affirmed the County's approval, and the FMP is final.

Tentative Plan Phase A-1: In May 2018 Central Land and Cattle Company, LLC ("Central") filed for approval of its Phase A-1 Tentative Plan, which was approved by hearing officer Dan Olsen in October 2018, appealed by Ms. Gould, and remanded by LUBA. Gould appealed the LUBA decision to the Court of Appeals ("COA"), who dismissed her appeal as it was not filed timely. Gould appealed that dismissal to the Oregon Supreme Court, challenging the order of dismissal. On December 31, 2020 the Supreme Court remanded the decision to the COA to take further action. On April 21, 2021, the Oregon Court of Appeals affirmed LUBA's decision without issuing an opinion. After the COA dismissed Gould's appeal, the applicant initiated a review on remand. Hearing Officer Olsen declined to hear the remand and the applicant appealed to the Board of County Commissioners ("BOCC" or "Board"). The BOCC approved the Tentative Plan in November 2019. Gould appealed the BOCC approval to LUBA, which is still pending.

Site Plan - Golf Course and Lakes: In December 2019, Central filed for approval of the Golf Course and Lakes site plan. This site plan was approved administratively in April 2020 by Deschutes County Planning. Ms. Gould appealed. The Board of Commissioners ("BOCC") heard the appeal and affirmed the administrative approval on August 31, 2020. On September 16, Ms. Gould filed a notice of intent to appeal to LUBA. Oral argument has occurred and the parties are awaiting a decision.

Collateral Attacks on Prior Approvals: Integral to the BOCC decision affirming approval of the golf course and lakes site plan was the applicant's claim that many arguments raised by opponents were impermissible collateral attacks on the CMP and FMP. The BOCC agreed stating:

"The BOCC finds that many issues raised by Appellants in these proceedings were either; i) raised and resolved against the opponents in previous stages of the resort's multi-stage approvals process, or: ii) could have been raised during the review of the CMP or FMP but were not. Where this is the case, the issue is settled and not grounds for denial of a Stage 3 review application [a site plan or tentative plan]. Under the principle of collateral attack, a land use decision intended to serve as a final determination of a land use issue such as the Thornburgh CMP and FMP may

not be challenged in a later proceeding that implements or relies on the earlier, final decision. LUBA has explained the rule as follows:

'As a general principle, issues that were conclusively resolved in a final discretionary land use decision, or that could have been but were not raised and resolved in that earlier proceeding, cannot be raised to challenge a subsequent application for permits necessary to carry out the earlier final decision.' Safeway, Inc. v. City of North Bend, 47 Or LUBA 489, 500 (2004) (citations omitted)."

BOCC Decision, File 247-19-000881-SP et al, p. 4.

The BOCC also commented:

"LUBA's application of the no collateral attack rule in Gould v. Deschutes County, __ Or LUBA __ (LUBA No. 2018-140, June 21, 2019) is instructive. In that case, LUBA held that challenges to issues settled by the CMP and FMP are impermissible collateral attacks on the Thornburgh CMP and FMP. LUBA found that challenges to Resort plans for Overnight Lodging Units (OLU) and the wildlife mitigation plans are not permissible. Specifically, LUBA found that the removal of dams on Deep Canyon Creek and the provision of mitigation water is required by the FMP and is not relevant to the review of the tentative plan because the tentative plan did not alter the mitigation plan that is a part of the FMP."

BOCC Decision, File 247-19-000881-SP et al, p. 5.

During review of the golf course site plan File 247-19-000881-SP et al, the applicant provided details on 17 categories of issues that were previously resolved and are impermissible collateral attacks, including those mentioned by LUBA above. The BOCC agreed finding:

"In the record, the Applicant identified arguments that are impermissible collateral attacks and the specific issues barred by the rule. The BOCC summarizes collateral attack arguments and makes findings in Exhibit A, which is incorporated in its entirety into this decision."

BOCC Decision, File 247-19-000881-SP et al, p. 5.

The BOCC's decision, including Exhibit A, are referenced numerous times herein because the document contains the Board's interpretation of its prior CMP decision and the destination resort code, DCC Chapter 18.113. See Exhibit 1: BOCC Golf Course Decision, Pages 4-6, 18-42.

PROPOSAL: The applicant is seeking site plan approval for a Gate House, Welcome Center, Club House, and Community Hall authorized by the CMP and FMP. The Applicant provides the following description of the proposal:

This site plan provides a gatehouse and facilities required to meet conditions of approval of the CMP/FMP. The Golf Clubhouse, the Community Hall, and the Welcome Center will satisfy the eating and meeting requirements of Condition 33 of the FMP and provide the reservation and check-in facility required by Condition 31 of the FMP. The improvements will be developed or financially assured, as required by Condition 33 and DCC 18.113.060, prior to the closure of sales, rental or lease of any residential dwellings or lots.

The following is a description of the use of each proposed building:

Gatehouse. The destination resort is a private community. The gatehouse will house staff who will control access to the resort. A small parking area is proposed for use by staff.

Welcome Center. The Welcome Center will serve the dual function of a reservation and check-in and office facility. Initially, the offices will be used by sales staff. The Center will also include a large lounge area for with a model of the resort.

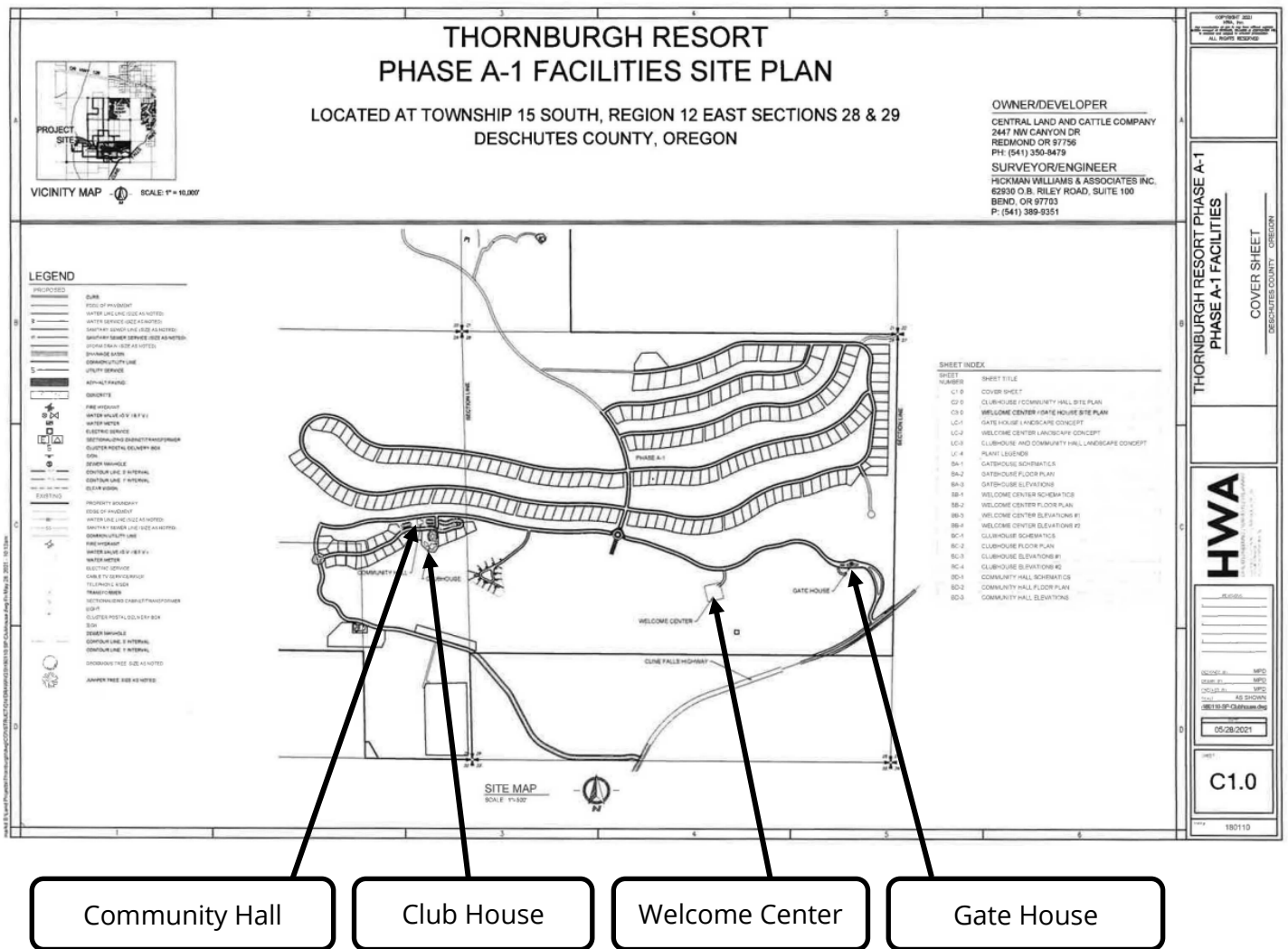
Golf Clubhouse. The golf clubhouse includes a 100-seat restaurant and a pro shop that will provide services for golfers and management of the golf course.

Community Hall. The Community Hall is a multi-purpose building. It includes the 100-person meeting/event room required by Condition 31 of the FMP. It also includes restrooms for persons attending meetings. The meeting/event room is designed to host meetings of 100 persons. The rest of the building is designed for golf cart storage. This area may also be used for dining and dancing by persons attending meetings and events at the Community Hall.

The applicant provided the following discussion:

The subject property is comprised of land located within the boundaries of Tax Lots 7700 & 7800, Assessor's Map 15-12-00. Deschutes County has approved a tentative plan that authorizes the creation of a lot that will be developed with the Welcome Center, Gatehouse, Golf Clubhouse, Community Hall and the area for parking and cart storage shown in this site plan. Deschutes County Board of County Commissioners approved a site plan application for the construction of the golf course that will be served by the clubhouse and its parking facilities. The address of the tax lots proposed for development is 67545 & 67555 Cline Falls Road, Redmond, Oregon 97756.

Figure 1 - Phase A-1 Facilities Site Plan¹:
 (Included for reference only; arrows added by Staff for general navigation purposes)

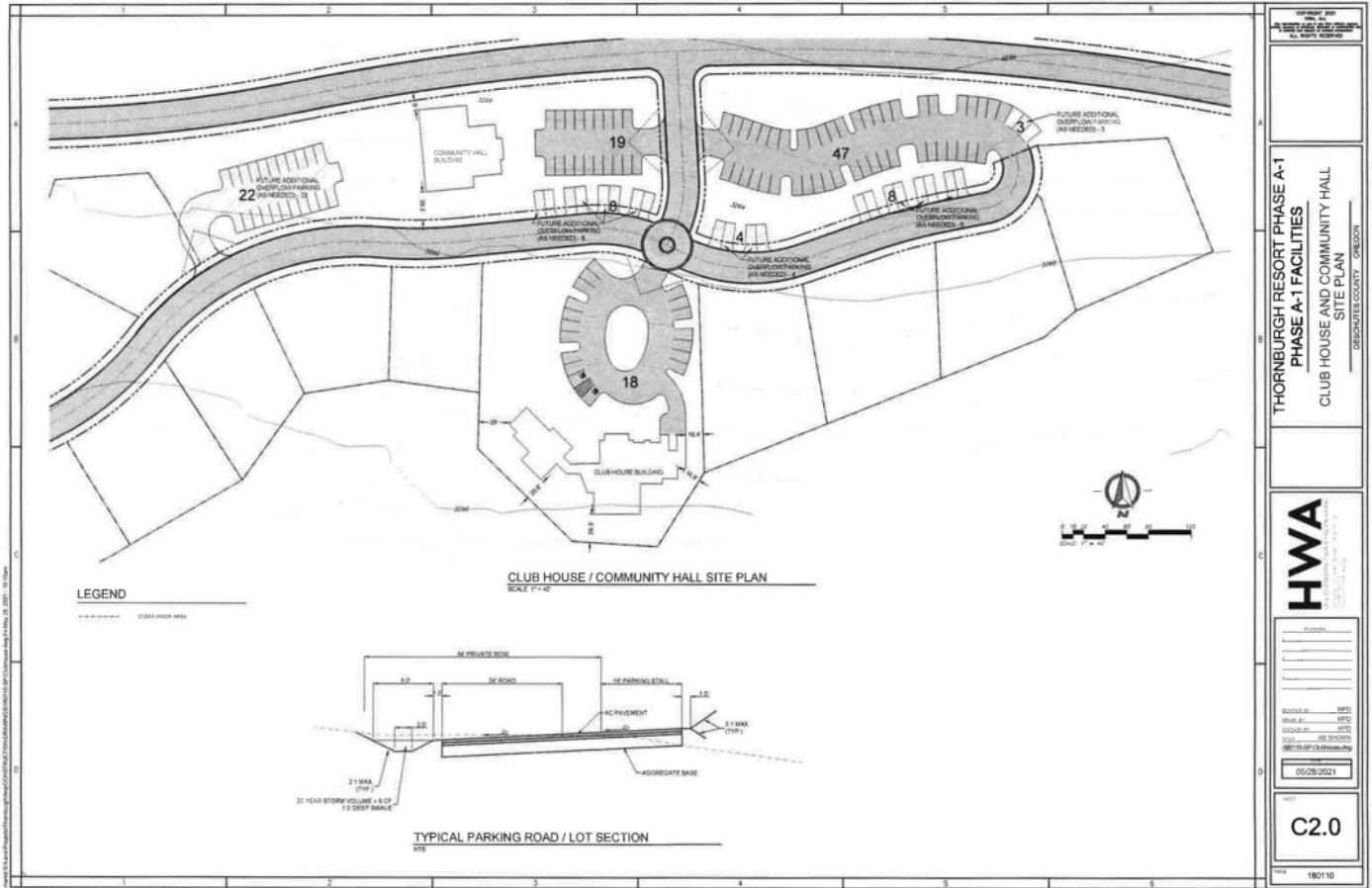


Staff notes Deschutes County has approved a Conceptual Master Plan (CMP) and Final Master Plan (FMP) (file no. M-07/MA-08-6) for the subject property that must be implemented in a series of phased Site Plan Review applications. Staff notes the subject site plans are shown in application materials as part of the Phase A1 Site Plan. The Phase A1 Site Plan was approved by the County Board of Commissioners to implement a portion of the approved FMP; it was appealed to the Oregon Land Use Board of Appeals (LUBA) and subsequently remanded to the County for further review. The County reviewed and approved the remanded site plan in file no. 247-21-000731-A. The Administrative Decision was appealed to a Hearings Officer; the Hearings Officer decision is anticipated to be received on or about October 5, 2021. The site plans reviewed herein are based on the specific mapped locations shown in the application materials. This review is limited to the Site Plan Review of the Club House, Community Hall, Welcome Center, and Gate House as authorized by the CMP and FMP. Any change to road, right-of-way, parking, structure configurations, or structure locations is not approved under this decision. This is included as a condition of

¹ Full scale site plan can be viewed on page 187 of the application.

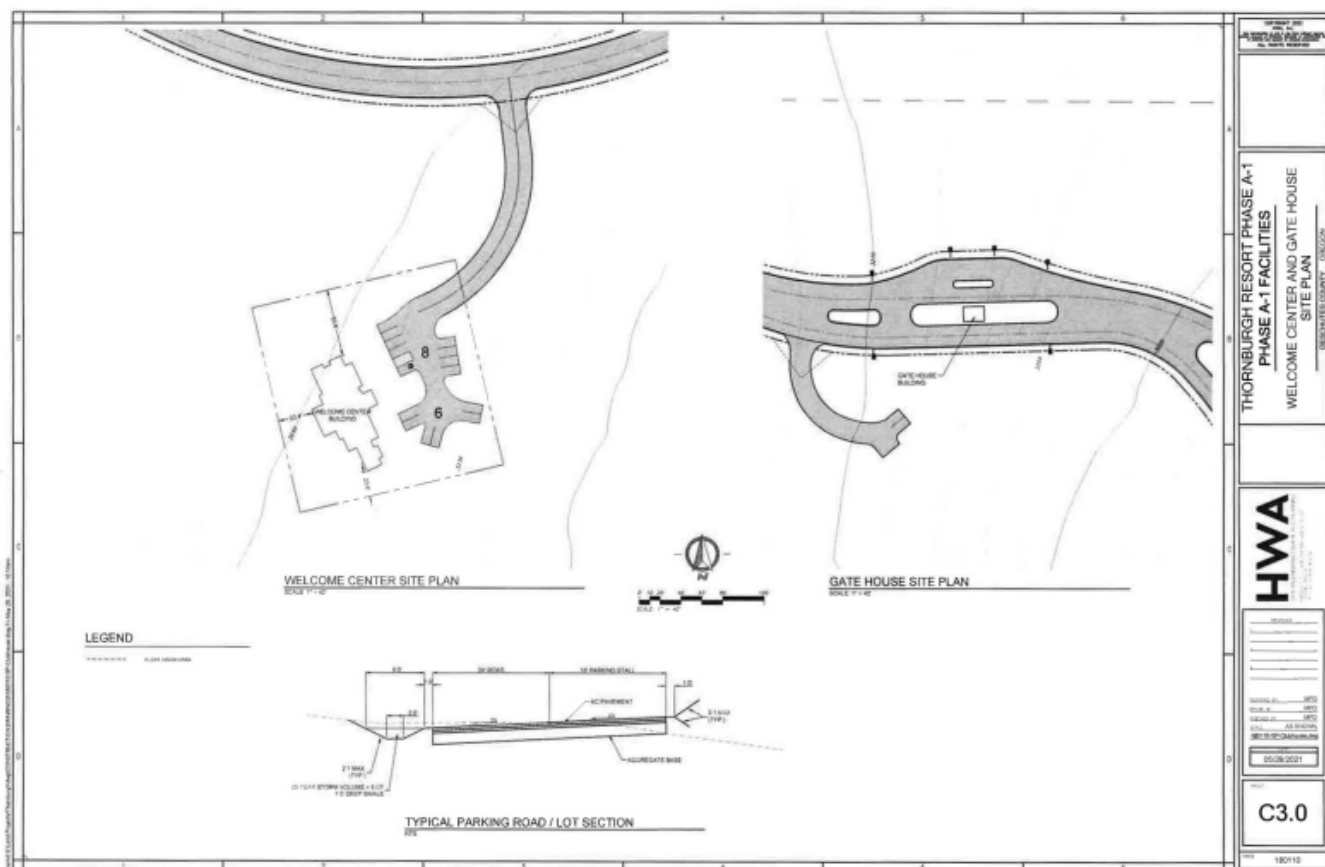
approval.

Figure 2: Club House / Community Hall Site Plan²



² Full scale site plan can be viewed on page 188 of the application.

Exhibit 3: Welcome Center and Gate House Site Plan³



REVIEW PERIOD: The subject application(s) were submitted on May 28, 2021 and deemed complete by the Planning Division on August 18, 2021, following Applicant’s timely response to an incomplete letter. The applicant has extended the 150-day clock by 79 days. The 150th day on which the County must take final action on this application is February 16, 2022.

PUBLIC AGENCY COMMENTS: The Planning Division mailed notice to several public agencies and received the following comments:

Bureau of Land Management (BLM), Autumn Loewen

At this time, the Prineville BLM has "no comment" regarding the Site Plan Review for the Welcome Center, Gate House, Golf Clubhouse and Community Hall.

³ Full scale site plan can be viewed on page 189 of the application.

Redmond Fire and Rescue

Staff incorporates the Redmond Fire and Rescue comment dated June 21, 2021 herein by reference.

Deschutes County Building Division, Randy Scheid

NOTICE: The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies.

Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

Deschutes County Senior Transportation Planner, Peter Russell

I have reviewed the transmittal materials for file 247-21-000537-SP for a Welcome Center, Gate House, Golf Clubhouse, and Community Hall in the Thornburgh destination resort at 67545 and 67555 Cline Falls Hwy, 15-12-00, Tax Lots 7700 and 7800, . The proposal is consistent with the approved Conceptual Master Plan (CMP) and Final Master Plan (FMP) and no additional traffic analysis is required.

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$4,488 per p.m. peak hour trip. The proposed uses, however, will not generate any traffic themselves and therefore no road capacity, as that term is commonly understood, will be consumed. Therefore, SDCs do not apply to these proposed uses. SDCs will be assessed on the golf course itself as well as overnight lodging units (OLUs).

Deschutes County Environmental Health, Jeff Freund

I've already commented on this project in terms of the drinking water (starting in 2006), #23 & 36 on the original staff report. If no changes, they will still need to contact drinking water program or myself and start the process with a plan review. I'm assuming it will have some full time residents and be a community system, but we will tease that out in the plan review.

