



## FINDINGS AND DECISION

**FILE NUMBER(S):** 247-23-000042-SP

**SUBJECT PROPERTY/**

**OWNER:**

Mailing Name: SUNRIVER OWNERS ASSOCIATION  
Map and Taxlot: 191132BD00202  
Account: 172749  
Situs Address: 57380 SUN EAGLE LN, SUNRIVER, OR 97707

**APPLICANT:** Sunriver Owners Association

**REQUEST:** Site Plan review to establish a new public works building, for storage of vehicles and equipment, in the Sunriver Community General District (SUCG) and the Airport Safety (AS) Combining Zone.

**STAFF CONTACT:** Audrey Stuart, Associate Planner  
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**RECORD:** Record items can be viewed and downloaded from:  
[www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov)

### I. APPLICABLE CRITERIA

Deschutes County Code (DCC)

Title 18, Deschutes County Zoning Ordinance:

Chapter 18.80, Airport Safety Combining Zone (AS)

Chapter 18.108, Urban Unincorporated Community Zone - Sunriver

Chapter 18.116, Supplementary Provisions

Chapter 18.124, Site Plan Review

Title 22, Deschutes County Development Procedures Ordinance

### II. BASIC FINDINGS

**LOT OF RECORD:** The subject property is a legal lot of record pursuant to Deschutes County file SP-02-43.

**SITE DESCRIPTION:** The subject 9.85-acre property is developed with a number of buildings for the Sunriver Owners Association. Uses and structures on the property include a fire station, administration building, equipment and cinder storage, and public works buildings. As shown in the figure below, the subject property is irregular in shape and surrounds Tax Lot 200 on three sides. The property fronts on Abbott Drive to the east, and Sun Eagle Lane crosses the south portion of the subject property. The grade of the property is relatively even with a gentle slope up towards the northeast.

**Figure 1: Subject Property**



**REVIEW PERIOD:** The subject application(s) were submitted on December 27, 2022. The application was deemed incomplete on February 17, 2023, and a letter detailing the information necessary to complete review was mailed. The application was subsequently deemed complete by the Planning Division on March 30, 2023. The 150th day on which the County must take final action on the Site Plan review application is August 28, 2023.

**PROPOSAL:** The applicant proposes to establish a 13,125-square-foot<sup>1</sup> building in the south portion of the property. The proposed building will be used as a public works facility for Sunriver, and will be

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<sup>1</sup> Staff notes the original application materials listed the building size as both 12,974 square feet and 13,125 square feet. This was corrected in the Incomplete Letter response dated March 29, 2023.

used for storage of vehicles, equipment, and tools. The submitted application materials included the following description:

The proposed building will replace two other existing buildings that total 8,238 s.f. that are currently used for the same purpose. The proposed building will contain a small office area, employee break room and employee locker area.

The submitted site plan shows a proposed property line adjustment with Tax Lot 200, on Assessor's Map 19-11-32BD. A property line adjustment application has not been submitted at this time but the applicant indicates this property line adjustment will be completed prior to constructing the proposed public works building. Staff therefore writes the findings below based on the configuration of the subject property after this proposed adjustment.

**SURROUNDING LAND USES:** Immediately surrounding properties to the west, south, and east are zoned Sunriver Single Family Residential (SURS) and platted as residential lots for single-family dwellings and condominiums. One neighboring property to the east is zoned Sunriver Community General and is under common ownership with the subject property. This parcel is surrounded on three sides by the subject property and appears to be used as storage for public works materials. Neighboring properties to the north are zoned Sunriver Multiple Family Residential (SURM), and are developed with the Circle Four Ranch Condominium subdivisions, which include residences, open space, and two pools. The general surrounding area includes a number of trails, platted common spaces, and other recreation facilities associated with Sunriver.

#### **LAND USE HISTORY:**

- 247-19-000450-SP: Site Plan review for a public works cinder storage building.
- PS-10-15: Department of Environmental Quality Permit Sign-Off for a public works shop.
- SP-02-43: Site Plan review for a recycling bin enclosure.
- SP-99-95: Site Plan review for the Sunriver Owners Association administration building.
- SP-96-77: Minor alteration to the previously-approved file SP-96-23.
- SP-96-23: Site Plan review for fleet services and vehicle storage buildings.
- LL-94-12: Property line adjustment to add acreage to Tax Lot 202.
- SP-94-8: Site Plan review for the fire hall.
- AD-92-2: Similar Use Finding for the fire hall. County records indicate this file was voided.
- LL-92-93: Property line adjustment to add acreage to Tax Lot 202.
- LL-90-13: Property line adjustment to add acreage to Tax Lot 202.