However, I don't recall discussion of the clubhouse and community hall buildings. If they propose a kitchen or any food service or catering, etc., they will need to contact EH for plan review for the food piece. Similarly if they decide to propose a pool or spa.

Central Oregon Irrigation District, Kelley O'Rourke

COID has no facilities or water rights within the project area.

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

- The National Wetlands Inventory shows wetland, waterway or other water features on the property

Your Activity

- It appears that the proposed project **may** impact wetlands and **may** require a State permit.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Based on review of the submitted site plan, the proposed locations of the "Welcome Center, Gatehouse, Golf Clubhouse, and Community Hall" do not appear to impact jurisdictional wetlands and waterways of this state.

However, the access road for these buildings does appear to propose impacts to several mapped intermittent streams on-site. As noted in WN2021-0609 & WN2018-0455, these streams may more accurately meet the criteria of ephemeral streams, which would not be jurisdictional to DSL.

The recommendation still stands that the applicant contact DSL to check streams that flow longer than directly following rainfall and snowmelt. A total of 50 cubic yards of material removed and/or placed below the ordinary high water line or a jurisdictional creek is allowed (cumulatively for the project area) before a permit is required.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

The following agencies did not respond to the notice: Deschutes County Assessor, Deschutes County Environmental Soils Division, Deschutes County Road Department, ODOT Region 4 Planning, Oregon Department Of Ag Land Use Planning Coordinator, Oregon Department of Fish & Wildlife, Property Address Coordinator, U.S. Fish & Wildlife Service, and Watermaster - District 11.

PUBLIC COMMENTS: The Planning Division mailed notice of the application to all property owners within 750 feet of the subject property. The applicant also complied with the posted notice requirements of Section 22.24.030(B) of Title 22.

Below, staff summarizes public comments that expressed concern regarding the following issues. These issues are addressed in relevant parts throughout the decision.

- Aquifer conditions should be assessed by a professional before approving;
- Area water shortages and drought conditions;
- Impacts to farmers already facing water restrictions due to drought;
- Impacts to existing wells;
- Secondary access roads being used as primary access roads during construction;
- Golf courses are not a priority with our drought and wildfire risks;
- We should prioritize farms for food, not resorts;
- The proposal will “rob” central Oregon wells for vacation homes;
- Growth is a burden on the community and resources;
- Take care of natural resources and citizens before accommodating wealthy tourists and part-time residents;
- Insufficient water to support more homes and golf courses, environmental impacts of decision;
- Concerns about water used for golf course;
- Wells are going dry from existing golf courses, do not approve more;
- Invest in affordable house, not resort housing;
- Availability of a quasi-municipal water supply;
- Availability of water for mitigation requirements;

- Compliance with Redmond Fire & Rescue requirements;
- Compliance with BLM access road requirements;
- ADA accessibility is not adequately addressed.

III. **FINDINGS & CONCLUSIONS**

Thornburgh Resort Final Master Plan

FINDING: The applicant has obtained final approval of an FMP from Deschutes County which calls for the proposed development to be constructed in Phase A. The applicant is required to demonstrate compliance with the relevant conditions of approval imposed by the FMP. Each condition is set out in full and is addressed below.

- 1. Approval is based upon the submitted plan. Any substantial change to the approved plan will require a new application.***

FINDING: The applicant argues that no substantial change is proposed as follows:

The applicant is not proposing a substantial change to the approved plans. The applicant is requesting site plan approval of resort development in the general locations allowed by the FMP Master Development Plan Map A.3.1 (See Exhibit 3). The site plan does not propose to modify any element of the FMP.

Location

The FMP prescribes the timing and amount of development of the Resort, not the specific location of resort facilities. In the first phase of development, improved recreational and resort facilities and overnight lodging units with a minimum dollar value must be provided before Phase A residential lots may be sold. The site plan shows development in the same general location as the FMP.

In his approval of the tentative plan, Hearings Officer Olsen (Olsen Decision) noted that the Board's CMP decision CU-05-20 found:

*"there will be some fluidity between and among development phases, depending on market demand, weather and economic conditions. ****

Page 22, Olsen Decision 247-18-000386-TP/592-MA.

According to Hearings Officer Olsen:

“The Board read DCC 18.113 as not requiring specificity, but only the general location of proposed development uses. *** This appears to be consistent with the Hearings Officer decision which states that the resort will be developed in seven phases (A-G) but that ‘significant flexibility is required in the scheduling and phasing of improvements’ to accommodate changed conditions ‘beyond the control of the applicant.’”

Exhibit 4: TP A-1 HO Olsen Decision, pp. 20-23 (quoted material on p. 22).

The FMP prescribes the timing and amount of development of the Resort, not the specific location of resort facilities. In the first phase of development, improved recreational and resort facilities and overnight lodging units with a minimum dollar value must be provided before Phase A residential lots may be sold. The site plan shows development in the same general location as the FMP.

Wildlife Mitigation Plan.

Thornburgh’s Mitigation Plan (TMP) is comprised of two plans, the Wildlife Mitigation Plan which includes the monitoring plan (WMP) and, the April 2008 Fish and Wildlife Mitigation Plan (FWMP). The development in the location depicted on the submitted site plan will not cause any change in the terrestrial mitigation plan. The WMP spells out the monitoring and reporting requirements that applicant is required to perform, and the enforcement measures afforded the County, the BLM, and the ODFW. The WMP was found to be sufficient by approval of the FMP after numerous challenges by Gould. The site plan does not propose or require any change to the WMP. Under the WMP, mitigation is not required until such time that impacts are created, the timing of which is discussed under condition #38 below. As the applicant is not proposing any change to the WMP, no action is necessary. Further the issue is settled and barred from further attack as determined by LUBA and the BOCC in earlier proceedings. Condition 38 of the FMP also makes it clear that compliance with the wildlife plan is assured by annual County staff and wildlife agency reviews of the mitigation plans and measures undertaken by the Resort; not during the review of a site plan or tentative plan.

Fish and Wildlife Mitigation Plan (FWMP)

In its decision regarding Gould’s appeal of the Phase A-1 tentative plan, LUBA determined that as long as a development application does not alter the FWMP, conditions of approval assuring compliance with the FWMP are not required. In rejecting Gould’s claim that conditions of approval were needed to assure CLCC would do what is required by the FWMP, LUBA held:

*“Intervenor responds, and we agree, that removal of the dams [on Deep Canyon Creek] and provision of mitigation water is required by the FMP approval and the tentative plan does not alter the mitigation plan. *** The hearings officer was not required to impose additional condition to the approval of the tentative plan [to*

assure compliance with the FWMP].”

Gould v. Deschutes County, 79 Or LUBA 561, 583 (2019). The same holds true for the current site plan – the approval of the site plan will not alter the mitigation promised by the FWMP and the requirements of the FWMP remain self-executing. When mitigation is required for this site plan, the applicant will be using water from Big Falls Ranch to mitigate for water quantity and quality impacts of the golf course and lake development proposed under this application as well as for the development approved under the Phase A-1 tentative plan. The applicant has entered into a contract with Big Fall Ranch to purchase 175 acres of irrigation water rights for use as mitigation water. See: Exhibit 5: Big Falls-Pinnacle Memo. This is 315 acre-feet of cold-water mitigation water rights – more water than needed for all Phase A development. Since the Big Falls Ranch water is an allowable source in the FWMP, and the source provides “cold water” mitigation there is no change. As with the tentative plan, the site plan is not proposing any change to the FWMP because it will be complying with the FWMP by using Big Falls Ranch irrigation water rights for mitigation. Nothing further is required.

For the reasons detailed above, this application is not a substantial change from the approved FMP or Phase A-1 Tentative Plan and does not require a new application. This condition is met.

- 2. All development in the resort shall require tentative plat approval through Title 17 of the County Code, the county Subdivision/Partition Ordinance, and/or Site Plan Review through Title 18 of the County Code, the Subdivision Ordinance.***

FINDING: The applicant is seeking Site Plan Review approval as required by this Condition 2.

- 3. Applicant shall provide a signed grant of right-of-way from the U.S. Department of the Interior Bureau of Land Management for an access easement connection to U.S. Highway 126, prior to submission of a Final Master Plan application.***

FINDING: This requirement has been satisfied.

- 4. Subject to US Department of the Interior-Bureau of Land Management (BLM) approval, any secondary emergency ingress/egress across the BLM-owned land or roadways shall be improved to a minimum width of 20 feet with all-weather resort access surface capable of supporting a 60,000-lb. fire vehicle. Emergency secondary resort access roads shall be improved before any Final Plat approval or issuance of a building permit, whichever comes first.***

FINDING: The applicant argues that the emergency secondary resort access road requirement applies during the county’s review of a final plat or during building permit review. Staff agrees. For this reason, staff includes a condition of approval requiring emergency secondary resort access roads be improved in compliance with FMP Condition #4 prior to final plat approval or issuance of any building permit under this site plan, whichever comes first.

- 5. The developer will design and construct the road system in accordance with DCC 17. Road improvement plans shall be approved by the Road Department prior to construction.***

FINDING: No new roads are proposed under this Site Plan Review. This condition does not apply.

- 6. All easements of record or rights-of-ways shall be shown on any final plat. Plans shall be approved by the Road Department prior to construction.***

FINDING: This requirement applies during the County's review of the final plat. It is not a requirement of site plan approval.

- 7. All new proposed road names must be reviewed and approved by the Property Address Coordinator prior to final plat approval.***

FINDING: This requirement applies during the County's review of the final plat. It is not a requirement of this site plan approval.

- 8. Plan review and approval of water supply plans for phase 1 will be required by Oregon Department of Human Services-Drinking Water Program (DHS-DWP) prior to Final Master Plan approval.***

- 9. Applicant shall designate the location of all utility lines and easements that burden the property on the FMP.***

FINDING: These requirements have been satisfied.

- 10. Applicant shall provide, at the time of tentative plat/site plan review for each individual phase of the resort development, updated documentation for the state water rights permit and an accounting of the full amount of mitigation, as required under the water right, for that individual phase.***

FINDING: The Applicant responded to this condition as follows:

In the tentative plan decision Hearing Officer Olsen determined "Condition 10 appears primarily to be an informational requirement requiring documentation of the state water permit and an accounting of mitigation under the water right." On appeal LUBA concurred. See Exhibit 6: LUBA TP A-1 Decision, Pg. 33-34. In a subsequent proceeding, for approval of the Golf Course and Lakes Site Plan opponents argued that, among other things; the Applicant needed to show it had an enforceable contract with Big Falls Ranch, and, that its water rights permit had expired. Applicant argued the first was not needed, the second was false, that Hearing Officer Olsen's interpretation was correct, and that Opponents were attempting to amend the language of Condition 10, which was an impermissible collateral attack on the CMP. The applicant has a contract for the purchase of 315 acre-feet of water from Big Falls Ranch which is a sufficient amount of water for all Phase A-authorized development. See Exhibit 5: BFR Memo.

The Board of Commissioners agreed stating in its 2020 decision:

"The BOCC agrees this was resolved in the CMP with an intent consistent with Hearing Officer Olsen's interpretation, that it is an "informational requirement". The language of Condition 10 requires "updated documentation of the state water right permit." It doesn't require that the documentation show any particular status, for example, that the permit is free of protest, or the extension is pending, etc... It just requires updated documentation which the Applicant provided. It shows the Applicant has a water rights permit, that the permit has not been cancelled, and that it is in good standing. Condition 10 does not require the Applicant to provide an agreement, or any form of proof of an agreement or contract for mitigation water. It just requires Applicant to provide an accounting of the mitigation water for the uses in this site plan. Opponent attempts to expand the scope beyond that is a collateral attack on the CMP."

Exhibit 1: BOCC Golf Course Decision, Exhibit A: Pg. 7-9, 21-23.

With this application, and in compliance with the BOCC's direction, the applicant has provided updated documentation similar to what it provided to the Board in the case noted above.

The updated documentation includes documentation showing Pinnacle Utilities, LLC owns water rights permit # G-17036. See Exhibit 7: OWRD Pinnacle Transfer. Permit #G-17036 is a quasi-municipal water right granted by Oregon Water Resources Department for the Resort project See Exhibit 8: OWRD Water Rights Permit. On June 24, 2018, Pinnacle submitted an application to amend its Incremental Development Plan ("IDP"). The amended IDP was approved on July 10, 2018, then further amended on September 1, 2020. See Exhibit 9: Incremental Development Plan.

On April 2, 2018 Pinnacle applied to extend the time to fully develop the water uses of permit G-17036. On June 5, 2018 OWRD issued a Proposed Final Order ("PFO") approving Pinnacle's extension. See Exhibit 10: OWRD Proposed Final Order (PFO) Approving Extension. On July 20, 2018, Annunziata Gould filed a protest of OWRD's PFO approval and has requested a contested hearing. This appeal is pending. Opponents have argued Applicant's water rights permit is void, or expired, or that Applicant cannot pump water under its permit. Under Oregon law, permit G-17036 remains in place during the review of the extension unless and until cancelled by OWRD. See OAR 690-320-0020 (providing for OWRD to send a certified letter of intent to cancel a permit, with 60 days to respond). OWRD has taken no action against the permit and said it has no intentions to do so.

In prior development reviews, OWRD has advised Deschutes County, after the Gould appeal was filed, that Pinnacle's water rights permit is in good standing, that Pinnacle has done more than is required at this time and that Applicant has provided mitigation before pumping any groundwater under the authority of the permit. See Exhibit 11: Jeremy Giffin emails dated 12/24/19 and 8/24/18. OWRD's Water Rights Information Query also states that the status

of the permit is “non-cancelled.” See, Exhibit 12: OWRD Water Rights Query. LUBA also affirmed Hearings Officer Olsen’s determination that this type of evidence establishes that Thornburgh Resort has a valid water right and LUBA’s decision was affirmed without opinion by the Oregon Court of Appeals. See Exhibit 6: TP A-1 LUBA Decision, p. 34. LUBA’s decision was affirmed without opinion by the Oregon Court of Appeals on April 21, 2021. Gould v. Deschutes County, 310 Or App 868, 484 P3d 1073 (Table)(2021).. On appeal of the Golf Course site plan the BOCC agreed. See Exhibit 1: page 8-9.

In March 2020 Pinnacle Utilities LLC submitted a Water Management Conservation Plan (WMCP) to OWRD as required by Permit G-17036. Comments were received and on November 5, 2020, Pinnacle submitted the final revised plan to OWRD. On November 24, 2020, OWRD issued a final order approving the WMCP and on January 23, 2021, Ms. Gould filed a Petition for Judicial Review in the Marion County Circuit Court. OWRD withdrew the final order approving the plan. On May 7, 2021, OWRD issued an Order on Reconsideration Approving the WMCP, finding, among other things, that Pinnacle’s future water needs “are reasonable and consistent with available land use plans and Pinnacle Utilities, LLC has demonstrated a need to divert water under Permit G-17036 during the next 20 years.” The approval ordered the following: (a) the WMCP will remain in effect until May 7, 2031; and (b) that by November 7, 2030 Pinnacle shall submit an updated plan; and (c) by May 7, 2026, it shall submit a progress report. See Exhibit 13: Neuman letter w/Order on Reconsideration Approving the WMCP.

In addition to the updated documentation, the Applicant provided an accounting of the amount of mitigation needed for the development of the 24 cabins proposed under this site plan, which is approximately 10.8 acre-feet of mitigation. Previous applications provided similar accounting of the water needed. The tentative plan for phase A-1 required 50 acre-feet of mitigation water, the site plan for the golf course and lake required 151 acre-feet of mitigation. The total mitigation for this site plan and the prior applications is 211.8 acre-feet which is summarized in Exhibit 14: Mitigation Debit Table. This condition is met.”

Staff concurs that this condition has been met with regard to the present application.

- 11. *At the time of submission for Final Master Plan (FMP) approval, Applicant shall include a written plan for entering into cooperative agreements with owners of existing wells within a two-mile radius of Applicant's wells. The plan shall include a description of how Applicant will provide notice to affected well owners and of the terms and conditions of an option for well owners to enter into a written agreement with Applicant under which Applicant will provide indemnification to well owners in the event of actual well interference as a result of Applicants water use. The plan shall remain in effect for a period of five years following full water development by Applicant. Specific terms and conditions of the plan shall be developed in cooperation with County staff and the Oregon Water Resources Department.***

FINDING: These requirements have been satisfied.

- 12. Commercial, cultural, entertainment or accessory uses provided as part of the destination resort shall be contained within the development and shall not be oriented to public roadways. Commercial, cultural and entertainment uses allowed within the destination resort shall be incidental to the resort itself. As such these ancillary uses shall be permitted only at a scale suited to serve visitors to the resort. Compliance with this requirement shall also be included as a condition of FMP approval.**

FINDING: The applicant provides the following statement:

This condition is included in the FMP approval and was addressed in the decision approving the Phase A-1 tentative plan. The Golf Facilities buildings included in this site plan are to serve the golf course required by the CMP and approved in the Golf Course site plan. They are not oriented to public roadways. The Welcome Center will provide a centralized location for overnight lodging unit (OLU) guests to check-in and a sales office and lounge for Resort guests and potential lot purchasers. This facility is not oriented to a public roadway. This condition will be met.

The proposed development is subject to this condition. Staff finds they are not oriented to public roadways and are at a scale suited to serve visitors to the resort. As proposed, Staff concludes the development complies with this condition.

- 13. Applicant shall specify all recreational facilities within the proposed resort as part of final master plan submittal.**

FINDING: This requirement has been satisfied.

- 14. Applicant and its successors shall do the following to ensure that all open space used to assure the 50% open space requirement of Section 18.113.060 (D)(1) is maintained in perpetuity:**

- A. Applicant shall submit for approval, as part of the Final Master Plan, a delineation of the Open Space that is substantially similar to the area shown in the Open Space plan submitted as Ex. 9, B-14 to the "Memorandum of Applicant, in response to public comments dated September 28, 2005, Open Space shall be used and maintained as "open space areas" as that term is used in DCC 18.113.030(E).**

FINDING: This requirement has been satisfied.

- B. The CC&Rs, as modified and submitted to the County on December 20, 2005, shall be further revised such that, Section 3 .4 retains the first two sentences, but then the balance of 3.4 is replaced with the following:**

At all times, the Open Space shall be used and maintained as "open space areas." The foregoing sentence is a covenant and equitable servitude, which runs with the land in perpetuity and is for the benefit of all of the Property, each Owner, the Declarant, the Association, and the Golf Club. All of the foregoing entities shall have

the right to enforce covenant and equitable servitude. This Section 3.4 may not be amended except if approved by an affirmative vote of all Owners, the Declarant, the Golf Club and the Association.

FINDING: This requirement has been satisfied.

- C. *All deeds conveying all or any part of the subject property shall include the following restriction:***

This property is part of the Thornburgh Resort and is subject to the provisions of the Final Master Plan for Thornburgh Resort and the Declaration of Covenants, Conditions and Restriction of Thornburgh Resort. The final Master Plan and the Declaration contain a delineation of open space area that shall be maintained as open space areas in perpetuity.

FINDING: This requirement applies when the applicant conveys land in the resort. In this case, the applicant does not propose to convey land as part of this Site Plan Review. Staff finds that this condition does not apply.

- D. *All open space areas shall be clearly delineated and labeled on the Final Plat.***

FINDING: This requirement applies during the County's review of each final plat. It does not apply to the County's review of a site plan.

- E. *Any substantial change to the open space approved under this section will require a new land use permit.***

FINDING: The Applicant is not proposing any changes to the open space approved by the Phase A1 tentative plan approval. Staff finds this condition does not apply.

- 15. *Applicant shall obtain an approved Water Pollution Control Facility (WPCF) permit (as described in DCC 18.113.070(L)) prior to application for Final Master Plan.***

FINDING: This requirement has been satisfied.

- 16. *All temporary structures shall be limited to a maximum of 18 months on the resort site.***

FINDING: No temporary structures are proposed by the applicant at this time; no temporary structures are shown on the subject site plans.

- 17. *All development within the proposed resort shall meet all fire protection requirements of the Redmond Fire Department. Fire protection requirements shall include all minimum emergency roadway improvements.***

FINDING: The Applicant responded to this condition as follows:

Emergency roadway improvements will be made according to the standards required by the FMP prior to approval of the final plat, as required by Condition 4, above. They will also be completed prior to occupancy of the structures proposed by this site plan. All development will meet fire protection requirements imposed by code or as a condition of approval based on the requirements of the Redmond Fire Department provided during the County's review of this site plan application.

Staff includes a condition of approval requiring the applicant to secure confirmation from the Redmond Fire Department that all fire protection requirements of the Redmond Fire Department identified in the submitted June 21, 2021 comment letter have been met, prior to issuance of building permits.

18. No development shall be allowed on slopes of 25% or more on the site.

FINDING: The Applicant responded to this condition as follows:

The applicant is not proposing development on slopes of 25% or more. As explained during the review of the Phase A-1 tentative plan, this condition implements DCC 18.113.070(H) (2005). It says: "[n]o structure will be located on slopes exceeding 25 percent." Given this context, the term "development," means the construction of buildings, on slopes exceeding 25%. This site plan is not proposing construction of buildings in such locations. This criterion is met.

Staff concurs.

19. Applicant shall implement a Wildfire/Natural Hazard Protection Plan for the resort as identified in Ex. 15, B-29 of the CMP burden of proof statement. Prior to approval of each subdivision and site plan, Applicant shall coordinate its evacuation plans through that development phase with the Deschutes County Sheriff's Office and the Redmond Fire Department. At the same time, Applicant shall also coordinate its plans for the movement of evacuees over major transportation routes with the Oregon State Police and the Oregon Department of Transportation.

FINDING: The Applicant responded to this condition as follows:

The applicant provided the information as part of the filing of the Phase A-1 Tentative Plan and the Golf Course site plan which included plans for the evacuation of the lots included in this site plan. At that time the applicant had informed the Redmond Fire Department and Deschutes County Sheriff of its filing of this application and has done so with the filing of this application as well. Applicant previously coordinated with the Oregon State Police and ODOT to develop its evacuation plans. As noted, the CMP/FMP includes a Wildfire & Natural Hazard Protection Plan. The proposed site plan does not violate that plan or preclude implementation of the plan. This condition is met.

Staff finds that this condition has been met.

- 20. *The cumulative density of the development at the end of any phase shall not exceed a maximum density of 0.72 dwelling units per acre (including residential dwelling units and excluding visitor-oriented overnight lodging).***

FINDING: The subject site plans do not propose residential units. As such, this condition is not relevant to this review.

- 21. *Each phase of the development shall be constructed such that the number of overnight lodging units meets the 150 overnight lodging unit and 2:1 ratio of individually owned units to overnight lodging unit standards set out in DCC 18.113.060 (A)(1) and 18.113.060 (D)(2). Individually owned units shall be considered visitor-oriented lodging if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through one or more central reservation and check-in services. As required by ORS 197.445 (4)(b)(B), at least 50 units of overnight lodging must be constructed in the first phase of development, prior to the closure of sale of individual lots or units.***

In addition to complying with the specific requirements of DCC 18.113.70(U), 1-5, Applicant, its successors and assigns, shall at all times maintain (1) a registry of the individually owned units subject to deed restriction under DCC 18.113.070 (U)(2), requiring they be available for overnight lodging purposes; (2) an office in a location reasonably convenient to resort visitors as a reservation and check-in facility at the resort; and (3) a separate telephone reservation line and website in the name of "Thornburgh Resort", to be used by members of the public to make reservations. As an alternative to or in addition to (3), Applicant may enter into an agreement with a firm (booking agent) that specializes in the rental of time-sharing of resort property, providing the Applicant will share the information in the registry required by (1) and cooperate with the booking agent to solicit reservations for available overnight lodging at the resort. If applicant contracts with a booking agent, Applicant and the booking agent shall cooperate to ensure compliance with the requirements of DCC 18.113.070 (U)(5), by filing a report on January 1 of each year with the Deschutes County Planning Division.

FINDING: The Applicant responded to this condition as follows:

The Welcome Center will provide check-in services for OLUs that are proposed for approval under a separate site plan application. All OLU reservations will be made through a central reservation service for the Resort as required by the CMP and FMP.

Overnight lodging units and their compliance with this criteria are addressed in files 247-21-000508-SP and 247-21-00553-MC. As noted by the applicant, the development included in this application will provide a check-in point and central reservation service for OLUs as required by this criteria and the CMP and FMP. Staff finds that this condition has been met for this application.

- 22. *The final covenants, conditions and restrictions adopted by the developer and amendments thereto shall conform in all material respects to this decision and the requirements of the DCC.***

FINDING: The Applicant responded to this condition as follows:

This requirement applies to CC&Rs. The applicant submitted draft CC&Rs with its CMP/FMP and will update them to a final version, substantially similar to the approved version prior to submittal of the first final plat. The CC&R's will comply with this condition.

Staff concurs.

- 23. *No permission to use or improve Barr Road as access to the Resort is given or implied by this decision.***

FINDING: The site plan does not propose access to Barr Road.

- 24. *Applicant shall complete annexation of the property in any area of development into Deschutes County Rural Fire Protection District No. 1 before commencing combustible construction in the area.***

FINDING: This requirement has been satisfied.

- 25. *Applicant shall submit a detailed erosion control plan with the first Tentative Plat or Site Plan, whichever comes first.***

FINDING: The applicant complied with this condition when it filed its Phase A-1 tentative plan and again when it filed the Golf Course and Lakes site plan. While nothing further is required to comply with this condition, this site plan includes erosion control details for parking lot drainage on sheets C2.0 and C3.0 of the site plan.

- 26. *Lot size, width (frontage), coverage, off-street parking and setbacks, including solar setbacks, are permitted as described in Applicant's Exhibit 8, B-24a in the Burden of Proof document [for the CMP] subject to review during the subdivision approval process to confirm that there will be safe vehicle access to each lot. Compliance with the dimensional standards shall be confirmed during subdivision approval for each development phase. All multi-family units, commercial structures, and other resort facilities are exempted from meeting the solar setback standards.***

FINDING: Condition 26 applies during the review of a subdivision application. It does not apply to site plan applications. The standards of CMP Exhibit 8, B-24a, Exhibit 15, Lot Standards, are addressed in findings related to setback requirements of the DR overlay zone.

- 27. *Road width shall be consistent with the requirements set forth in the County's subdivision ordinance, DCC Chapter 17.36.***

FINDING: No new roads are proposed. This condition does not apply.

28. Applicant shall abide at all times with the MOU with BLM, dated September 28, 2005, regarding mitigation of impacts on surrounding federal lands, to include wildlife mitigation and long-range trail planning and construction of a public trail system. The mitigation plan adopted by Applicant in consultation with Tetra Tech, ODFW and the BLM shall be adopted and implemented throughout the life of the resort.

FINDING: The Memorandum of Understanding (MOU) with the BLM supports the implementation of the BLM's Upper Deschutes Resource Management Plan. The Thornburgh Resort has agreed to several things involving long-range trail planning and construction, which includes establishing a resource mitigation fund of up to \$350,000, as needed by BLM for one-time and long-term mitigation, to help fund the items described in the MOU. In addition, the applicant has previously stated the following regarding long-range trail planning that is addressed in the Wildlife Mitigation Plan for offsite actions (Measure C, Reduction of Off Road Vehicle Use⁴):

This measure has been completed by BLM by completion of the Cline Buttes Recreation Area Plan by segregating the use of various areas into different user groups. As a result, the incidence of trespass ORV travel on the Resort property has diminished significantly. Currently there is very little OHV use on BLM lands adjacent to the resort. The applicant will continue to work with the BLM on trail development in the area to further reduce unwanted use and improve the interactions between the public and private lands. This measure requires nothing further than this ongoing collaboration.

In addition, the MOU required the establishment of a Wildlife Mitigation Plan, which has been completed. The WMP is further discussed below under FMP Conditions 38 and 39. Based on the WMP, there are action items that are no longer pertinent in the MOU in part because they have either been completed and/or the measures within the WMP replace it. However, overall, there are ongoing compliance requirements as noted below.

29. Applicant shall abide at all times with the MOU with ODOT, regarding required improvements and contributions to improvements on ODOT administered roadways.

FINDING: The applicant previously submitted an executed Cooperative Improvement Agreement (CIA) with ODOT required by the MOU. A copy of this agreement is Exhibit 16 of this application. This condition is met.

30. Applicant shall submit a detailed traffic circulation plan, delineating resort access roads, resort internal circulation roads and resort secondary emergency ingress/egress roads, prior to Final Master Plan approval.

FINDING: This requirement has been satisfied.

⁴ Off Road Vehicle Use (ORV or OHV)

31. All exterior lighting must comply with the Deschutes County Covered Outdoor Lighting Ordinance per Section 15.10 of Title 15 of the DCC.

FINDING: The Applicant responded to this condition as follows:

All lighting will be shielded and directed downward and will otherwise comply with the requirements of Section 15.10 of Title 15. That law applies to the resort's lighting regardless of whether this application is conditioned to comply or not.

Staff finds that this condition applies to the proposed development and includes a condition of approval to ensure compliance.

32. No permission to install a helicopter landing zone (helipad) at the Resort is given or implied by this decision.

FINDING: The applicant is not seeking approval of a helicopter landing zone. This requirement is not applicable to the review of the site plan.

33. The Resort shall, in the first phase, provide for the following:

- A. At least 150 separate rentable units for visitor-oriented lodging.**
- B. Visitor-oriented eating establishments for at least 100 persons and meeting rooms which provide eating for at least 100 persons.**
- C. The aggregate cost of developing the overnight lodging facilities and the eating establishments and meeting rooms required in DCC 18.113.060(A)(1) and (2) shall be at least \$2,000,000 (in 1984 dollars);**
- D. At least \$2,000,000 (in 1984 dollars) shall be spent on developed recreational facilities.**
- E. The facilities and accommodations required by DCC 18.113.060 must be physically provided or financially assured pursuant to DCC 18.113.110 prior to closure of sales, rental or lease of any residential dwellings or lots.**

FINDING: The Applicant responded to these conditions as follows:

The applicant is seeking, in this and in prior land use applications, to construct buildings and to develop developed recreational facilities required to meet the requirements of this condition but this condition does not supply relevant approval criteria for the review of this site plan. Compliance is assured by the requirement that the required improvements be built or, where allowed, bonded prior to the development of Phase B of the Resort.

Condition 33A: Applicant will meet Condition 33A regarding the 150 units of lodging by providing 150 separate rentable units for visitor lodging, or financially assuring them, per Condition 33E, prior to the closure of sales, rental or lease of any residential buildings.

Condition 33B: This site plan proposes dining facilities seating at least 100 persons and meeting spaces for at least 100 persons, to comply with Condition 33B. Facilities providing

100 dining spaces are provided by the Golf Clubhouse. The Community Hall will provide meeting space for 100 people and will be used for dining by persons attending meetings and other gatherings. This condition will be met.

Condition 33C: Requires at least \$2,000,000 in 1984 dollars or \$5,073,524.19 in December 2020 (according to the Dollar Times on internet based on the CPI) be spent on developing the OLU's and the eating and meeting facilities. In the site plan application submitted on May 21, 2021, the applicant noted the budget for the first 24 cabins would alone far exceed the amount required to comply with Condition 33C. These units provide all the amenities provided by the Caldera lock-off room OLUs that were found by the BOCC to meet the definition of overnight lodging units. See, Exhibit 18. In addition, the budget for development and construction of the dining facilities in the golf clubhouse is \$2,000,000. The budget for development and construction of the meeting and event facilities in the Community Hall is \$713,000, for a total of \$2,713,000 for meeting and eating in this site plan. Applicant will construct or, where allowed, financially assure the construction of these facilities as required by 33E. The actual amount spent for these facilities will be accounted for and reported to the County to establish compliance once facilities are constructed. This condition will be met.

Condition 33D: Requires at least \$2,000,000 in 1984 dollars or \$5,073,524.19 in December 2020 (according to the Dollar Times on internet based on the CPI) be spent on developing recreational amenities. As noted herein, a separate site plan application was approved for the golf course and lakes to address the recreational component in 33D above. During the County's review of the Golf Course site plan, the applicant stated the cost of building the golf course and lakes alone would be more than required by this condition. In addition to the golf course and lakes, the recreational amenity package includes the Golf Clubhouse, with a budget of \$1,492,000 (excluding restaurant related elements), and the Community Hall with a budget of \$810,000 (excluding the meeting and event related elements) for a total of \$2,302,000 for recreational amenities in this site plan. Applicant expects to expend the amounts required by this condition prior to closure of sales, but if there is any shortfall amount not spent to meet this condition it will be financially assured pursuant to condition 33E. This condition will be met.

Staff finds the proposal to be consistent with Condition 33.

34. *Where construction disturbs native vegetation in open space areas that are to be retained in substantially natural condition, Applicant shall restore the native vegetation. This requirement shall not apply to land that is improved for recreational uses, such as golf courses, hiking or nature trails or equestrian or bicycle paths.*

FINDING: The Applicant responded to this criterion as follows:

The applicant does not anticipate that this site plan will disturb native vegetation in open space areas that are to be retained in a substantially natural condition. In the event disturbance occurs, the Wildlife Mitigation Plan approved in the FMP prescribes the protocols

whereby the disturbance is to be remediated. These protocols will be followed.

Staff finds, as proposed, this condition will be met.

- 35. *The contract with the owners of units that will be used for overnight lodging by the general public shall contain language to the following effect: “[Unit Owner] shall make the unit available to [Thornburgh Resort/booking agent] for overnight rental use by the general public at least 45 weeks per calendar year through a central reservation and check-in service.***

FINDING: This requirement applies when the applicant sells OLUs to new owners. It is not applicable to the review of this site plan.

- 36. *Applicant shall coordinate with the Sheriff's Office and its designated representative to address all public safety needs associated with the resort and the development process.***

FINDING: The applicant provided the following statement in response to this requirement:

The applicant has informed the Sheriff that it is filing this site plan. The Sheriff's Office will receive notice from the county so that it may comment on the site plan. The Sheriff's Office, also, has been involved in the design of the resort during development of the CMP and FMP and was notified of the filing of the Phase A-1 Tentative plan approving the lots in this site plan, and at the filing of the Golf Course and Lakes Site Plan, as well as with the filing of this site plan.

Staff agrees with the provided summary and confirms the county did provide notice to the Sheriff's Office for this site plan. Staff finds this condition is met.

- 37. *Applicant shall demonstrate compliance with DCC 18.113.070(D) by submitting a wildlife mitigation plan to the County as part of its application for Final master plan approval. The County shall consider the wildlife mitigation plan at a public hearing with the same participatory rights as those allowed in the CMP approval hearing.***

FINDING: This requirement has been satisfied.

- 38. *The applicant shall abide by the April 2008 Wildlife Mitigation Plan, the August 2008 Supplement, and agreements with the BLM and ODFW for management of off-site mitigation efforts. Consistent with the plan, the applicant shall submit an annual report to the county detailing mitigation activities that have occurred over the previous year. The mitigation measures include removal of existing wells on the subject property and coordination with ODFW to model stream temperatures in Whychus Creek.***

FINDING: The applicant responded to this condition as follows:

This condition states an ongoing obligation of the resort. It is enforceable by virtue of being a condition of the FMP and has already been found reasonably certain to succeed. There are numerous elements that require further and ongoing approvals that ensure compliance and allow for enforcement to proceed. LUBA ruled that compliance with Condition 38 is assured by annual reporting rather than a review conducted each time the applicant seeks development approvals. The Applicant's OLU site plan proposes no change to the Resort's mitigation plans. Consequently, as noted by LUBA, the Applicant is not required to fill in any details about the WMP during development review. See Exhibit 6: LUBA TP A-1 Decision, Pages 34-38, and: Exhibit 1, BOCC Golf Course Decision, Pages 5, 18-29. Nothing is required at this time. This condition is met.

Staff concurs.

- 39. *The applicant shall provide funding to complete a conservation project by the Three Sisters Irrigation District to restore 106 acre-feet of instream water to mitigate potential increase in stream temperatures in Whychus Creek. The restoration shall occur as described in the applicant's submittals. The mitigation water shall be placed in stream no later than the date that groundwater pumping to serve the development commences (not testing). The applicant shall provide a copy of an agreement with the irrigation district detailing funding agreement prior to the completion of Phase A.***

FINDING: This condition is tied to pumping groundwater; not to site plan review. As a result, it does not apply to the review of the site plan. Applicant has indicated that it will provide a copy of the agreement with TSID prior to the commencement (not testing) of groundwater pumping, as required by this condition.

Title 18 of the Deschutes County Code, County Zoning

Chapter 18.113, Destination Resorts Zone – DR

Section 18.113.040, Application Submission.

- C. *Site Plan Review. Each element or development phase of the destination resort must receive additional approval through the required site plan review (DCC 18.124) or subdivision process (DCC Title 17). 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 DCC 18.113 and the FMP.***

FINDING: The applicant responded to this criterion as follows:

During review of the golf course and lake site plan the parties and the administrative approval set forth different theories about what was required to demonstrate compliance with "standards and criteria of DCC 18.113 and the FMP." The administrative approval treated DCC 18.113.060 and 070 as applicable approval criteria. The BOCC disagreed and

found that DCC 18.113.060, 18.113.070 and 18.113.090 apply only during the review of the Resort's master plan; not during the review of development applications. DCC 18.113.050, also, does not apply because it details the information that must be provided in the CMP application and is not applicable thereafter.

The Applicant also argued, and the BOCC concurred, that findings of compliance with the conditions of approval of the FMP, but not the CMP, are required as part of any site plan or tentative plan approval for the resort. The BOCC found that several CMP conditions were found by the FMP decision to have been "satisfied." These conditions are CMP Conditions 3, 8, 9, 11, 13, 14A, 14B, 15, 24, 30 and 37. Also, CMP Condition 28 was replaced by Conditions 38 and 39 and, therefore, is not a relevant approval criterion for review of a development application. See Exhibit 1, BOCC Golf Course Decision, Pages 4-6.

The applicant has addressed the conditions of approval of the FMP, above. This document explains below how the site plans comply with the standards and criteria of Chapter 18.113 that were a part of the CMP and FMP and, therefore, are relevant to the County's review of this application."

Staff concurs.

Section 18.113.060, Standards for Destination Resorts.

G. Dimensional Standards:

- 1. *The minimum lot area, width, lot coverage, frontage and yard requirements and building heights otherwise applying to structures in underlying zones and the provisions of DCC 18.116 relating to solar access shall not apply within a destination resort. These standards shall be determined by the Planning Director or Hearings Body at the time of the CMP. In determining these standards, the Planning Director or Hearings Body shall find that the minimum specified in the CMP are adequate to satisfy the intent of the comprehensive plan relating to solar access, fire protection, vehicle access, visual management within landscape management corridors and to protect resources identified by LCDC Goal 5 which are identified in the Comprehensive Plan. At a minimum, a 100-foot setback shall be maintained from all streams and rivers. Rimrock setbacks shall be as provided in DCC Title 18. No lot for a single family residence shall exceed an overall project average of 22,000 square feet in size.***

FINDING: The applicant responded to this criterion as follows:

The applicant argued, in its CMP application, that no minimum lot area, lot coverage, frontage or yard require should apply to Resort development. It did, however, propose residential lot standards in the event the BOCC determined they were needed. The BOCC approved the applicant's proposal but imposed the requirements set by Exhibit B-24a of the CMP on residential lots within the Resort. The BOCC did not impose dimensional standards

for commercial or other non-residential lots. Consequently, no minimum lot area, lot coverage, frontage and yard/setback requirements or building height limitations apply to any of the buildings proposed by this site plan.

Staff concurs.

2. Exterior setbacks.

- a. Except as otherwise specified herein, all development (including structures, site obscuring fences of over three feet in height and changes to the natural topography of the land) shall be setback from exterior property lines as follows:**
 - i. Three hundred fifty feet for commercial development including all associated parking areas;**
 - ii. Two hundred fifty feet for multi family development and visitor oriented accommodations (except for single family residences) including all associated parking areas;**
 - iii. One hundred fifty feet for above grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii);**
 - iv. One hundred feet for roads;**
 - v. Fifty feet for golf courses; and**
 - vi. Fifty feet for jogging trails and bike paths where they abut private developed lots and no setback for where they abut public roads and public lands.**
- b. Notwithstanding DCC 18.113.060(G)(2)(a)(iii), above grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii) shall be set back 250 feet in circumstances where state highways coincide with exterior property lines.**
- c. The setbacks of DCC 18.113.060 shall not apply to entry roadways and signs.**

FINDING: All proposed development and roadways comply with the above-listed setbacks as shown by the applicant's site plan. The subject property does not adjoin a state highway

Section 18.113.070, Approval Criteria. (2005 Ordinance/CMP)

- U. A mechanism to ensure that individually-owned units counting toward the overnight lodging total remain available for rent for at least 45 weeks per calendar year through a central reservation and check-in service. Such a mechanism shall include all of the following:**
 - 1. Designation on the plat of which individually-owned units are to be considered to be overnight lodging as used in DCC 18.113;**
 - 2. Deed restrictions limiting use of such identified premises to overnight lodging total purposes under DCC 18.113 for at least 45 weeks each year;**
 - 3. Inclusion in the CC&Rs of an irrevocable provision enforceable by the County limiting use of such identified units to overnight lodging purposes under DCC**

- 18.113 for at least 45 weeks each year;**
- 4. Inclusion of language in any rental contract between the owner of the unit and any central reservation and check-in service requiring that such units be made available as overnight lodging facilities under DCC 18.113 for at least 45 weeks each year; and**
 - 5. A requirement that each such unit be registered and a report filed on each such unit yearly by the owner or central booking agent on January 1 with the Planning Division as to the following information:**
 - a. Who the owner or owners have been over the last year;**
 - b. How many nights out of the year the unit was available for rent through the central reservation and check-in service; and**
 - c. How many nights out of the year the unit was rented out as an overnight lodging facility under DCC 18.113.**

FINDING: No individually-owned units are included in this proposal.