**PUBLIC AGENCY COMMENTS:** The Planning Division mailed notice on February 2, 2023, to several public agencies and received the following comments:

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 247-23-000042-SP to construct a 12,974-foot public works building to replace two buildings totaling 8,238 square feet on a 9.85 acres in the Sunriver Community General District (SUCG) and Airport Safety (AS) zones at 57830 Sun Eagle Lane, aka County Assessor Map 19-11-32BD, Tax Lot 202. The new building will primarily used for storage of Public Works vehicles, equipment, and tools and contain a break room and small office.

The applicant's traffic consultant, L.B. Engineering, has used two different land use categories, Warehouse (Land Use 150) and Office (LU 710) from the most recent edition of the Institute of Traffic Engineers (ITE) Trip Generation Handbook as there is not a category for a public works building. Staff finds this approach is flawed as ironically it overproduces trips from the building. Typically, warehouses, besides storage, can also include an office component based on the ITE descriptor. Warehouse generates 1.71 weekday trips per 1,000 square feet and Office generates 10.84 weekday trips per 1,000 square feet. (The application materials gives two different sizes for the new building, 12,974 square feet and 13,125 square feet; the first figure appears multiple times in the application materials while the latter appears on the title page of the proposed findings. The traffic analysis uses the lower figure, which staff has followed.) Staff find the proposed use can be analyzed just using the Warehouse category. The new building will result in an increase of 4,736 square feet of warehouse (12,974-8,238). That size of increase in warehouse would produce 8.01 weekday trips ( $4.736 \times 1.71$ ). Using the 13,125 square-foot number would result in an increase of 4,887 square feet (13,125-8,238) and 8.36 weekday trips ( $4.887 \times 1.71$ ). Deschutes County Code (DCC) at 18.116.310(C)(3)(a) states no traffic analysis is required for any use that will generate less than 50 new weekday trips. The proposed land use will not meet the minimum threshold for additional traffic analysis under either size building.

The property accesses Sun Eagle Lane, a private road not under the jurisdiction of Deschutes County and functionally classified as a local. Therefore the access permit requirements of DCC 17.48.210(A) do not apply.

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$5,080 per p.m. peak hour trip. The ITE manual indicates Warehouse generates 0.18 p.m. peak hour trips per 1,000 square feet, which would result in 0.85 p.m. peak hour trips ( $4.736 \times 0.18$ ). Therefore the applicable SDC is \$4,318 ( $\$5,080 \times 0.85$ ). The SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2023. 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 SUBMITTED.

The following agencies did not respond to the notice: Deschutes County Assessor, Deschutes County Environmental Soils Division, Sunriver Airport Manager, Sunriver Fire Department, Sunriver Owners' Association, Sunriver Resort, and Sunriver Utilities.

**PUBLIC COMMENTS:** The Planning Division mailed notice of the site plan application to all property owners within 250 feet of the subject property on February 2, 2023. The applicant also complied with the posted notice requirements of Section 22.24.030(B) of Title 22. The applicant submitted a Land Use Action Sign Affidavit indicating the applicant posted notice of the land use action on January 24, 2023.

Four public comments were received from Kathy Brown, Ed Pitera, Cathie Corsaro, and Chuck and Marla Swenson. Concerns included noise, dust, and traffic generated by the subject property, proximity to neighboring residential uses, increased traffic on Sun Eagle Lane, size of the proposed structure, orientation of proposed building entrances, fire risk, removal of vegetation, and uncertainty regarding activities that will take place in the new building. Staff addresses those issue areas which are associated with relevant approval criteria within this decision.