Section 18.113.080, Procedure for Modification of a Conceptual Master Plan.

Any substantial change, as determined by the Planning Director, proposed to an approved CMP shall be reviewed in the same manner as the original CMP. An insubstantial change may be approved by the Planning Director. Substantial change to an approved CMP, as used in DCC 18.113.080, means an alteration in the type, scale, location, phasing or other characteristic of the proposed development such that findings of fact on which the original approval was based would be materially affected.

FINDING: No “substantial change” is proposed, as determined by the Planning Director. No alteration to the “type, scale, location, phasing, or other characteristics of the proposed development”, thereby materially affecting the original findings of fact, is proposed.

Section 18.113.110, Provision of Streets, Utilities, Developed Recreational Facilities and Visitor Oriented Accommodations.

- A. *The Planning Director or Hearings Body shall find that all streets, utilities, developed recreational facilities and visitor oriented accommodations required by the FMP are physically provided or are guaranteed through surety bonding or substantial financial assurances approved by the County prior to closure of sale of individual lots or units.***
- B. *Financial assurance or bonding to assure completion of streets and utilities, developed recreational facilities and visitor oriented accommodations in the FMP shall be required pursuant to the security requirements for site plan review and subdivision review established by the Deschutes County Code.***

FINDING: The applicant responded to this criterion as follows:

This code section makes it clear that required Resort facilities may be constructed or assured.

The only exception is that the applicant is required by FMP Condition 21 to construct 50 OLU's prior to selling Resort lots.

No financial assurance or bonding is proposed at this time.

Chapter 18.116, Supplementary Provisions

Section 18.116.020, Clear Vision Areas.

- A. *In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.***

FINDING: The Applicant provided the following statement of compliance:

The clear vision area applies based on road right-of-way width. "Streets" are defined by DCC 18.04.030 as "the entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic." The private roads proposed by the site plan are not public ways. Nonetheless, clear vision requirements will be met at private road intersections to [sic] assure safety and achieve compliance with other relevant approval criteria. An analysis of sight distance by transportation engineer Chris Clemow, PE demonstrates that Resort intersections will provide adequate sight distance for motorists. See, Exhibit 19.

Right-of-way is defined by DCC 18.04.030 as the area between the boundary lines of a street, road or other public easement. The road easements approved by the Phase A-1 tentative plan are 44 feet wide. As a result, a clear vision area of 40 feet from the intersection is provided. The clear vision areas are shown on the applicant's site plan. See, SP C2.0 and 3.0.

In addition to the definition of "street" cited by the applicant, DCC Chapter 18.04.030 also defines "Road or street" to mean "a public or private way created to provide ingress or egress to one or more lots, parcels, areas or tracts of land." As such, Staff finds the criteria applies to the proposed development. Upon review, Staff finds application materials meet the requirements of this criteria.

- B. *A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad. Two sides of the triangle are sections of the lot lines adjoining the street or railroad measured from the corner to a distance specified in DCC 18.116.020(B)(1) and (2). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is***

the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the County:

- 1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet or at intersections including an alley, 10 feet.***
- 2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:***

<i>Right of way Width</i>	<i>Clear vision</i>
<i>80 feet or more</i>	<i>20 feet</i>
<i>60 feet</i>	<i>30 feet</i>
<i>50 feet and less</i>	<i>40 feet</i>

FINDING: Similar to the findings made above, staff finds this criterion applies to the proposal. Staff finds all intersections within the site plan, excluding those driveways leading to on-site parking on the numbered lots within this site plan, as shown in the application materials, are subject to these requirements. Based on staff's review of the site plan, this criterion will be met.

To the extent these criteria do not apply, staff finds a failure to observe clear vision areas at intersections would not provide the "safe environment" required under DCC 18.124.060(C) and staff uses these criteria as guidelines to impose conditions to help insure a "safe environment".

Section 18.116.030, Off street Parking and Loading.

- A. Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off street parking and loading requirements are to be met and that property is and will be available for exclusive use as off-street parking and loading. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.***

FINDING: As described herein, the off street parking and loading requirements are met and, as conditioned, the property is and will be available for exclusive use as off-street parking and loading. As a condition of approval, the subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.

- B. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:***

2. **Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off street truck loading or unloading berths subject to the following table:**

Sq. Ft. of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

FINDING: At 6,800 square feet, the golf clubhouse is the largest building proposed. Because it is less than 30,000 square feet, no loading berth is required to comply with this criterion.

- C. **Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in DCC 18.116.030 for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 18 is changed.**

- D. **Number of Spaces Required. Off-street parking shall be provided as follows:**

2. **Commercial Residential.**

Use	Requirements
Hotel	1 space per guest room plus 1 space per 2 employees.
Motel	1 space per guest room or suite plus 1 additional space for the owner-manager
Club or lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Fraternity, sorority or dormitory	1 space for each 6 student beds

4. **Places of Public Assembly.**

Use	Requirements
Other auditorium or meeting room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 sq. ft. of floor space.

5. Commercial Amusements.

<i>Use</i>	<i>Requirements</i>
<i>Dance hall or skating rink</i>	<i>1 space per 100 sq. ft. of floor area plus 1 space per 2 employees.</i>

6. Commercial.

<i>Use</i>	<i>Requirements</i>
<i>Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show they bulky merchandise occupies the major area of the building.</i>	<i>1 space per 600 sq. ft. of gross floor area</i>

<i>Eating and drinking establishments</i>	<i>1 space per 100 sq. ft. of gross floor area</i>

- 9. Other uses not specifically listed above shall be provided with adequate parking as required by the Planning Director or Hearings Body. The above list shall be used as a guide for determining requirements for said other uses.**

FINDING: Below, staff addresses each of the proposed uses and associated parking requirements. For each use, the applicant provides proposed calculations.

Welcome Center

The applicant provides the following findings for the Welcome Center.

While DCC 18.116.030(D) includes categories of use (1-8) such as, hotels, dining, meeting, office and retail along with the parking requirements for those uses. No specific requirement is provided for a golf clubhouse or a golf course.

Welcome Center: The Welcome Center contains a sales office, guest reception area and sales "floor" room comprised of a great room that will include a large model of the Resort. The code requires one parking space per 300 feet of office space and one parking space per 600 square feet for retail uses that sell bulky merchandise which is similar in terms of intensity to the reception area and sales floor. The building contains 2,260 square feet of office space (sales offices, work room, bathrooms, mechanical room, conference room, gallery/hallways

and sales lounges) which requires 7.55 parking spaces. The sales floor, reception area and vestibule is 1,335 square feet. At a rate of 1 parking space per 600 square feet, 2.225 parking spaces are required. The total number of spaces required for the Welcome Center, therefore, is 9.775 spaces. This rounds up to 10 spaces. A total of 14 parking spaces are provided adjacent to the Welcome Center.

Staff disagrees with the applicant's interpretation of this requirement. Table 6, Commercial, describes "bulky merchandise" as "merchandise that occupies the major area of the building" and provides examples of furniture and automobile retailers. The application materials indicate a large scale model of the resort will occupy significant space, but does not specify how much space. Staff finds that without more specificity, this is not similar to furniture or automobiles, therefore the 1:600 parking ratio is not appropriate to the use. Consequently, staff finds the Welcome Center is subject to the 1:300 ratio. The total square footage of the building is 3,975. The 1:300 ratio brings the parking requirement to 13.25 spaces. Because the applicant is providing 14 spaces, Staff finds the Welcome Center complies with off-street parking requirements.

Gate House

The applicant provides the following findings for the Gate House.

Gate House: The gate house is 280 square feet in size. It requires 1 parking space per 300 feet. This building will house 1 employee at a time, but the site plan is providing 2 parking spaces, 1 for the employee on site plus an additional space for a rotating employee.

Staff agrees with the applicant's parking calculation for the Gate House.

Golf Course

The applicant provides the following findings for the Golf Course.

Resort Core Area Parking: Resort Core area which is the area comprised of the golf course, Golf Clubhouse, Event Hall and OLU's. The applicant's site plan proposes 84 additional parking spaces in the Resort core area. Another 80 parking spaces will be provided for the OLU's now under review by the County. This means that there will be 164 parking spaces in the commercial area with 84 parking spaces provided in two parking areas north of the Golf Clubhouse and east of the Community Hall.

The following calculations show that this is the correct amount of parking for this area. Furthermore, the applicant has proposed additional optional parking areas that it will build if the assessment of parking need is too low. This balances the applicant's desire and commitment to preserve ancient trees that are growing on the property with a business need to provide sufficient parking for Resort guests and owners.

- Golf Course – 36 spaces: The County Code does not provide a calculation for golf course use. Based upon a calculation of 2 golfers per hole on an 18-hole golf course,

36 parking spaces would be required for the golf course use excluding employees. This is similar to how parking for the Tetherow golf course was determined. In that decision, the County estimated a peak use of 2 golfers per hole for every hole and required 2 parking spaces per hole. See Exhibit 20: Tetherow Golf Decision SP-07-02, pg. 17. Golf maintenance and operations staff will be accounted for in the maintenance facility site plan to be filed in the near future. Golf course staff are included in the Golf Clubhouse calculations provided below.

Thornburgh's golf course is an 18-hole course, within the Destination Resort. It will be operated as a semi-private golf course that will primarily cater to the needs of members and Resort guests. Golf course patrons will be comprised almost exclusively of Resort property owners who are golf club members and persons staying in the resort's overnight lodging units. Given the location of the 80 OLUs proposed in CLCC's recently filed OLU site plan and the proximity of homes to the golf course, many golfers will walk or use a golf cart to travel to the course. Because Tetherow is in Bend and allows outside play (outside of owners and lodging visitors) it is reasonable to assume Thornburgh will have less drive to play, and as a result, less need for parking. As such, applicant's use of 2 people per golf hole to calculate parking is likely conservative. For these reasons, the applicant believes a total of 36 spaces is an adequate number of parking spaces to serve the course. This is in line with the County's approval of the Caldera Springs golf course, File SP-05-53. In that case, the County determined that 15 to 20 parking spaces would be needed for a 9-hole golf course. File SP-05-53, pp. 19-21, Exhibit 21. In a later determination, the County found that only 15 parking spaces were required for the same course. File SP-06-14, pp. 17-19, Exhibit 22.

Staff agrees with the applicant that 36 parking spaces are required for the golf course.

Golf Clubhouse

The applicant provides the following findings for the Clubhouse.

- Golf Clubhouse – 38.5: Following the method of calculating parking for the Caldera Resort 100-person restaurant in SP-05-53, pp. 19-21, Exhibit 21, 25 parking spaces were required for 100 persons based on the assumption that a table of four diners will occupy 100 square feet of space. The Thornburgh restaurant will provide food service in three types of dining areas: a 1200 square foot dining room, two covered porches totaling 1200 square feet and a living room totaling 600 square feet with seating for six persons. A total of 24 parking spaces are required for the dining room and porches. A total of 1.5 parking spaces are required for the living room based on its capacity of six diners (1 parking space per 4 diners). These calculations do not include the parking needs of restaurant staff. The restaurant will employ approximately 8 persons at peak staffing levels which brings the total parking spaces required for the restaurant to 33.5 spaces.

Staff finds the eating and drinking establishments parking ratio of 1:100 applies to the entirety of the restaurant space. The prior land use decision cited by the applicant incorrectly applied the parking ratio methodology and the county is not obligated to continue an incorrect application of the code. The 1,200 square foot dining room will require 12 parking spaces; the 1,200 square feet of covered porches will require 12 parking spaces; the 600 square foot living room will require an additional 6 spaces; and the 830 square foot kitchen will require 8 spaces (rounded down). In total, the restaurant portion of the clubhouse requires 38 parking spaces.

The clubhouse also includes office and retail space. The applicant provides the following findings to address the parking requirement for these uses.

The 1,200 square feet of office and retail space that will serve golfers require 4 parking spaces (1 space per 300 square feet). The workroom/bags area requires 1 space because it is 530 square feet and is most similar to a service or repair shop where bulky merchandise occupies a major area of the space (this case golf bags) that requires one parking space per 600 square feet (1 parking space). The total parking for this part of the clubhouse is 5 spaces.

Similar to the above discussion, staff finds applying the 1:600 ratio for the workroom/bags area is not appropriate. The floor area dedicated to golf bags is less than half of the floor area dedicated to the office and retail space, and the bags are not bulky merchandise similar to furniture or automobiles. For this reason, staff finds the entirety of the building is subject to the 1:300 ratio. Therefore, the required parking for this 1,730-square-foot portion of the building is 6 spaces (rounded up).

Staff finds the total required parking for the restaurant, office and retail space is 44 spaces. The applicant proposes a total of 38.5 spaces. Supplemental parking is discussed below. As conditioned to provide required parking, Staff finds the Clubhouse will be served by sufficiently by compliant parking spaces.

Community Hall

The applicant provides the following calculation for the Community Hall, which includes two distinct use areas: the events/meeting area and the service yard.

- Community Hall – 33 parking spaces (based on event use): The Community Hall will be a shared use building – used for community events, 100-person meetings, dining associated with meetings and community events and golf cart storage. Our analysis of parking needs shows that 27 parking spaces is required for the primary use of the building and that when events are held in the building the number of required parking spaces, if based on this occasional use rises to 33 parking spaces. We have used the higher number in our calculations to err on the side of caution.

Staff finds the community hall functions as an auditorium or other meeting room. As such, the parking ratio should comply with 18.116.030(D)(4), which requires a 1:60 ratio because the applicant

does not propose fixed seating or benches. A 1:60 ratio for the 1,500 square foot meeting room requires 25 spaces.

With respect to the service yard, the applicant provides the following findings for required parking.

A small service yard for golf carts is provided at the north end of the building near a garage door that will provide golf cart access to the building. The meeting/community event room will provide seating for 100 attendees. In line with the Caldera decision for SP-05-53, pp. 19-21, Exhibit 21, 25 parking spaces are required to meet the parking needs of a 100-person meeting facility. The remainder of the building, with the exception of the meeting room restrooms which are a part of the meeting room use, is approximately 2645 square feet in size. Its primary use is for golf cart and equipment storage. Storage areas require one space per 2000 square feet of floor area. This means that, 1.33 parking spaces are required for the storage areas of the building.

This means a total of 26.33 parking spaces are required for the Community Hall building based on its typical use as a meeting room and golf cart storage facility which rounds up to 27 parking spaces.

The 1:2,000 ratio applies to industrial storage – specifically storage warehouse, wholesale establishment, rail or trucking freight terminal. This use is equivalent to a service (golf cart rental) shop with bulky merchandise which occupies the major area of the building, requiring a 1:600 ratio. Applying the 1:600 ratio to the 2,645 square foot area requires 5 parking spaces (rounded up).

For the two uses described above, Staff finds the Community Hall requires 30 spaces. However, in addition to the uses described above, the applicant states the Community Hall will be used infrequently for social events where the golf cart storage area will be converted for event use. The applicant provides the following additional information regarding social events at the Community Hall.

The Community Hall building is designed to allow the Resort community to use the facility for community social events. Golf carts will be removed temporarily to make room for occasional community gatherings. These events may include food service provided by the Golf Clubhouse restaurant. Typically, infrequent uses of buildings are not used to determine parking needs. The community event use would take the place of meeting and golf cart storage use of the 1775 square foot storage area and 1500 square foot meeting room (3225 square feet total). A rate of one space per 100 square feet applies to the most similar uses of dance halls and dining facilities. Employees associated with the event will work out of the Golf Clubhouse and their trips have been accounted for in estimate of needed parking for the golf clubhouse. As a result, a total of 32.23 parking spaces are required for this use. An additional .725 parking space is required for the storage areas of the building for a total of 33 parking spaces.

Staff agrees the appropriate parking ratio for social events is 1:100. Further, staff agrees the total parking requirement for the highest parking requirement use, social events, is 33 spaces (rounded down).

As noted above, the applicant proposes a total of 84 spaces in the Resort Core Area to accommodate the parking requirements for the golf course, clubhouse, and community hall. Based on staff's calculation of parking requirements, the golf course requires 36 spaces; the clubhouse requires 44 spaces, and the community hall requires 33 spaces. Consequently, a total of 113 spaces are required. As noted below, the applicant has requested a 15% discount in resort shared parking, which would reduce the required spaces from 113 to 96. Staff finds the applicant must revise the site plan to demonstrate 96 compliant parking spaces will be available to accommodate all uses in the Resort Core Area.

Overflow Parking

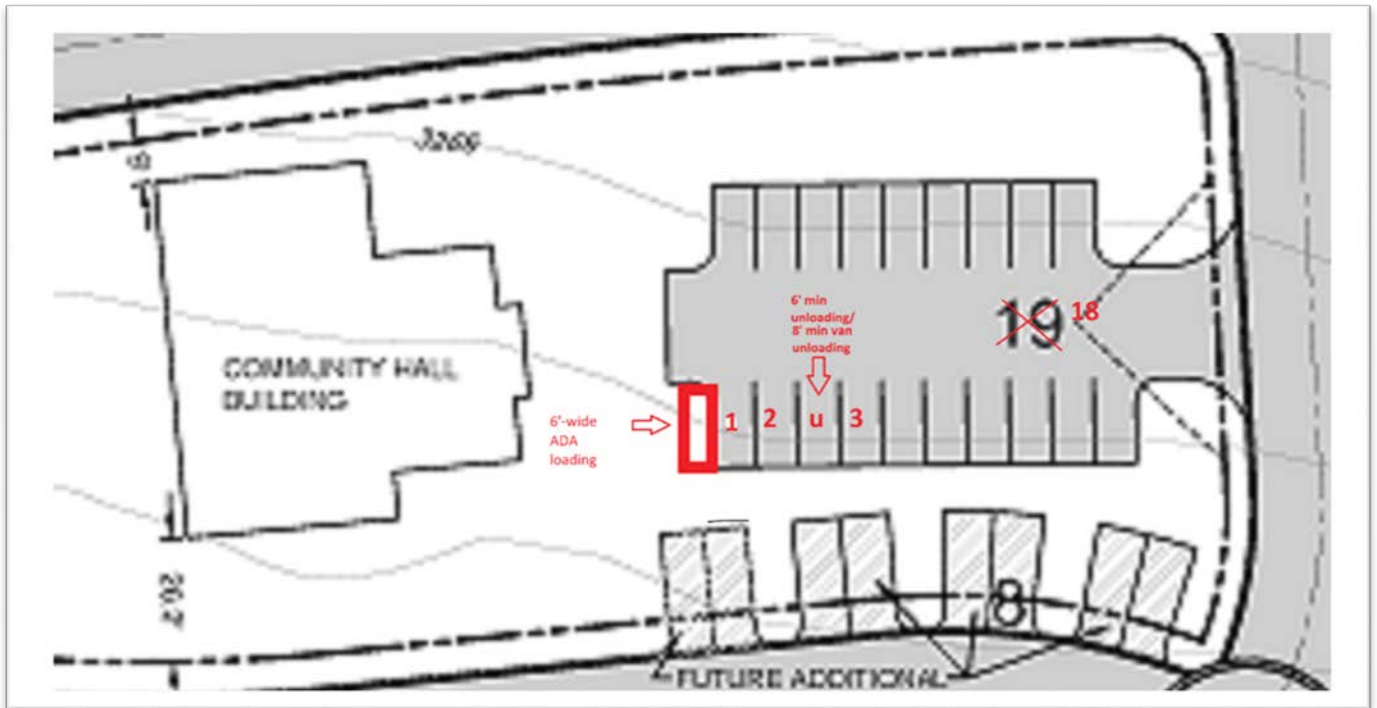
In addition to required parking, the applicant requests approval for an overflow parking area and provides the following discussion.