### III. FINDINGS & CONCLUSIONS

#### **Title 18 of the Deschutes County Code, County Zoning**

#### **Chapter 18.80, Airport Safety Combining Zone (AS)**

##### Section 18.80.020. Application of Provisions.

***The provisions of DCC 18.80.020 shall only apply to unincorporated areas located under airport imaginary surfaces and zones, including approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces and runway protection zones. While DCC 18.80 identifies dimensions for the entire imaginary surface and zone, parts of the surfaces and/or zones do not apply within the Redmond, Bend or Sisters Urban Growth Boundaries. The Redmond Airport is owned and operated by the City of Redmond, and located wholly within the Redmond City Limits.***

***Imaginary surface dimensions vary for each airport covered by DCC 18.80.020. Based on the classification of each individual airport, only those portions (of the AS Zone) that overlay existing County zones are relevant.***

***Public use airports covered by DCC 18.80.020 include Redmond Municipal, Bend Municipal, Sunriver and Sisters Eagle Air. Although it is a public-use airport, due to its size and other factors, the County treats land uses surrounding the Sisters Eagle Air Airport based on the***

**ORS 836.608 requirements for private-use airports. The Oregon Department of Aviation is still studying what land use requirements will ultimately be applied to Sisters. However, contrary to the requirements of ORS 836.608, as will all public-use airports, federal law requires that the FAA Part 77 surfaces must be applied. The private-use airports covered by DCC 18.80.020 include Cline Falls Airpark and Juniper Airpark.**

**FINDING:** The proposed development is located beneath the horizontal surface for the Sunriver Airport. Therefore, the provisions of this chapter apply.

Section 18.80.028. Height Limitations.

**All uses permitted by the underlying zone shall comply with the height limitations in DCC 18.80.028. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control. [ORS 836.619; OAR 660-013-0070]**

- A. Except as provided in DCC 18.80.028(B) and (C), no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface. [ORS 836.619; OAR 660-013-0070(1)]**
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.**
- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA (for Redmond, Bend and Sunriver.)**

**FINDING:** The proposed structure(s) will have a maximum elevation of 4,208 feet above sea level. Per DCC 18.80.022, the Sunriver Airport has a runway elevation of 4,155 feet and the horizontal surface for Sunriver Airport above the subject property has an approximate elevation of 4,305 feet. Therefore, staff finds the proposed development will not penetrate the imaginary surface. This criterion will be met.

Section 18.80.044. Land Use Compatibility.

**Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of DCC 18.80 as provided herein. When compatibility issues arise, the Planning Director or Hearings Body is required to take actions that eliminate or minimize the incompatibility by choosing the most compatible location or design for the boundary or use. Where compatibility issues persist, despite actions or conditions intended to eliminate or minimize the incompatibility, the Planning Director or Hearings Body may disallow the use or expansion, except where the action results in loss of current operational levels and/or the ability of the airport to grow to meet**

***future community needs. Reasonable conditions to protect the public safety may be imposed by the Planning Director or Hearings Body. [ORS 836.619; ORS 836.623(1); OAR 660-013-0080]***

- A. *Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5 (Table 2 of DCC 18.80). Applicants for any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries, shall sign and record in the Deschutes County Book of Records, a Declaration of Anticipated Noise declaring that the applicant and his successors will not now, or in the future complain about the allowed airport activities at the adjacent airport. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn. [NOTE: FAA Order 5100.38D provides that interior noise levels should not exceed 45 decibels in all habitable zones.]***

**FINDING:** The subject property is not within the noise impact boundary associated with the Sunriver Airport. This criterion does not apply.

- B. *Outdoor lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.***

**FINDING:** The applicant proposes a new public works building. The public works facility on the subject property was most recently reviewed through Deschutes County file 247-19-000450-SP, which approved a new cinder storage building. In this prior approval, a Hearings Officer found the public works use of the subject property did not constitute an 'industrial use.' The Hearing's Officer Decision for file 247-19-000450-SP included the following findings for DCC 18.80.044(B):

The Hearings Officer finds this approval criterion is generally not applicable because Applicant's proposal involves no expanded industrial, commercial or recreational use.

Staff finds the public works facility is not an industrial, commercial, or recreational use. However, staff notes that if it were subject to this criterion, proposed lighting will not project onto Sunriver Airport runways. The submitted application materials include images of the light fixtures proposed for the building exterior. Staff also notes the subject property is located approximately 0.47 miles from the edge of the Sunriver Airport runway.

This criterion also requires that no use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting. To ensure compliance, a Condition of Approval has been added. This criterion will be met.

- C. *Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.***

**FINDING:** To ensure compliance, a Condition of Approval has been added. This criterion will be met.

- D. *Industrial emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.***

**FINDING:** As described above, the subject property is developed with a public works facility, which is not an industrial use. Staff finds the public works facility is not a mining or similar use either. Therefore, the proposed use is not an industrial, mining or similar use, or expansion of an existing industrial, mining or similar use. This criterion does not apply.