This site plan also seeks approval to build, at its option, up to an additional 45 spaces. This request is made so that these spaces may be built if needed, in the future, for excess and overflow parking. The locations of this overflow parking are shown on the site plan, Sheet C2.0.

The applicant also provides the following:

The applicant's site plan provides 84 spaces, four spaces more than the number of parking spaces the applicant believed would be required. Due to the fact that the County decision maker is given the broad discretion to set parking requirements for uses not specifically listed in the parking requirements table, the applicant proposed 45 additional optional parking spaces. These spaces can be converted to required parking spaces if the County finds that more spaces are required. The applicant will improve whatever number of optional spaces ultimately determined to be needed by the County up to the numbers proposed by the site plan. If the County settles on 97 parking spaces, an additional 13 parking spaces would need to be developed. This number should be increased by one parking space to accommodate ADA parking requirements. This number should be increased by two spaces if and when the 22-space parking area west of the community hall is developed. These adjustments are explained below.

- A one parking space reduction in the total number of parking spaces will occur when the applicant stripes two or three ADA parking spaces in the lot east of the Community Hall. The number required will depend on the total number of optional additional spaces improved by the applicant. The following is an illustration of the plan for three spaces:



- Two spaces can also be provided in the same area without eliminating more than one parking space.
- If the applicant improves the optional parking area west of the Community Hall to provide additional parking spaces, two spaces required by the OLU site plan will be located in this parking area. These spaces will not be counted as meeting parking requirements associated with the Golf Clubhouse and Community Hall.

With regard to the required spaced being addressed by the previously proposed overflow parking spaces, staff notes all spaces must comply with all criteria for parking spaces. Submitted site plans illustrate all proposed parking, including overflow parking. A condition of approval is included to require a revised site plan with a revision in shading and labeling to confirm which of the proposed overflow parking spaces will be paved and maintained as required parking and to verify ADA parking spaces have been provided as described above.

E. General Provisions. Off-Street Parking.

- 1. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.**

FINDING: The site plan proposes more than one use. The applicant has totaled the parking required for all uses.

- 2. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or**

loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidence by a deed, lease, contract or other appropriate written document to establish the joint use.

FINDING: The applicant responded to this criterion as follows:

The Resort uses proposed have different periods of peak demand that do not overlap making it appropriate for the County to apply a 15% reduction in required parking for the Resort Core uses.

3. ***Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.***

FINDING: None of the proposed parking is parking for dwellings. The parking is provided on the same parcel or within 500 feet from the buildings served by the parking. The parking areas are located in a safe and functional manner as shown by the site plan and addressed in this decision.

4. ***Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.***

FINDING: As a condition of approval, required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.

5. ***Parking, Front Yard. Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District and the LaPine UUC Industrial District (LPI), but such space may be located within a required side or rear yard.***

FINDING: The applicant provided the following statement:

The site plan seeks approval of a site plan for commercial uses. There is no front yard requirement for commercial uses in the DR zoning district. None was imposed by the Board of Commissioners during their review of the CMP. Yard requirements were imposed for residential uses only.

To the extent this criterion applies, this code section is met. See, CMP Exhibit B-24a, Exhibit 15.

- 6. *On-Street Parking Credit. Notwithstanding DCC 18.116.030(G)(2), within commercial zones in the La Pine Planning Area and the Terrebonne and Tumalo unincorporated communities, the amount of required off-street parking can be reduced by one off-street parking space for every allowed on-street parking space adjacent to a property up to 30% of the required off-street parking. On-street parking shall follow the established configurations in the parking design standards under DCC 18.116.030 Table 1. To be considered for the parking credit, the proposed parking surface, along the street frontage under review, must have a defined curb line and improved as required under DCC 17.48, with existing pavement, or an engineered gravel surface. For purposes of establishing credit, the following constitutes an on-street parking space:***
 - a. Parallel parking (0 degree), each 20 feet of uninterrupted curb;***
 - b. Diagonal parking (60 degree), each with 11 feet of curb;***
 - c. Perpendicular parking (90 degree), each with 10 feet of curb;***
 - d. Curb space must be connected to the lot that contains the use;***
 - e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and***
 - f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.***

FINDING: The Resort is not located in the commercial zones of the La Pine Planning Area, or the Terrebonne or Tumalo unincorporated communities. As such, these provisions do not apply.

- F. Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:***
 - 1. Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.***

FINDING: The applicant provided the following statement:

The term “adjoining” is defined by DCC 18.04.030 “contiguous, touching or connected.” The non-residential parking areas do not adjoin residential uses. The future overflow parking

area may be considered to adjoin Lot 201 which is an OLU lot. OLUs are “commercial residential uses” rather than “residential” uses. The County’s recent approval of the OLU site plan applied commercial use standards to the development of OLUs. As a result, the requirement does not apply.

FINDING: Landscaping Concept documents (pages LC-1, 2 and 3) illustrate effective screening and buffering by landscaping. A condition of approval is included to require the proposed landscaping between off street parking and any residential uses.

2. ***Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in a residential zone.***

FINDING: This site plan does not include property in a residential zone nor does it adjoin property in a residential zone. That said, all lighting that may be used in this site plan to illuminate off street parking will be low and directed downward so that it does not project light onto any adjoining property. This criterion is met.

3. ***Groups of more than two parking spaces shall be located and designed to prevent the need to back vehicles into a street or right of way other than an alley.***

FINDING: The applicant’s site plan provides parking areas that are designed to prevent the need to back vehicles into a street or right of way other than an alley. This criterion has been met.

4. ***Areas used for standing and maneuvering of vehicles shall be paved surfaces adequately maintained for all weather use and so drained as to contain any flow of water on the site. An exception may be made to the paving requirements by the Planning Director or Hearings Body upon finding that:

b. *The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or****

FINDING: The applicant responded to criterion (b) in their supplemental burden of proof provided October 12, 2021 as follows:

All the areas of this type proposed by in this site plan, with the exception of the additional parking spaces, will be paved surfaces that will be maintained for all weather use and drained to contain the flow of water on site as noted on the Site Plan, Sheets C2.0 and 3.0. The additional parking spaces (shown as such on the site plan) are proposed to be improved with an all-weather surface that is a generally accepted alternative to pavement – “grass pavers.” These are concrete or other hard material pavers that contain spaces between to allow for rainwater to drain through them. These spaces are filled with sand or planted with grass. This type of hard surface will provide a look that is closer to the natural look of the high desert landscape of the resort property. Examples of this type of paving are provided below

and on the following pages. [Staff includes them here for reference]



Staff understands the applicant to propose areas used for standing and maneuvering of vehicles to be paved surfaces with the exception of the overflow parking spaces, which will be constructed using the grass pavers described above. As the subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; Staff finds the proposal to comply with this criteria. A condition of approval is included to ensure compliance. Prior to issuance of building permits, the applicant shall submit an engineer's certification that the development will be "so drained as to contain any flow of water on the site".

5. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

FINDING: The Applicant responded to this criterion as follows:

The term "access aisle" is not defined by the code. The code does, however, define the term "access" as follows:

"Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

The code also defines the term "driveway" as follows:

"Driveway" means a way created to provide vehicular access from a public or private road to a garage or parking area.

All aisles within parking areas and the driveways that provide access from them to private streets in the Resort are of sufficient width for vehicular turning and maneuvering. All, including the private road are at least 24' wide. This is the width required by DCC 18.116.030(G) to provide sufficient width for all vehicular turning and maneuvering. [Amended by October 12, 2021 burden of proof].

Staff concurs that all proposed access aisles described above are of sufficient width for vehicular turning and maneuvering. All are at least 24' wide. Further, staff finds the access aisles comply with standards for parking lot design under sub-section (G), below.

- 6. *Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.***

FINDING: The Applicant responded to this criterion as follows:

The code does not define the term "service drive." Neither does the dictionary relied on by Oregon Courts – *Webster's Third New International Dictionary Unabridged*. This dictionary does, however, define the term "service road" and that definition is instructive. It is a "frontage road." A frontage road is a facility that provides direct access to a number of properties. It is logical to assume that a service drive is a driveway that provides access to multiple properties. This interpretation is consistent with the BOCC's finding that an easement road that crossed a neighboring property and provided access to a parking lot and its access aisles on the subject property was a "service road." File 247-18-000545-CU/-546-CU/-811-MA. If this definition is applied here, none of the access aisles are service drives. If the County finds that any of the access aisles are service drives, the applicant will comply with the "marking requirement" by marking the drives with the landscaping proposed by the site plan. The landscaping will be continuously maintained. The applicant is not proposing a drive-in establishment so the final sentence of this code section is not a relevant approval criterion for this site plan.

While Staff appreciates the applicant's argument, Staff interprets a "service drive" to include any vehicle maneuvering surface that connects a parking area to a road or street. Staff concurs there are no service drives in this site plan.

7. ***Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line and a straight line joining said lines through points 30 feet from their intersection.***

FINDING: As discussed above, Staff concurs the subject site plan contains no service drives.

8. ***Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or a street right of way.***

FINDING: All the parking has been designed such that vehicles will not extend over an adjacent property line by providing a landscaped buffer of at least 5' in width between the edge of the parking space and an adjoining property.

- G. ***Off-Street Parking Lot Design. All off-street parking lots shall be designed subject to County standards for stalls and aisles as set forth in the following drawings and table:***

(SEE TABLE 1 AT END OF CHAPTER 18.116)

1. ***For one row of stalls use "C" + "D" as minimum bay width.***
2. ***Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right of way.***
3. ***For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.***
4. ***For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall be eight feet in width and 17 feet in length with appropriate aisle width.***

FINDING: All parking spaces are at least 9' x 20'. The 2-space parking areas provide spaces that are at least nine 9' x 26'. The design standards of Table 1 will be met.

Section 18.116.031, Bicycle Parking.

New development and any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005 shall comply with the provisions of DCC 18.116.031.

- A. ***Number and Type of Bicycle Parking Spaces Required.***

1. ***General Minimum Standard.***

- a. ***All uses that require off-street motor vehicle parking shall, except as specifically noted, provide one bicycle parking space for every five required motor vehicle parking spaces.***

FINDING: The Golf Course, Golf Clubhouse and Community Hall require 96 parking spaces. This means that 19 bicycle parking spaces are required for the Resort Core buildings. The bicycle parking for these uses is required by the code quoted below to be calculated together. One bicycle parking space is required for the gate house. Three bicycle parking spaces are required for the Welcome Center.

- b. Except as specifically set forth herein, all such parking facilities shall include at least two sheltered parking spaces or, where more than 10 bicycle spaces are required, at least 50 percent of the bicycle parking spaces shall be sheltered.***

FINDING: The applicant requests the following to comply with this criteria:

This code section requires the applicant to double the sheltered parking required for the Gate House and Welcome Center to two sheltered spaces each for a total of four sheltered bicycle parking spaces. The applicant requests permission to locate these spaces at the Welcome Center. In the unlikely event that an employee who works at the Gate House rides a bicycle to work, the Resort will provide them with a golf cart to travel from the Welcome Center to the Gate House. The reason this change is requested is that it the applicant wants to provide bicycle parking where it might be used. This change is allowed by subsection (6), below.

The four total sheltered bicycle spaces required for the Welcome Center and Gate House will be located under the eaves of the Welcome Center near the front entry as shown by the landscape plan, SP LC-2. One or more unsheltered spaces will be provided between the parking area and the main entrance to the building.

According to the applicant's calculation of required parking, eight sheltered parking spaces are required for the golf course, Golf Clubhouse and Community Hall where they are shown on SP LC-3. They will be split between the sheltered parking areas shown on the landscape plans by the Golf Clubhouse and Community Hall. A sheltered parking structure is proposed between the clubhouse and parking area and the Community Hall parking is located adjacent and under the eaves of the Community Hall building. Both covered parking areas are each large enough to accommodate at least four bicycles. This complies with the requirement that at least 50 percent of the bicycle parking spaces (8) be sheltered. At least four of the eight unsheltered bicycle parking spaces will be located at the western end of the parking area between vehicle parking and the entrance to the Community Hall. The remaining unsheltered spaces needed to total eight will be provided near an outdoor entrance to the Golf Clubhouse Pro Shop as shown on the landscape plan, SP LC-3."

According to staff's calculation of required parking, ten sheltered parking spaces are required for the golf course, Golf Clubhouse and Community Hall where they are shown on SP LC-3. They will be split between the sheltered parking areas shown on the landscape plans by the Golf Clubhouse and Community Hall. A sheltered parking structure is proposed between the

clubhouse and parking area and the Community Hall parking is located adjacent to the Community Hall building. Both covered parking areas are each large enough to accommodate at least four bicycles. The area designated for covered parking adjacent to and under the eaves the Community Hall Building is large enough to provide at least six covered bicycle parking spaces. The applicant will provide at least 10 sheltered spaces between these two locations to comply the requirement that at least 50 percent of the bicycle parking spaces (10) be sheltered. At least five of the ten unsheltered bicycle parking spaces will be located at the western end of the parking area between vehicle parking and the entrance to the Community Hall. The remaining unsheltered spaces needed to total ten will be provided near an outdoor entrance to the Golf Clubhouse Pro Shop in the area shown on the landscape plan, SP LC-3.

Staff finds ten bicycle parking spaces are required and the proposal to cluster the sheltered bicycle parking to be used most effectively is a reasonable accommodation.

- c. *When the proposed use is located outside of an unincorporated community, a destination resort, and a rural commercial zone, exceptions to the bicycle parking standards may be authorized by the Planning Director or Hearings Body if the applicant demonstrates one or more of the following:***
 - i. *The proposed use is in a location accessed by roads with no bikeways and bicycle use by customers or employees is unlikely.***
 - ii. *The proposed use generates less than 50 vehicle trips per day.***
 - iii. *No existing buildings on the site will accommodate bicycle parking and no new buildings are proposed.***
 - iv. *The size, weight, or dimensions of the goods sold at the site makes transporting them by bicycle impractical or unlikely.***
 - v. *The use of the site requires equipment that makes it unlikely that a bicycle would be used to access the site. Representative examples would include, but not be limited to, paintball parks, golf courses, shooting ranges, etc.***

FINDING: The proposed use is located inside of a destination resort; an exception is not available.

- 2. *Special Minimum Standards.***
 - a. *Multi-Family Residences. Every residential use of four or more dwelling units shall provide at least one bicycle parking space for each unit. In those instances in which the residential complex has no garage, required spaces shall be sheltered.***
 - b. *Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.***
 - c. *Schools. Schools, both public and private, shall provide one bicycle parking space for every 25 students, half of which shall be sheltered.***

- d. **Colleges. One-half of the bicycle parking spaces at colleges, universities and trade schools shall be sheltered facilities.**

FINDING: The proposed use is not subject to any of these special minimum standards.

- 3. **Trade Off with Motor Vehicle Parking Spaces.**
 - a. **One motor vehicle parking space may be deleted from the required number of spaces in exchange for providing required bicycle parking.**
 - i. **Any deleted motor vehicle space beyond the one allowed above shall be replaced with at least one bicycle spaces.**
 - ii. **If such additional parking is to be located in the area of the deleted automobile parking space, it must meet all other bicycle parking standards.**

FINDING: These criteria allow an applicant to delete motor vehicle spaces and replace them with bicycle parking. This site plan is not deleting any vehicle spaces.

- b. **The Hearings Body or Planning Director may authorize additional bicycle parking in exchange for required motor vehicle parking in areas of demonstrated, anticipated, or desired high bicycle use.**
- 4. **Calculating number of bicycle spaces.**
 - a. **Fractional spaces shall be rounded up to the next whole space.**
 - b. **For facilities with multiple uses (such as a commercial center) bicycle-parking requirements shall be calculated by using the total number of motor vehicle spaces required for the entire development.**

FINDING: Bicycle parking has been calculated by the rounding up of fractional spaces and accounting for the total number of motor vehicle spaces required for the entire development.

B. Bicycle Parking Design.

- 1. **General Description.**
 - a. **Sheltered Parking. Sheltered parking may be provided within a bicycle storage room, bicycle locker, or racks inside a building; in bicycle lockers or racks in an accessory parking structure; underneath an awning, eave, or other overhang; or by other facility as determined by the Hearings Body or Planning Director that protects the bicycle from direct exposure to the elements.**
 - b. **Unsheltered parking may be provided by bicycle racks.**
- 2. **Location.**
 - a. **Required bicycle parking that is located outdoors shall be located on-site within 50 feet of main entrances and not farther from the entrance than the closest motor vehicle parking space.**
 - i. **Bicycle parking shall be located in areas of greatest use and convenience to bicyclist.**
 - ii. **Such bicycle parking shall have direct access to both the public right of way and to the main entrance of the principal use.**

- iii. ***Bicycle parking shall not impede or create a hazard to pedestrians.***
- iv. ***Parking areas shall be located so as not to conflict with clear vision areas as prescribed in DCC 18.116.020.***
- b. ***Bicycle parking facilities shall be separated from motor vehicle parking and drive areas by a barrier or sufficient distance to prevent damage to the parked bicycle.***
- c. ***Where bicycle parking facilities are not directly visible and obvious from the public right(s) of way, entry and directional signs shall be provided to direct bicyclists for the public right of way to the bicycle parking facility. Directions to sheltered facilities inside a structure may be signed, or supplied by the employer, as appropriate.***
- 3. ***Dimensional Standards.***
 - a. ***Each bicycle parking space shall be at least two by six feet with a vertical clearance of seven feet.***
 - b. ***An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.***
 - c. ***Each required bicycle parking space shall be accessible without moving another bicycle.***
- 4. ***Surface. The surface of an outdoor parking facility shall be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material. This surface will be maintained in a smooth, durable, and well-drained condition.***

FINDING: The Applicant responded to this criterion as follows:

Bicycle parking is located near entrances, with the covered spaces being on racks located in bicycle parking kiosks or mounted to the buildings or ground under building overhangs or eaves. Unsheltered spaces are provided by racks adjacent to the covered spaces. Bicycle parking will not impede pedestrian access and is separated from vehicle parking. The parking will be visible from, and have direct access, to the main entrance as well as paths and roadways. The parking will be at least 2 by six with at least 7' of vertical clearance and designed to meet the dimensional standards of this code section. The surfaces of the outdoor parking will be either asphalt, aggregate or paver materials that match adjacent paths. These criteria will be met.

As proposed for the Welcome Center, Clubhouse and Community Hall, Staff finds the bicycle parking accommodations are located and designed in a manner that satisfies (B)(1), (2), and (3) above. A condition of approval will be included in the decision to ensure the bicycle parking facilities will be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material and maintained in a smooth, durable, and well-drained condition, consistent with (B)(4).

5. **Security.**
 - a. ***Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure.***
 - b. ***Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking.***

FINDING: The applicant responded to this criterion as follows:

The bicycle parking will have lockable racks that are permanently affixed to the ground or the individual building or structure. Lighting will be provided so that the facilities are visible from adjacent sidewalks, pathways and where applicable from motor vehicle parking areas. See details on landscape plan SP LC 1-3. This criterion will be met.

Staff concurs with the applicant's conclusion; this criterion will be met.

6. ***Other means that provide the above level of bicycle parking may be approved by the Hearings Body or the Planning Director.***

FINDING: The applicant provided the following request:

The applicant asks that the Hearings Body or Planning Director approve moving sheltered parking spaces required for the entrance gate building to the Welcome Center. Employees who will man the entrance gate will be traveling to the property from a considerable distance and are not likely to be riding a bicycle to work. Also, if they do, employees can park their bicycle at the Welcome Center and walk the relatively short distance between the two buildings.

FINDING: As noted above, Staff finds this request reasonable and overall consistent with the intent and obligations of the bicycle parking requirements.

Section 18.116.035, Bicycle Commuter Facilities.

- A. ***Each commercial or public building having a work force of at least 25 people shall have bicycle commuter facilities consisting of shower(s) and changing rooms(s). For facilities with more than one building (such as a college), bicycle commuter facilities may be located in a central location.***
- B. ***This provision shall apply to (1) new development requiring off-street parking and (2) any construction, renovation or alteration of an existing use requiring a site plan***

review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005.

FINDING: No commercial or public building having a work force of at least 25 people exists or is proposed for this site.

Section 18.116.310, Traffic Impact Studies.