- E. *Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.***

**FINDING:** The proposed use will not cause or create electrical interference. This criterion will be met.

- F. *Limitations and Restrictions on Allowed Uses in the RPZ, Transitional Surface, Approach Surface, and Airport Direct and Secondary Impact Areas. For the Redmond, Bend, Sunriver, and Sisters airports, the land uses identified in DCC 18.80 Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in DCC 18.80.044, a limited use means a use that is allowed subject to special***



***standards specific to that use.***

**FINDING:** The subject property is located within the direct impact area associated with the Sunriver Airport. Based on DCC 18.80, Table 1, the proposed use is permitted with no additional restrictions. Therefore, the use will comply with DCC 18.80, Table 1, and is permitted in the direct impact area. This criterion is met.

Section 18.80.050. Uses Permitted Outright.

***Any uses permitted outright in the underlying zone with which the AS Zone is combined shall be allowed except as provided in DCC 18.80.044.***

**FINDING:** The proposed use is permitted outright in the underlying zone subject to the provisions of DCC 18.124. Above, staff addresses the applicable criteria under DCC 18.80.044. Therefore, the proposed use is allowed outright in the AS Combining Zone subject to DCC 18.124.

**Chapter 18.108, Urban Unincorporated Community Zone - Sunriver**

Section 18.108.020, Standards in All Districts.

**A. *Approval Required. Any use in an RM, C, R, TC, RA, RG, RE, RN, BP, CG, CR, CL, CN, A, U or F District shall be subject to DCC 18.124. All uses listed as conditional uses within the RS District are also subject to the requirements of DCC 18.124.***

**FINDING:** The proposed use is subject to site plan review because it is a use in the RM, C, R, TC, RA, RG, RE, RN, BP, CG, CR, CL, CN, A, U or F District.

**B. *Solar Setbacks.***

**1. *The setback from the north lot line shall meet the solar setback requirements of DCC 18.116.180, with the exception of land in the TC District described in subsection (B)(2), below.***

**FINDING:** The subject property is not in the TC District. As a condition of approval, structural setbacks from any north lot line shall meet the solar setback requirements in DCC 18.116.180.

**2. *The development of land located within the TC District is exempt from the requirements of the solar setback requirements of DCC 18.116.180 unless a proposed building casts a shadow on land:***

- a. *Located outside of the C or TC Districts, other than roadway areas; or***
- b. *Described in DCC 18.108.050(C)(1) as eligible for residential development.***

**FINDING:** The subject property is not in the TC District.

**3. *All development shall take advantage of passive solar to the extent***

*practicable.*

**FINDING:** The proposed development takes advantage of passive solar to the extent practicable, given the on-site vegetation, topography, as well as existing development and vegetation in the area.

- B. *Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.***

**FINDING:** As a condition of approval, in addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

- D. *Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the parking provisions of DCC 18.116.***

**FINDING:** Off-street parking and loading will be provided subject to the parking provisions of DCC 18.116, as described in detail below.

- E. *Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10.***

**FINDING:** As a condition of approval, all outdoor lighting shall be installed in conformance with DCC 15.10.

- F. *Excavation, Grading and Fill and Removal. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be subject to DCC 18.120.050 and/or DCC 18.128.270.***

**FINDING:** No excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland is proposed.

- G. *Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.***

**FINDING:** Staff includes this requirement as a condition of approval.

Section 18.108.120, Community General District

- A. *Uses Permitted Outright. The following uses and their accessory uses are permitted outright:***

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- 18. *Public works facility.***

**FINDING:** The subject property is currently developed with a Sunriver Homeowners Association (SROA) public works facility. The proposed building will be used by public works staff to store

vehicles and equipment, and the building will also contain office space for public works employees. Staff finds the proposed building is part of a public works facility and is permitted outright in the zone.

- C. *Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.***

**FINDING:** The applicant proposes a building with a height of 26 feet and six inches. Staff finds this criterion will be met.