FINDING: The applicant responded to these criteria as follows:

The applicant complied with the requirement of the code to provide a traffic impact study when it obtained approval of the Resort's CMP based on a traffic impact study for the entire Resort. Issues addressed by this code section, with the exception of sight distance and clear vision areas, have been met by the CMP TIS. The CMP and FMP decisions assure that the impacts of development will be mitigated. A new study is not required. The applicant has also shown, in a letter from Chris Clemow, P.E. (See: Exhibit 19), that with the approval of this application that Resort development authorized to date will not exceed the volume of traffic projected by the TIS.

The following part of DCC 18.116.310 sets the relevant approval standard for sight distance for driveways and intersections in the resort:

H. Operation and Safety Standards

3. *The minimum sight distance for driveways and intersections is defined in AASHTO's "GEOMETRIC DESIGN OF HIGHWAYS AND STREETS" and the AASHTO "Design Guidelines for Very-Low Volume Local Roads (less than 400 ADT)."*

Transportation engineer Chris Clemow, P.E. has determined that the sight distance requirements of AASHTO are met by the OLU access aisle driveways. See Ex. 20, Clemow letter, Site Distance Analysis.

Staff notes a public comment was received arguing a new traffic study is required. The County Senior Transportation Planner commented, "I have reviewed the transmittal materials for file 247-21-000537-SP for a Welcome Center, Gate House, Golf Clubhouse, and Community Hall in the Thornburgh destination resort at 67545 and 67555 Cline Falls Hwy, 15-12-00, Tax Lots 7700 and 7800. The proposal is consistent with the approved Conceptual Master Plan (CMP) and Final Master Plan (FMP) and no additional traffic analysis is required."

Staff finds that no additional traffic analysis is required.

Chapter 18.124, Site Plan Review

Section 18.124.030. Approval Required.

- A. No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to DCC 18.124.030, nor shall such a use be commenced, enlarged, altered or changed until a final site plan is approved according to DCC Title 22, the Uniform Development Procedures Ordinance.**
- B. The provisions of DCC 18.124.030 shall apply to the following:**
 - 1. All conditional use permits where a site plan is a condition of approval;**
 - 2. Multiple family dwellings with more than three units;**
 - 3. All commercial uses that require parking facilities;**
 - 4. All industrial uses;**
 - 5. All other uses that serve the general public or that otherwise require parking facilities, including, but not limited to, landfills, schools, utility facilities, churches, community buildings, cemeteries, mausoleums, crematories, airports, parks and recreation facilities and livestock sales yards; and**
 - 6. As specified for Flood Plain Zones (FP) and Surface Mining Impact Area Combining Zones (SMIA).**
 - 7. Non-commercial wind energy system generating greater than 15 to 100 kW of electricity.**
- C. The provisions of DCC 18.124.030 shall not apply to uses involving the stabling and training of equine in the EFU zone, noncommercial stables and horse events not requiring a conditional use permit.**
- D. Noncompliance with a final approved site plan shall be a zoning ordinance violation.**
- E. As a condition of approval of any action not included in DCC 18.124.030(B), the Planning Director or Hearings Body may require site plan approval prior to the issuance of any permits.**

FINDING: The proposed use requires actions described in section (A), above, and falls within a use category described in section (B). Site plan review is required.

Section 18.124.060. Approval Criteria.

Approval of a site plan shall be based on the following criteria:

- A. The proposed development shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.**

FINDING: In *Father's House*, files 247-18-000061-CU, 247-18-000062-SP, 247-18-000624-A, and 247-18-000643-A, the Board of County Commissioners (Board) made the following finding regarding this standard.

The Board agrees that DCC 18.124.060(A) is subjective and, at times, difficult to apply as the Hearings Officer observed. However, as the Board interprets the provision, DCC 18.124.060(A) does not require a particularly onerous exercise. It requires an applicant to show that its proposed site plan relates "harmoniously" to the natural environment and existing development. Unlike the conditional use standards of DCC 18.128.015(B),

this standard does not indicate harmony achieved with “surrounding properties.” However, the Board understands that the standard implies that the proposed development shall relate harmoniously on and off the subject property and generally speaking, in the vicinity, by “minimizing visual impacts and preserving natural features including views and topographical features.”

The code does not define what it means to “relate harmoniously.” The Hearings Officer reported that the online Oxford Living Dictionary defines “harmoniously” to mean arranging something “in a way that forms a pleasing or consistent whole.” Both parties in this case, provided various interpretations of the term “harmonious.” The Board is not adopting one interpretation of the term over another as each contributes equally to this evaluation. The Board concurs with the Hearings Officer that there is no “particularly useful case law defining or applying this term.” In addition, the Board agrees, that the Hearings Officer is correct that a site plan should be approved in light of this meaning of “harmonious,” so long as the proposed site plan does not create “more disharmony than other uses allowed by right or conditionally in the MUA-10 zone.” In this regard, the Board finds that this standard presumes the use is approved and evaluates only whether the site plan for the use “relates harmoniously.” The Board finds that the proposed church site plan meets the standard set forth in DCC 18.124.060(A).

Specifically, the Board interprets DCC 18.124.060(A) to mean that an applicant must demonstrate that the site plan has arranged the development in a way that evaluates the natural environment and existing development in the area and in the process has minimized visual impacts and reasonably preserved natural features including views and topographic features. Minimizing visual impact, as with this case, may include introduced landscaping, design layout, and specific design elements such as siding and roofing color and material. In doing so, this enables the County decision maker to find that the site plan’s impacts create no more disharmony than other uses allowed by right or conditionally in the MUA Zone.

The Board agrees, in part, with the Hearings Officer that this standard is considered differently when compared to the term “compatibility” and its associated standard of DCC 18.128.015(B). The chief differences between the two standards is that the DCC 18.128.015(B) compatibility standard evaluates the compatibility of the proposed use on existing and projected uses of surrounding properties and does so in light of specific factors that are not reproduced in DCC 18.124.060(A). The DCC 18.124.060(A) “harmonious” standard evaluates whether a proposed site plan “relates harmoniously to existing development and the natural environment” considering whether the site plan shows that the applicant has reasonably mitigated its impacts and reasonably preserved views. The Board observes that not every use that requires site plan approval also requires a conditional use permit. However, the Board finds that it is possible that a permitted or approved use is arranged so poorly on a site, that a proposed site plan must be denied under this standard. That is not the case here.

Staff understands the Board's findings, cited above, to make clear the use itself is not the subject of review under this criterion. Rather, this criterion only evaluates whether the site plan for the use "relates harmoniously." Staff reads *Father's House* to require a demonstration, "...the site plan has arranged the development in a way that evaluates the natural environment and existing development in the area and in the process has minimized visual impacts and reasonably preserved natural features including views and topographic features."

The Applicant, in relevant part, responded to this criteria as follows:

When the CMP was developed, the entire Resort was designed to be harmonious with the environment, the natural features, and the surrounding areas. The project documents reflect the applicant's commitment to retain that natural look and feel of the property, to preserve and enhance the land returning it to an old growth Juniper forest. The property has roughly 700' of elevation change and the views are a primary focus of the project. The applicant went to great lengths during its planning to minimize the projects visual impacts, and to protect the views, both from within the property, and from outside the project looking upon it. The submitted site plans continue this approach.

The natural environment is a typical high-desert dry landscape with native sagebrush, bitterbrush and Juniper tree vegetation. The property has a number of old Juniper trees which are, to the extent practicable, being retained. The site is relatively level and the Board of Commissioners has determined in its decision approving the CMP "... that while there are resources worth preserving on the property, they do not rise to the level of 'important natural features' that must be protected to the exclusion of development." See Exhibit 17: BOCC CMP Decision, Page 12. Proposed development will not require the removal of notable topographical features.

The site plan proposes buildings that fit within the area and with the character of the resort. They will use natural materials, colors and landscaping to blend into the natural environment. The site layout is consistent with the approved resort design concepts. Further there is no existing development near this site plan. It is surrounded by undeveloped resort land at this time.

For the reasons mentioned above the site plan is in harmony with the environment, is located so that it has evaluated the natural environment, blends into it, is located to minimize visual impacts, preserves natural features (if any), and has highlighted the views.

Staff finds that this criterion will be met.

B. The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.

FINDING: The applicant responded to this criterion as follows:

This criterion is divided into two parts, or two sentences. During the appeal proceedings for the golf course and lakes site plan in front of the Board, the applicant provided substantial details how this issue was resolved by the far broader standards of the CMP and FMP, including the WMP/FWMP, the Natural Characteristics Report, the Wildlife and Habitat Report, the Open Space Management Plan. The applicant also showed that extensive planning and analysis was completed to comply with the CMP/FMP that assures that Resort development will meet this standard and that areas of natural and improved open space will be provided and protected. During those prior proceedings the Board found:

“Applicant has already met the related requirements of the CMP in 18.113.050 and 070 which are broader than those of 18.124.060(8). The CMP materials consistently state a concerted effort will be made to minimize the impacts to natural resources, which is carried into this current application, to protect the landscape and topography.”

See **Exhibit 1:** BOCC Golf Course Approval, Pg. 11. The site plans also retain native landscape and topography to the greatest extent possible – a fact evident from a review of the site plan. Areas of native landscaping are provided. The size of parking areas has been held to a minimum to limit impacts on vegetation and topography.

The second sentence of the criterion “preserved trees and shrubs shall be protected” is addressed here and on the site plan. The WMP desired a return to an old growth forest to occur. The WMP requires the applicant to remove the smaller juniper trees to allow native grasses to come back. As such we will thin the smaller trees from the site plan area. The removal of the smaller trees from the site will, in most cases, necessarily result in removal of the sagebrush or shrubs as well. Juniper trees will also be removed from within, and just outside of the building site to provide a firebreak in accordance with the resort’s Wildfire and Natural Hazards plan and the “Firewise” protocols. Wherever possible, the larger, old growth trees will be retained. The trees to be retained are shown on the site plan. See SP LC 1-3.

Staff finds, as proposed, this criterion will be met.

C. *The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.*

FINDING: The Applicant responded to this criterion as follows:

The site plan provides a safe environment. The different buildings offer both public areas and private spaces with appropriate transitions between them. While the applicant acknowledges that a safe environment includes fire safety, the issues related to fire safety have been resolved in the CMP/FMP, and the resulting conditions of approval 4, 17, 19, and 24. The property has been annexed into the Redmond Fire District boundaries, satisfying condition 24. Condition 4 does not require any action until the issuance of a final plat or building permit. Condition 17 requires actions be taken, namely the provision of access and fire water prior to the delivery of combustible materials for structures. Condition 24 was

satisfied during the approval of the tentative plan for Phase A-1. Nothing further is required for fire safety at this time.

The landscape plans show the areas to be landscaped (See SP LC 1-3), the various plant species to be used and retained. See SP LC 4. This criterion will be met.

Staff finds this criterion requires demonstration the site is designed to address common safety hazards, including fire safety, and to address any site-specific natural hazards. Staff finds pedestrian, bicycle, and vehicle safety is addressed under sub-sections (E) and (K) of this section. With regard to fire safety, the applicant shall receive confirmation from the Redmond Fire Department that all fire protection requirements of the Redmond Fire Department identified in the submitted June 21, 2021 comment letter have been met, prior to issuance of building permits. With regard to other natural hazards, none have been identified on the site.

Staff finds that the site plan provides appropriate opportunities for privacy and transition from public (the resort generally) to private spaces through OLU specific streets, unit specific parking areas, and landscaping near the individual OLU units.

D. When appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.

FINDING: The applicant responded to this criterion as follows:

The site plan provides for the needs of handicapped persons by providing ADA parking spots, along with paved paths for access to the facilities from parking areas to pathways and to buildings. See SP LC 1-3. The buildings will meet ADA standards including ramps for handicapped access and other requirements at the time construction drawings are submitted for review. This criterion will be met.

The Deschutes County Building Division was sent a request for comment on this application. In the State of Oregon, ORS 455.720 and 447.210 through 447.992 are administered by the Deschutes County Building Safety Division. Deschutes County Building Safety Division is required to determine if a structure is an Affected Building and if so, apply the appropriate sections of Chapter 11 and the American National Standards Institute code A117.1-2009. Consequently, the structures will comply with state and federal ADA requirements. If an Affected Building is approved, inspected and finalized by the Deschutes County Building Safety Division, it meets all code requirements as an accessible structure. Staff finds that such a review is required prior to the issuance of building permits.

E. The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.

FINDING: The Applicant responded to this criterion as follows:

The entrance roads proposed as part of this site plan were previously approved under; the Tentative Plan for Phase A-1, and the golf course and lakes site plan. These approved roads are very similar to roads that were approved as part of the CMP and FMP proceedings. The interior circulation roads were approved in the Phase A-1 TP and the Golf Course SP and have very minor changes to the entrance into the clubhouse drive that is not a material in any way. These elements are resolved.

The parking has been logically arranged to provide for simple access to the site plan facilities. The golf clubhouse has parking directly in front of the building with additional parking across the road. Additional overflow parking is provided to the west of the Community Hall. The additional parking will be improved with grass pavers to minimize the effects of the parking. Parking for the Welcome Center is provided in front of the building and Gatehouse parking is provided in close proximity to the gatehouse.

In all cases, the layout of access, parking, and internal circulation provides harmony with; the development, buildings, and the environment as defined by the Board in Father's House. There the Board felt a site plan should be approved in light of this meaning of "harmonious," so long as the proposed site plan does not create "more disharmony" than other uses allowed (layouts allowed). In other words, unless the parking creates more disharmony than other parking would the criterion for this site plan should be met. The proposed parking is harmonious, so the criterion is met.

Staff finds this criterion is met where the described facilities provide for a safe and efficient flow of vehicular, bicycle, and pedestrian traffic. In addition, such facilities must be "harmonious with proposed and neighboring buildings and structures". Staff finds this means that such facilities must not significantly adversely impact on-site and/or neighboring proposed and existing buildings and structures. As proposed, these requirements are met.

F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.

FINDING: The Applicant responded to this criterion as follows:

Applicant submitted an erosion control plan as part of the initial tentative plan (see TP4.1-4.7) and also with the golf course site plan in accordance with Condition 25. Further details on the surface drainage specific to this site plan are included on pages SP C2.0, C 3.0 which ensures there is no adverse impacts to neighboring properties, streets, surface, or subsurface water quality. This criterion is met.

Staff finds engineered design and review is required to demonstrate compliance with this criterion. As conditions of approval, 1) the applicant shall, prior to initiation of use and/or issuance of building, provide a statement from a licensed professional engineer that the surface drainage systems have been designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality; and 2) shall maintain any such systems in good working condition.

- G. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.**

FINDING: The applicant responded to this criteria as follows:

All utilities are underground. Parking areas are designed and located to minimize the impacts to the site and neighboring properties. Trash enclosures are screened. See SP LC 1-9. This criterion is met.

Staff concurs.

- H. All above ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.**

FINDING: All utilities proposed for this site plan are proposed to be located underground.

- I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).**

FINDING: Specific criteria for each zone mapped on the subject property have been addressed above. Deschutes County's destination resort code imposes exterior setback criteria for resort properties. None of the proposed buildings and structures will be located in an exterior setback area. The required setbacks are:

- a. 350' for commercial development and parking areas;
- b. 250' for multi-family development and visitor-oriented accommodations (except for single-family residences) including associated parking areas;
- c. 150' for above-grade development other than commercial, multi-family and visitor-oriented accommodations;
- d. 100' for roads;
- e. 50' for golf courses;
- f. 50' for jogging trails and bike paths where they abut private developed lot and zero setback where abutting public roads and public lands, and;
- g. 250' setback from state highways.

This criterion is met.

- J. All exterior lighting shall be shielded so that direct light does not project off site.**

FINDING: The applicant has proposed exterior lighting as a part of this project. As a condition of approval, all exterior lighting shall be shielded so that direct light does not project off site.

- K. *Transportation access to the site shall be adequate for the use.***
- 1. *Where applicable, issues including, but not limited to, sight distance, turn and acceleration/deceleration lanes, right-of-way, roadway surfacing and widening, and bicycle and pedestrian connections, shall be identified.***
 - 2. *Mitigation for transportation-related impacts shall be required.***
 - 3. *Mitigation shall meet applicable County standards in DCC 18.116.310, applicable Oregon Department of Transportation (ODOT) mobility and access standards, and applicable American Association of State Highway and Transportation Officials (AASHTO) standards.***

FINDING: The applicant responded to this criterion as follows:

The applicant is proposing to use the road system established by approval of the CMP/FMP and refined by the recently approved tentative plan and golf course site plans for access. Mitigation for traffic impacts is provided by compliance with the transportation system mitigation requirements of the CMP/FMP and traffic impact agreements with ODOT. The applicant is enclosing an updated trip debit letter (See: Exhibit 19) from Professional Engineer Chris Clemow, that demonstrates the vehicle trips attributed to this site plan do not exceed the trips forecast by the Resort's approved transportation impact analysis. This criterion will be met.

The Deschutes County Road Department and Deschutes County Transportation Planner were sent a request for comment on this application. No infrastructure concerns and no required improvements are identified in the record. Further, neither the Road Department nor the Transportation Planner objected to the conclusions in the updated trip debit letter.

Section 18.124.070. Required Minimum Standards.

- A. *Private or shared outdoor recreation areas in residential developments.***
- 1. *Private Areas. Other than a development in the Sunriver UUC Town Center District, each ground level living unit in a residential development subject to site plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.***

FINDING: This site plan is not a residential development. It is a site plan for development of commercial and resort operational uses in an approved destination resort. As such this criterion is not applicable.

- 2. *Shared Areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:***
 - a. *Units with one or two bedrooms: 200 square feet per unit.***
 - b. *Units with three or more bedrooms: 300 square feet per unit.***

FINDING: No apartment residential development is proposed.

3. ***Usable outdoor recreation space shall be provided in the Sunriver UUC Town Center District on a district-wide basis as follows:***
 - a. ***A minimum of one hundred square feet of outdoor recreation space per Multi-family Dwelling unit or Townhome that is accessible to residents or guests staying in Multi-family Dwelling or Townhome units.***
 - b. ***Outdoor recreation spaces may include bicycle paths, plazas, play areas, water features, ice rinks, pools and similar amenities that are located outdoors.***
 - c. ***Outdoor recreation space must include recreation for children who are district residents, such as a maintained playground area with approved equipment such as swings or slides.***

FINDING: The proposal is not located in the Sunriver UUC Town Center District.

4. ***Storage. In residential developments, convenient areas shall be provided for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.***

FINDING: No residential development is proposed.

B. Required Landscaped Areas.

1. ***The following landscape requirements are established for multi family, commercial and industrial developments, subject to site plan approval:***
 - a. ***A minimum of 15 percent of the lot area shall be landscaped.***

FINDING: The applicant responds to this criterion as follows:

This application is not located within a multi-family, commercial or industrial development so these criteria are not applicable. As discussed herein, and in the CMP/FMP approvals any undeveloped areas will remain largely native, although trees and underbrush in undeveloped areas will be thinned and removed.

Staff finds the Clubhouse is a commercial development that is subject to this criterion. Additionally, if the Community Hall is a rentable facility, it is also a commercial development. For these reasons, staff finds this criterion applies.

In any regard, over well over 15 percent of the lot area(s) for the subject application will include developed and natural landscaping. Staff notes that both undisturbed natural vegetation and

improved areas meet the definition of "landscaping"⁵.

- b. All areas subject to the final site plan and not otherwise improved shall be landscaped.**

FINDING: The submitted landscaping plan shows all areas subject to the final site plan and not otherwise improved as landscaped. Staff notes such areas are "required landscaping" for the purposes of the DCC.

- 2. In addition to the requirement of DCC 18.124.070(B)(1)(a), the following landscape requirements shall apply to parking and loading areas:**
 - a. A parking or loading area shall be required to be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**
 - b. In addition to the landscaping required by DCC 18.124.070(B)(2)(a), a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and from any other lot line by a landscaped strip at least five feet in width.**
 - c. A landscaped strip separating a parking or loading area from a street shall contain:**
 - 1) Trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.**
 - 2) Low shrubs not to reach a height greater than three feet zero inches, spaced no more than eight feet apart on the average.**
 - 3) Vegetative ground cover.**
 - d. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.**
 - e. The landscaping in a parking area shall have a width of not less than five feet.**
 - f. Provision shall be made for watering planting areas where such care is required.**
 - g. Required landscaping shall be continuously maintained and kept alive and attractive.**
 - h. Maximum height of tree species shall be considered when planting under overhead utility lines.**

FINDING: The applicant provided the following statement:

If the applicant's parking calculations are accepted by staff or the hearings officer, the applicant asks that its site plan that provides for 84 parking spaces for Core Area parking

⁵ DCC 18.04.030 - "Landscaping" means trees, grass, bushes, shrubs, flowers, and garden areas, and incidental arrangements of fountains, patios, decks, street furniture and ornamental concrete or stonework and artificial plants, bushes or flowers.

area be approved as submitted. It incorporates more than 2100 square feet of landscaping throughout the parking areas as required by section 2(a) above. The applicant's site plan also proposes 45 optional, future parking spaces with more than an 1,125 square feet of parking area landscaping. Landscaping is planned such that it meets the requirements of #2 (b-g) as shown on SP LC 1-4.

There are no overhead utility lines on this site plan so (h) above is not applicable. This criterion will be met.

C. Non-motorized Access.

- 1. Bicycle Parking. The development shall provide the number and type of bicycle parking facilities as required in DCC 18.116.031 and 18.116.035. The location and design of bicycle parking facilities shall be indicated on the site plan.**

FINDING: The number and type of bicycle parking facilities are described above, under findings for DCC 18.116.031 and 18.116.035. The location and design of bicycle parking facilities are indicated on the site plan submitted with this application.

- 2. Pedestrian Access and Circulation:**

- a. Internal pedestrian circulation shall be provided in new commercial, office and multi family residential developments through the clustering of buildings, construction of hard surface pedestrian walkways, and similar techniques.**

FINDING: The Applicant responded to this criterion as follows:

It is not clear that this code requirement applies because the applicant is proposing a Resort development with a mix of uses. It is not proposing a "commercial development." Nevertheless, the site plan provides internal paths to connect buildings and the parking areas that serve them. See SP LC 1-4. The cart path is a multi-use path that serves cyclists, pedestrians and golf carts. Hard surfacing will be provided for pedestrian walkways. This criterion will be met.

Staff finds the proposed site plan offers clustering of buildings and provides for the internal circulation of pedestrians with hard surface walkways and other amenities. To the extent this criterion applies, it has been met.

- b. Pedestrian walkways shall connect building entrances to one another and from building entrances to public streets and existing or planned transit facilities. On site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi family, public or park use.**

- c. ***Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible.***
- d. ***Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.***
- e. ***To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.***

FINDING: In response to (b) above, the applicant has provided the following:

Pedestrian walkways connect the Golf Course Clubhouse and Conference Center. The Welcome Center and Gate House are located on separate locations within the resort and, therefore, are not required to have connecting pathways. The applicant is proposing development in a master-planned resort that provides for private roadways. No connection to public streets is called for or allowed by the master plan, the FMP. No transit facilities serve the property or the area. No adjacent properties are planned or used for commercial, multi-family or park use. The FMP does not call for connections to the public lands that adjoin the resort but that are a considerable distance from the areas being developed. This criterion will be met.

With conditions of approval to ensure (c), (d), and (e) are addressed fully in revised site plans illustrating compliance with required dimensional standards prior to issuance of a building permit, Staff finds the development to be consistent with these criterion. Specific to criterion (e), staff notes ADA requirements for building entrances will be addressed by the Building Division during building permit review.

D. Commercial Development Standards:

- 1. ***New commercial buildings shall be sited at the front yard setback line for lots with one frontage, and at both front yard setback lines for corner lots, and oriented to at least one of these streets, except in the Sunriver UUC Business Park (BP) District and Town Center (TC) District and the La Pine UUC Business Park (LPBP) District. The building(s) and any eaves, overhangs or awnings shall not interfere with the required clear vision area at corners or driveways.***

FINDING: As note above, there are no front yard setbacks for commercial development in the

approved resort FMP.

2. ***To meet the standard in paragraph (1) of this subsection, buildings developed as part of a shopping complex, as defined by this title, and planned for the interior, rear or non-street side of the complex may be located and oriented toward private interior streets within the development if consistent with all other standards of paragraph (1) above and this paragraph. Interior streets used to satisfy this standard may have on-street parking and shall have sidewalks along the street in front of the building. Such sidewalks shall connect to existing or future sidewalks on public streets accessing the site. The master plan for the shopping complex shall demonstrate that at least one half of the exterior perimeter of the site that abuts each public street, will be developed with buildings meeting the standards of paragraphs (D)(1) or (D)(3) of this subsection.***

FINDING: No shopping complex is proposed.

3. ***An increase in the front yard setback may be allowed where the applicant can demonstrate that one or more of the following factors makes it desirable to site the new building beyond the minimum street setback:***
 - a. ***Existing development on the site;***
 - b. ***Lot configuration;***
 - c. ***Topography of the lot;***
 - d. ***Significant trees or other vegetative features that could be retained by allowing a greater setback;***
 - e. ***Location of driveway access. Such an increase in the front yard shall be the minimum necessary to accommodate the reason for the increase.***
 - f. ***Architectural features, driveways, landscaping areas equal to or greater than the depth of the structure, and outdoor commercial areas, when at least one half of the structure meets the minimum street setback.***

FINDING: No increase in the front yard setback has been requested.

4. ***Off street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s), except in the Sunriver UUC Business Park (BP) District and Town Center (TC) District. Off-street parking proposed with a shopping complex, as defined by this title, and intended to serve buildings located in the interior or rear of the complex may have parking in front of the building provided the overall master plan for the site satisfies paragraph (2) of this subsection.***

FINDING: No off street motor vehicle parking for new commercial developments in excess of 10,000 square feet is proposed.

Section 18.124.080, Other Conditions.

The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 18 as a condition for site plan approval.

- A. An increase in the required yards.***
- B. Additional off street parking.***
- C. Screening of the proposed use by a fence or landscaping or combination thereof.***
- D. Limitations on the size, type, location, orientation and number of lights.***
- E. Limitations on the number and location of curb cuts.***
- F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.***
- G. Improvement, including but not limited to paving, curbing, installation of traffic signals and constructing sidewalks or the street system that serves the proposed use where the existing street system will be burdened by the proposed use.***
- H. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.***
- I. Landscaping of the site.***
- J. Traffic Impact Study as identified in Title 18.116.310.***
- K. Any other limitations or conditions that are considered necessary to achieve the purposes of DCC Title 18.***

FINDING: To the extent that any conditions of approval contained in this decision require improvement to the site beyond the minimum standards of DCC Title 18, staff finds such conditions are authorized by this section.

SYSTEM DEVELOPMENT CHARGE

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$4,488 per p.m. peak hour trip. The proposed uses, however, will not generate any traffic themselves and therefore no road capacity, as that term is commonly understood, will be consumed. Therefore, SDCs do not apply to these proposed uses. SDCs will be assessed on the golf course itself as well as overnight lodging units (OLUs).

THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2021. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED.

IV. CONCLUSION

Based on the foregoing findings, staff concludes that the proposed use can comply with the applicable standards and criteria of the Deschutes County zoning ordinance if conditions of approval are met.

Other permits may be required. The applicants are responsible for obtaining any necessary permits from the Deschutes County Building Division and Deschutes County Environmental Soils Division as well as any required state and federal permits.

V. DECISION

APPROVAL, subject to the following conditions of approval.

VI. CONDITIONS OF APPROVAL

- A.** This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B.** The applicant shall obtain any necessary permits from the Deschutes County Building Division and Environmental Soils Division.
- C.** This approval is based on the specific mapped locations shown in the application materials and that any substantial change to road, right-of-way, parking, structure configurations, or structure locations is not approved under this decision.
- D.** Emergency secondary resort access roads shall be improved in compliance with FMP Condition #4 prior to final plat approval or issuance of any building permit under this site plan, whichever comes first.
- E.** The applicant shall receive confirmation from the Redmond Fire Department that all fire protection requirements of the Redmond Fire Department identified in the submitted June 21, 2021 comment letter have been met, prior to issuance of building permits.
- F.** Clear vision area shall be maintained in accordance with DCC 18.116.020(A).
- G.** The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.
- H.** Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

- I.** Required parking facilities shall be provided prior to or concurrently with construction and/or initiation of the proposed use.
- J.** Prior to issuance of building permits, revisions to shading and labeling on the site plan must be provided to confirm 96 paved parking spaces will serve the core resort area. Labeling must include location of ADA parking and unloading spaces.
- K.** Required areas used for standing and maneuvering of vehicles shall be paved surfaces.
- L.** Prior to issuance of building permits, the applicant shall submit an engineer's certification that the development areas used for standing and maneuvering of vehicles shall be paved surfaces adequately maintained for all weather use and will be "so drained as to contain any flow of water on the site".
- M.** Service drives shall be marked and defined through the use of rails, fences, walls or other barriers or markers. Reflective pavement markers shall be placed at no less than 40-foot intervals will comply with this requirement.
- N.** Service drive clear vision area shall be maintained in accordance with DCC 18.116.020(A).
- O.** Bicycle parking surfaces shall be maintained in a smooth, durable, and well-drained condition. The bicycle parking facilities be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material.
- P.** Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure.
- Q.** Prior to initiation of use and/or issuance of building, provide a statement from a licensed professional engineer that the surface drainage systems have been designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality. The property owner shall maintain any such systems in good working condition.
- S.** All exterior lighting shall be shielded so that direct light does not project off site.
- T.** The landscaping in a parking area shall have a width of not less than five feet.
- U.** The applicant shall provide for watering planting areas where such care is required.
- V.** Required landscaping shall be continuously maintained and kept alive and attractive.
- W.** Walkways shall be provided in accordance with 18.124.070(C)(2), as shown on a revised site

plan, prior to issuance of building permits.

- X. To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.
- Y. Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible. A revised site plan must be provided to illustrate compliance prior to building permit sign off.
- Z. Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.
- AA. Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.
- BB. All lighting will be shielded and directed downward and will otherwise comply with the requirements of Section 15.10 of Title 15.

VII. DURATION OF APPROVAL, NOTICE, AND APPEALS

The applicant shall initiate the use for the proposed development within two (2) years of the date this decision becomes final, or obtain approval of an extension under Title 22 of the County Code, or this approval shall be void.

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee of \$250.00 and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue.

Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

DESCHUTES COUNTY PLANNING DIVISION

A. Brewer

Written by: Angie Brewer, Senior Planner

P. Gutowsky

Reviewed by: Peter Gutowsky, Planning Manager

Attachments:

Site Plan Sheets C1.0, C2.0, and C3.0

Landscaping Concept Sheets LC.1, LC.2, and LC.3

THORNBURGH RESORT PHASE A-1 FACILITIES SITE PLAN

LOCATED AT TOWNSHIP 15 SOUTH, REGION 12 EAST SECTIONS 28 & 29
DESCHUTES COUNTY, OREGON



VICINITY MAP SCALE: 1" = 10,000'

OWNER/DEVELOPER
CENTRAL LAND AND CATTLE COMPANY
2447 NW CANYON DR
REDMOND, OR 97756
PH: (541) 350-8479

SURVEYOR/ENGINEER
HICKMAN WILLIAMS & ASSOCIATES INC.
62930 O.B. RILEY ROAD, SUITE 100
BEND, OR 97703
P. (541) 389-9351

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HWA ENGINEERING & SURVEYING, INC.
180110-SP-Clubhouse S&P

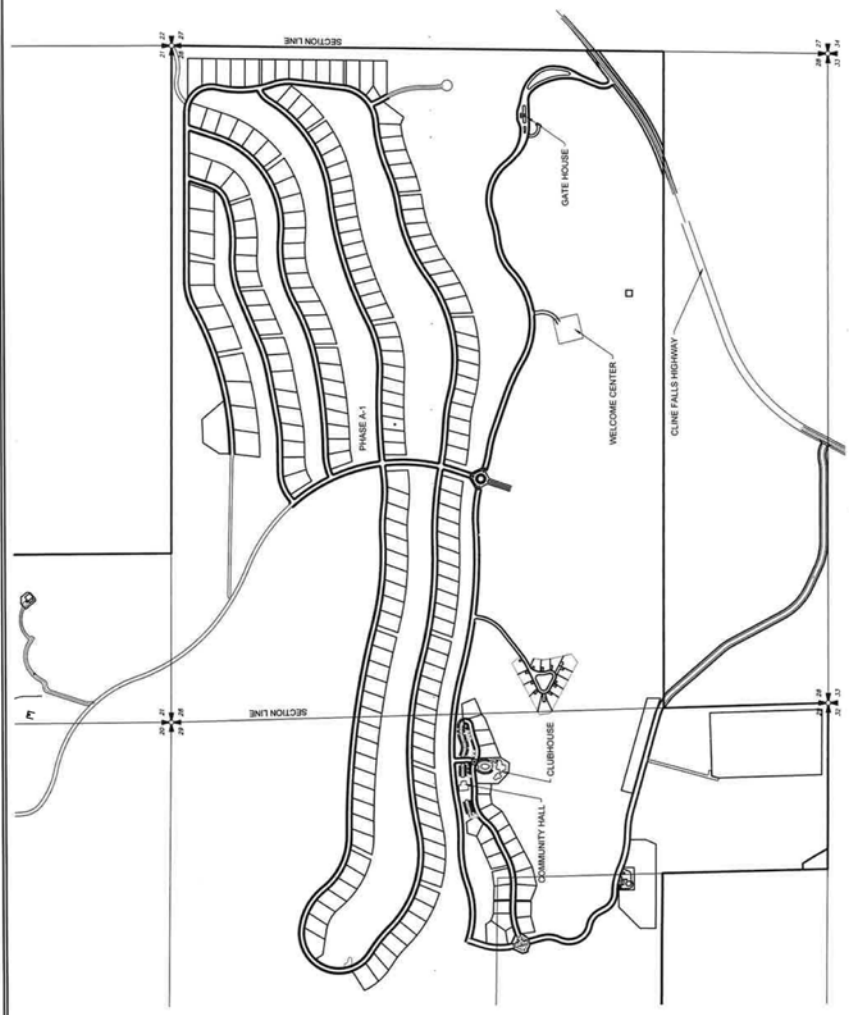
THORNBURGH RESORT PHASE A-1
COVER SHEET
DESCHUTES COUNTY OREGON



REGISTERED PROFESSIONAL ENGINEER
NO. 180110-SP-Clubhouse S&P
DATE: 05/28/2021

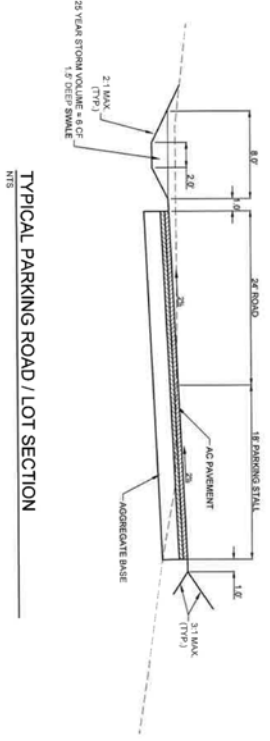
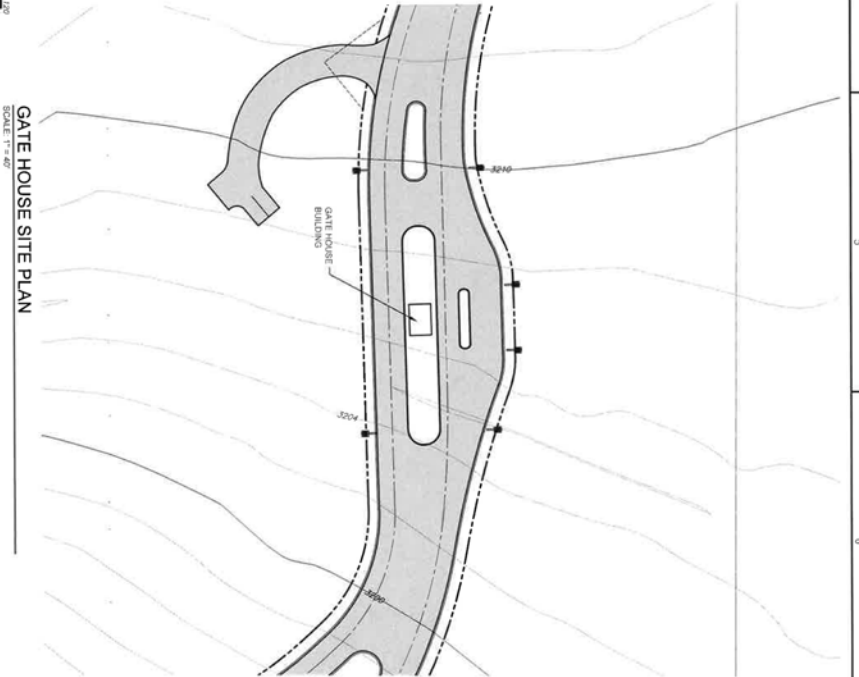
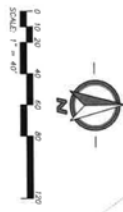
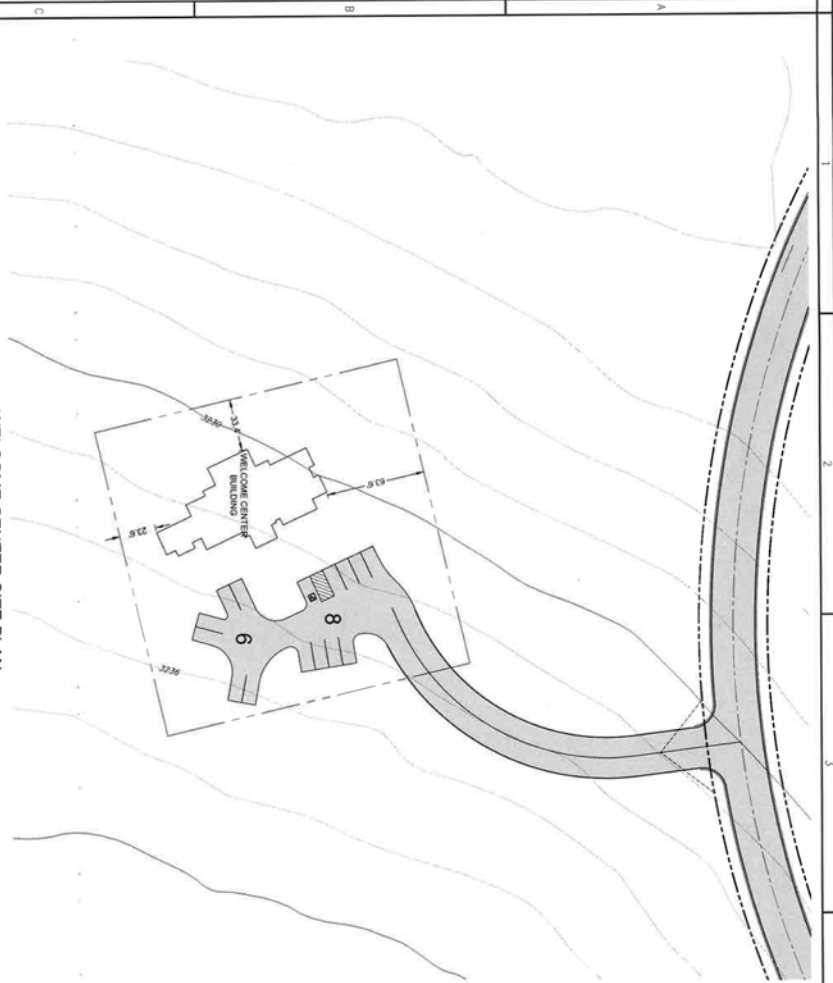
SHEET
C1.0
180110

SHEET NUMBER	TITLE
C1.0	COVER SHEET
C2.0	CLUBHOUSE / COMMUNITY HALL SITE PLAN
C3.0	WELCOME CENTER / GATE HOUSE SITE PLAN
LC-1	GATE HOUSE LANDSCAPE CONCEPT
LC-2	WELCOME CENTER LANDSCAPE CONCEPT
LC-3	CLUBHOUSE AND COMMUNITY HALL LANDSCAPE CONCEPT
LC-4	PLANT LEGENDS
BA-1	GATEHOUSE SCHEMATICS
BA-2	GATEHOUSE FLOOR PLAN
BA-3	GATEHOUSE ELEVATIONS
BR-1	WELCOME CENTER SCHEMATICS
BR-2	WELCOME CENTER FLOOR PLAN
BR-3	WELCOME CENTER ELEVATIONS #1
BR-4	WELCOME CENTER ELEVATIONS #2
BC-1	CLUBHOUSE SCHEMATICS
BC-2	CLUBHOUSE FLOOR PLAN
BC-3	CLUBHOUSE ELEVATIONS #1
BC-4	CLUBHOUSE ELEVATIONS #2
BD-1	COMMUNITY HALL SCHEMATICS
BD-2	COMMUNITY HALL FLOOR PLAN
BD-3	COMMUNITY HALL ELEVATIONS



SITE MAP
SCALE: 1" = 500'

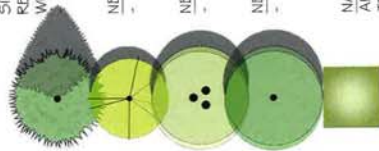
PROPOSED	EXISTING
CURB OR PAVEMENT	EDGE OF PAVEMENT
WATER LINE (SIZE AS NOTED)	WATER LINE (SIZE AS NOTED)
SEWER LINE (SIZE AS NOTED)	SEWER LINE (SIZE AS NOTED)
UTILITY LINE	UTILITY LINE
ASPHALT PAVING	CONCRETE
FIRE HYDRANT	WATER VALVE (GV / BF FV)
WATER METER	SEWER METER
SECTIONALIZING CABLE/TRANSFORMER	SECTIONALIZING CABLE/TRANSFORMER
CLUSTER POSTAL DELIVERY BOX	CLUSTER POSTAL DELIVERY BOX
SEWER MANHOLE	SEWER MANHOLE
INTERNAL	INTERNAL
EXTERNAL	EXTERNAL
CLEAR WOOD	CLEAR WOOD
PROPERTY BOUNDARY	PROPERTY BOUNDARY
WATER VALVE (GV / BF FV)	WATER VALVE (GV / BF FV)
SEWER VALVE (GV / BF FV)	SEWER VALVE (GV / BF FV)
ELECTRIC SERVICE	ELECTRIC SERVICE
TELEPHONE Riser	TELEPHONE Riser
TRANSFORMER	TRANSFORMER
SECTIONALIZING CABLE/TRANSFORMER	SECTIONALIZING CABLE/TRANSFORMER
CLUSTER POSTAL DELIVERY BOX	CLUSTER POSTAL DELIVERY BOX
SEWER MANHOLE	SEWER MANHOLE
INTERNAL	INTERNAL
EXTERNAL	EXTERNAL
DECIDUOUS TREE (SIZE AS NOTED)	DECIDUOUS TREE (SIZE AS NOTED)
JANUARY TREE (SIZE AS NOTED)	JANUARY TREE (SIZE AS NOTED)



<p>CONTRACT NO. 180110</p>	<p>DATE: 180110</p>	<p>C3.0</p>	<p>DESIGNED BY: MFC CHECKED BY: MFC SCALE: AS SHOWN DRAWN BY: CHANGSUN DATE: 05/28/2021</p>	<p>HWA CIVIL ENGINEERING SURVEYING PLANNING 1000 NE 10TH ST. SUITE 200 WASHBURN, OREGON 97143 503.263.8800</p>	<p>THORNBURGH RESORT PHASE A-1 PHASE A-1 FACILITIES WELCOME CENTER AND GATE HOUSE SITE PLAN DESCHUTES COUNTY OREGON</p>	<p>CONTRACT NO. 180110 DATE: 180110 SHEET: C3.0 TOTAL SHEETS: 10</p>
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CONCEPT PLANT SCHEDULE GATE HOUSE

EXISTING HERITAGE JUNIPER TREES TO BE SAVED THESE TREES ARE THE "HERITAGE" JUNIPERS THAT HAVE BEEN STAKED IN THE FIELD FOR THE PURPOSE OF SAVING IN PLACE. THESE TREES HAVE SIGNIFICANT CHARACTER AND/OR SIZE, RELATIVE TO OTHER TREES IN THE WORK AREA.



NEW ACCENT TREES - TALL

NEW ACCENT TREES - LARGE

NEW NATIVE TREES

NATIVE REVEG ZONE
AREAS OF DISTURBANCE TO BE TREATED WITH NATIVE VEGETATION TO BLEND IN SEAMLESSLY WITH THE ADJACENT UNDISTURBED NATIVE

TRANSITIONAL ZONE
TRANSITIONAL LANDSCAPING BETWEEN NATIVE REVEG/UNDISTURBED NATIVE AND ORNAMENTAL LANDSCAPING - TO INCLUDE SOME NATIVES AND SOME NON-NATIVES

ORNAMENTAL LANDSCAPING
HIGH DENSITY ACCENTED OR ORNAMENTAL LANDSCAPING NEAR BUILDINGS

SEE LEGENDS ON SHEET LC-4 FOR PLANTS FOR EACH ZONE AND TREE TYPE

ALL LOTS WILL HAVE LOW-VOLTAGE LANDSCAPE LIGHTING TO ILLUMINATE PATHS AND LANDSCAPE AS NECESSARY. LIGHTING WILL BE CONTAINED WITHIN THE LOT AND WILL NOT SPREAD INTO ADJACENT LOTS.

PLAN SHOWN IS CONCEPTUAL - FINAL ADJUSTMENTS TO DISTURBANCE LIMITS AND DESIGN LAYOUT WILL BE UNDERTAKEN DURING CONSTRUCTION. THE QUANTITY OF EXISTING JUNIPER TREES SHOWN TO BE SAVED ON THE PLANS MAY CHANGE DURING CONSTRUCTION AS WE DISCOVER HOW CLOSE DISTURBANCE LIMITS COME TO THE ROOT STRUCTURE OF THE TREES.



SHEET TITLE

PROJECT

SPECIFICATIONS

SHEET#	BOOK#
PROJ. MOR.	KA
DRAWN:	DF
CHECKED:	DF
PROJ. NO:	PT222
DATE:	05-27-21
SCALE:	1" = 50'-0"
REVISIONS:	
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SPECIFICATIONS	
SHEET	BOOK
PROJ. MOR.	KA
DRAWN:	DF
CHECKED:	DF
PROJ. NO.	P2122
DATE:	05-27-21
SCALE:	1" = 50'-0"
REVISIONS:	
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CONCEPT PLANT SCHEDULE WELCOME CENTER

EXISTING HERITAGE JUNIPER TREES TO BE SAVED
THESE TREES ARE THE "HERITAGE"
JUNIPERS THAT HAVE BEEN STAKED IN
THE FIELD FOR THE PURPOSE OF
PRESERVING THEM. THE SIZE IS
SIGNIFICANT CHARACTER AND/OR SIZE,
RELATIVE TO OTHER TREES IN THE
WORK AREA.

NEW ACCENT TREES - LARGE

NEW NATIVE TREES

NATIVE REVEG ZONE
AREAS OF DISTURBANCE TO BE
TREATED WITH NATIVE VEGETATION TO
BLEND IN SEAMLESSLY WITH THE
ADJACENT UNDISTURBED NATIVE

TRANSITIONAL ZONE
TRANSITIONAL LANDSCAPING BETWEEN
NATIVE REVEG AND UNDISTURBED NATIVE
TO INCLUDE SOME NATIVES AND SOME
NON-NATIVES

ORNAMENTAL LANDSCAPING
HIGH DENSITY ACCENT OR
ORNAMENTAL LANDSCAPING NEAR
BUILDINGS

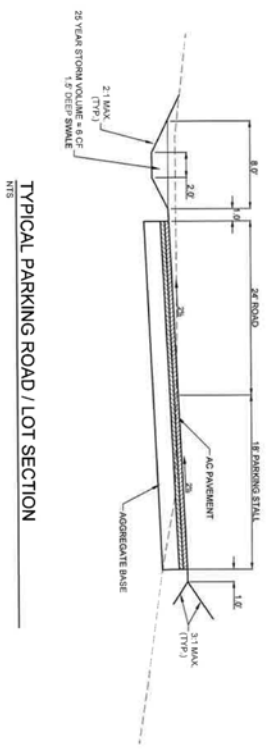
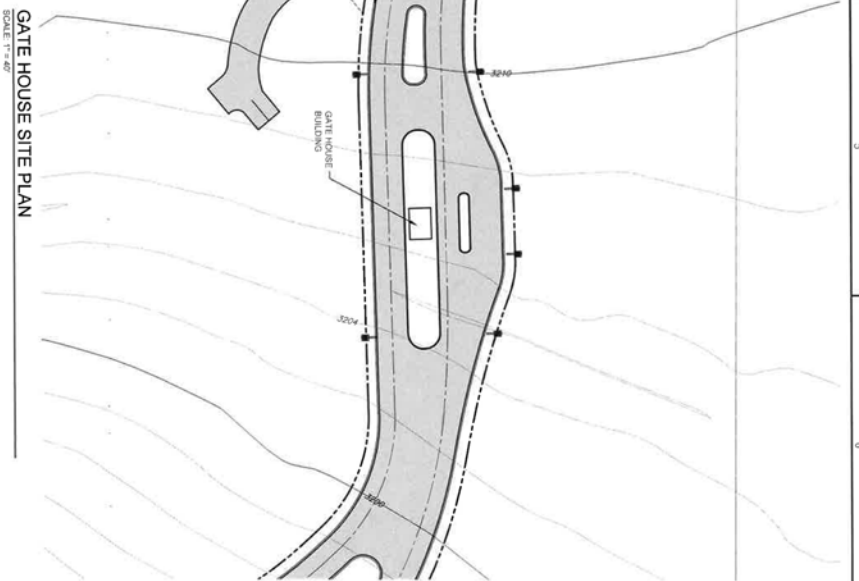
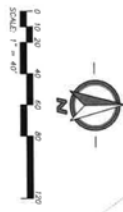
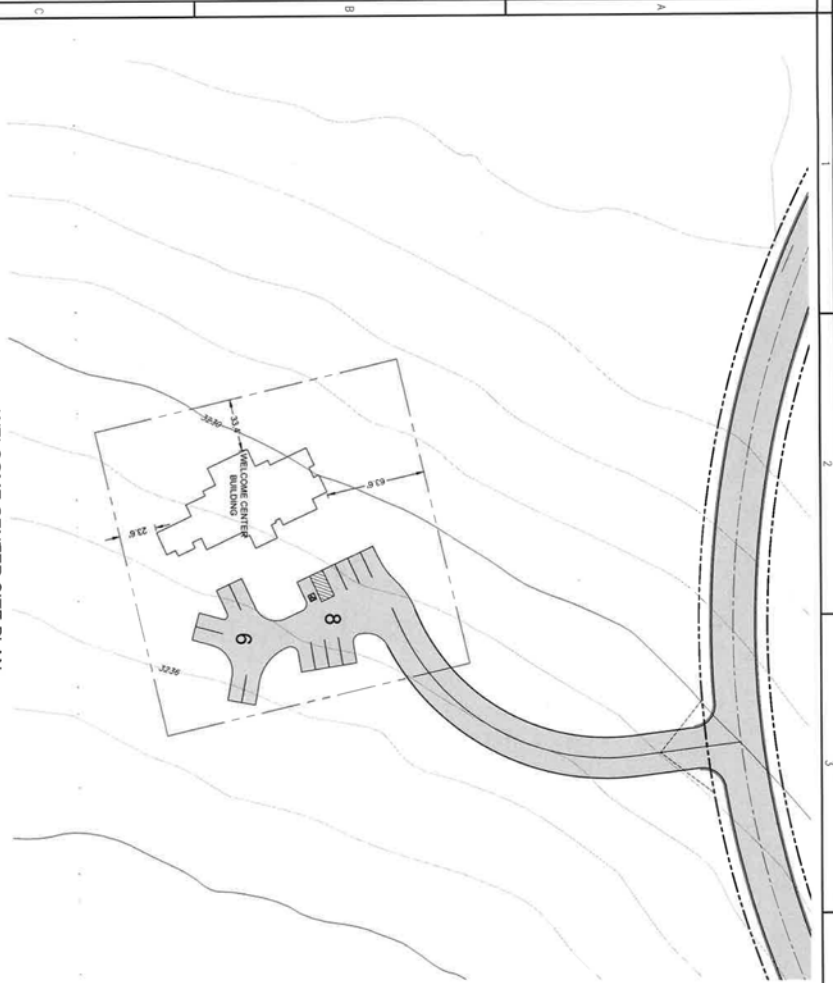
LAWN

SEE LEGENDS ON SHEET LC-4 FOR
PLANTS FOR EACH ZONE AND TREE TYPE

ALL LOTS WILL HAVE LOW-VOLTAGE
LANDSCAPE LIGHTING TO ILLUMINATE
PATHS AND LANDSCAPE AS
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CONTAINED WITHIN THE LOT AND WILL
NOT SPREAD INTO ADJACENT LOTS.

PLAN SHOWN IS CONCEPTUAL - FINAL ADJUSTMENTS TO
DISTURBANCE LIMITS AND DESIGN LAYOUT WILL BE
UNDERTAKEN DURING CONSTRUCTION. THE QUANTITY OF
EXISTING JUNIPER TREES SHOWN TO BE SAVED ON THE PLANS
MAY CHANGE DURING CONSTRUCTION AS WE DISCOVER HOW
CLOSE DISTURBANCE LIMITS COME TO THE ROOT STRUCTURE
OF THE TREES.

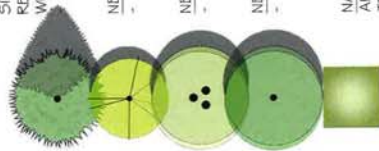




<p>CONTRACT NO. 180110</p> <p>DATE 180110</p>	<p>C3.0</p>	<p>DESIGNED BY: MFC CHECKED BY: MFC SCALE: AS SHOWN DATE: 05/28/2021</p>	<p>HWA CIVIL ENGINEERING SURVEYING PLANNING 200 S. 10TH AVENUE, SUITE 100, MEDFORD, OREGON 97504 503.753.8600</p>	<p>THORNBURGH RESORT PHASE A-1 PHASE A-1 FACILITIES WELCOME CENTER AND GATE HOUSE SITE PLAN</p> <p>DESCHUTES COUNTY OREGON</p>	<p>CONTRACT NO. 180110 DATE 180110</p>

CONCEPT PLANT SCHEDULE GATE HOUSE

EXISTING HERITAGE JUNIPER TREES TO BE SAVED THESE TREES ARE THE "HERITAGE" JUNIPERS THAT HAVE BEEN STAKED IN THE FIELD FOR THE PURPOSE OF SAVING IN PLACE. THESE TREES HAVE SIGNIFICANT CHARACTER AND/OR SIZE, RELATIVE TO OTHER TREES IN THE WORK AREA.



NEW ACCENT TREES - TALL

NEW ACCENT TREES - LARGE

NEW NATIVE TREES

NATIVE REVEG ZONE
AREAS OF DISTURBANCE TO BE TREATED WITH NATIVE VEGETATION TO BLEND IN SEAMLESSLY WITH THE ADJACENT UNDISTURBED NATIVE

TRANSITIONAL ZONE
TRANSITIONAL LANDSCAPING BETWEEN NATIVE REVEG/UNDISTURBED NATIVE AND ORNAMENTAL LANDSCAPING - TO INCLUDE SOME NATIVES AND SOME NON-NATIVES

ORNAMENTAL LANDSCAPING
HIGH DENSITY ACCENTED OR ORNAMENTAL LANDSCAPING NEAR BUILDINGS

SEE LEGENDS ON SHEET LC-4 FOR PLANTS FOR EACH ZONE AND TREE TYPE

ALL LOTS WILL HAVE LOW-VOLTAGE LANDSCAPE LIGHTING TO ILLUMINATE PATHS AND LANDSCAPE AS NECESSARY. LIGHTING WILL BE CONTAINED WITHIN THE LOT AND WILL NOT SPREAD INTO ADJACENT LOTS.

PLAN SHOWN IS CONCEPTUAL - FINAL ADJUSTMENTS TO DISTURBANCE LIMITS AND DESIGN LAYOUT WILL BE UNDERTAKEN DURING CONSTRUCTION. THE QUANTITY OF EXISTING JUNIPER TREES SHOWN TO BE SAVED ON THE PLANS MAY CHANGE DURING CONSTRUCTION AS WE DISCOVER HOW CLOSE DISTURBANCE LIMITS COME TO THE ROOT STRUCTURE OF THE TREES.



ESTIMATED GRADING DISTURBANCE LINE (OUTSIDE THIS LINE IS NATIVE TO REMAIN)

ZONE 3 ORNAMENTAL LANDSCAPING

ZONE 2 - TRANSITIONAL NATIVE

ZONE 1 NATIVE REVEG

ESTIMATED GRADING DISTURBANCE LINE (OUTSIDE THIS LINE IS NATIVE TO REMAIN)

EXISTING JUNIPER TREE NOTE:
ALL EXISTING JUNIPERS SHOWN TO REMAIN THAT ARE INSIDE THE DISTURBANCE LINE SHALL BE PROTECTED IN PLACE WITH CONSTRUCTION FENCING.



SPECIFICATIONS	
SHEET#	BOOK#
PROJ. MOR.	KA
DRAWN:	DF
CHECKED:	DF
PROJ. NO:	PT222
DATE:	05-27-21
SCALE:	1" = 50'-0"
REVISIONS:	
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Δ	X
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Δ	X

SPECIFICATIONS	
SHEET	BOOK
PROJ. MOR.	KA
DRAWN:	DF
CHECKED:	DF
PROJ. NO.:	P2122
DATE:	05-27-21
SCALE:	1" = 50'
REVISIONS:	
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Δ X	
Δ X	
Δ X	
Δ X	
Δ X	
Δ X	

CONCEPT PLANT SCHEDULE WELCOME CENTER

EXISTING HERITAGE JUNIPER TREES TO BE SAVED
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NEW ACCENT TREES - LARGE

NEW NATIVE TREES

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TRANSITIONAL ZONE
TRANSITIONAL LANDSCAPING BETWEEN
NATIVE REVEG AND UNDISTURBED NATIVE
LANDSCAPING. INCLUDE SOME NATIVES AND SOME
NON-NATIVES

ORNAMENTAL LANDSCAPING
HIGH DENSITY ACCENT OR
ORNAMENTAL LANDSCAPING NEAR
BUILDINGS

LAWN

SEE LEGENDS ON SHEET LC-4 FOR
PLANTS FOR EACH ZONE AND TREE TYPE

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PLAN SHOWN IS CONCEPTUAL - FINAL ADJUSTMENTS TO
DISTURBANCE LIMITS AND DESIGN LAYOUT WILL BE
UNDERTAKEN DURING CONSTRUCTION. THE QUANTITY OF
EXISTING JUNIPER TREES SHOWN TO BE SAVED ON THE PLANS
MAY CHANGE DURING CONSTRUCTION AS WE DISCOVER HOW
CLOSE DISTURBANCE LIMITS COME TO THE ROOT STRUCTURE
OF THE TREES.



SHEET TITLE: PROJECT: SHEET NO. **LC-3**

SPECIFICATIONS	SHEET	BOOK	KA
	PROJ. MGR.	DF	DF
	DRAWN:	DF	DF
	CHECKED:	DF	DF
	PROJ. NO.	P2122	
	DATE:	02-28-21	
	SCALE:	1" = 80'0"	
REVISIONS			
Δ X			
Δ X			
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PLAN SHOWN IS CONCEPTUAL - FINAL ADJUSTMENTS TO DISTURBANCE LIMITS AND DESIGN LAYOUT WILL BE UNDERTAKEN DURING CONSTRUCTION. THE QUANTITY OF EXISTING JUMPERS TREES SHOWN TO BE SAVED ON THE PLANS MAY CHANGE DURING CONSTRUCTION AS WE DISCOVER HOW CLOSE DISTURBANCE LIMITS COME TO THE ROOT STRUCTURE OF THE TREES.

ALL LOTS WILL HAVE LOW-VOLTAGE LANDSCAPE LIGHTING TO ILLUMINATE PATHS AND LANDSCAPE AS NECESSARY. LIGHTING WILL BE CONTAINED WITHIN THE LOT AND WILL NOT SPREAD INTO ADJACENT LOTS.

CONCEPT PLANT SCHEDULE CLUBHOUSE

EXISTING JUMPERS - SHOWN TREES TO BE SAVED. THESE TREES ARE THE "SPRITZ" TREES THAT HAVE BEEN STAKED IN SAVING IN PLACE. THESE TREES HAVE A 10% CHANCE OF SURVIVAL RELATIVE TO OTHER TREES IN THE WORK AREA.

NEW ACCENT TREES - TALL

NEW ACCENT TREES - LARGE

SPECIAL TREES

TRANSITIONAL ZONE LANDSCAPING BETWEEN NATIVE AND DEVELOPED AREAS. INCLUDES SPECIAL NATIVES AND SOME HIGH-MANIPULATED.

ORNAMENTAL LANDSCAPING (HIGHTENSITY ACCENT TREES, BULBS, BULBS)

EMPHASIS ON NATIVE VEGETATION

LAWN

SEE LEGEND ON SHEET LC-4 FOR PLANTS FOR EACH ZONE AND TREE TYPE.