- D. *Lot Requirements. The following lot requirements shall be observed:***

- 1. *Lot Area. No requirements.***
- 2. *Lot Width. No requirements.***
- 3. *Lot Depth. 100 feet.***
- 4. *Front Yard. The front yard shall be a minimum of 10 feet.***
- 5. *Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.***
- 6. *Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.***
- 7. *Lot Coverage. No requirements.***

**FINDING:** No changes to the lot dimensions are proposed. The subject property has front lot lines along Abbott Drive to the east and Sun Eagle Lane to the south. The proposed building will be set back over ten feet from both front lot lines, and will exceed the required front yard setback. The subject property is an irregular shape and contains multiple side property lines adjacent to neighboring lots that are zoned Sunriver Residential District. The proposed building will be set back over 100 feet from these neighboring properties and will comply with required side yard setbacks. Staff therefore finds the proposed structure complies with the setbacks of sections 4-6. These criteria will be met.

The applicant proposes a property line adjustment, to adjust the common boundary between Tax Lot 200 and Tax Lot 202. This common property line is a side lot line for the subject property and therefore does not require any setback, because the neighboring property is not within an RS or RM Zone. Staff finds that, after the proposed adjustment, the new building will comply with required setbacks. To ensure compliance, staff adds the following condition of approval:

Prior to issuance of building or septic permits for the public works building, the owner shall receive final approval for the proposed property line adjustment between Tax Lot 200 and Tax Lot 202, as shown on the site plan dated March 29, 2023.

## **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 subject property has a required clear vision area located at the intersection of Sun Eagle Lane and Abbot Drive. As proposed, this area will contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height. As a condition of approval, the clear vision area shall be maintained in accordance with DCC 18.116.020(A).

- 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:**

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

**FINDING:** Abbot Drive has a 60-foot-wide right of way, and Sun Eagle Lane has a 20-foot-wide right of way adjacent to the subject property. The required clear vision area therefore consist of a triangle with one 30-foot side and one 40-foot side.

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, that 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:**

**1. Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths subject to the following table:**

<b>Sq. Ft. of Floor Area</b>	<b>No. of Berths Required</b>
<b>Less than 5,000</b>	<b>0</b>
<b>5,000-30,000</b>	<b>1</b>
<b>30,000-100,000</b>	<b>2</b>
<b>100,000 and Over</b>	<b>3</b>

**FINDING:** The applicant proposes a new public works building with an area of 13,125 square feet. Therefore, the proposed building requires one loading berth, and the submitted site plan indicates one loading berth will be provided.

**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:**

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

**FINDING:** No loading berth is required.

**3. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.**

**FINDING:** The applicant proposes a loading berth that is ten feet wide and 35 feet long. The loading berth will have unobstructed vertical clearance. Staff finds the proposed loading berth complies with the required dimensions, above. This criterion will be met.

4. ***If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.***

**FINDING:** No elimination of a loading space is proposed.

5. ***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.***

**FINDING:** As a condition of approval, 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.

- 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.***

**FINDING:** Staff finds this criterion requires parking be provided and maintained for all uses. As a condition of approval, required parking facilities shall be provided prior to or concurrently with construction and/or initiation of the proposed use.

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

...

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:** The application materials indicate public works employees will continue to park in the existing vehicle parking area, which is located to the south of the public works administration building. Based on the use of the proposed building, staff finds it will likely be used in conjunction with existing public works buildings, and employees may move between the new building and the public works administration building during the work day. In a letter dated March 29, 2023, the applicant provided the following response regarding the number of proposed vehicle parking spaces:

The proposed building is a replacement for two existing buildings on the site, per the owner no new employees or operations are associated with the proposed building. There are 10 existing employees, the existing employee parking is located to the West of the proposed

building, in front of the existing administration building, there are 12 existing employee parking spaces and 3 spaces available for public use. No new parking spaces are being proposed.

Staff concurs with the applicant's analysis that the new public works building will be utilized in conjunction with the neighboring, existing administration building. Staff therefore finds it appropriate to utilize one shared parking lot for the two buildings because it will serve the same group of employees. Members of the public generally do not visit or park at the public works building, so the parking area will predominantly be used by employees reporting to the property for work. However, the application materials indicate three visitor parking spaces are provided in front of the administration building. Staff finds the provision of visitor parking will ensure there is adequate parking to accommodate both employees and visitors to the site.

Staff finds there is sufficient parking to accommodate all public works employees on the largest working shift, while still providing two vacant employee parking spaces and three visitor parking spaces. Based on the number of parking spaces, and the shared nature of the existing public works parking area, staff finds the proposed number of vehicle parking spaces will be sufficient.

**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 total requirement for off-street parking is calculated as the sum of requirements of all on-site uses computed separately.

- 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 evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.**

**FINDING:** As described above, the applicant proposes to utilize an existing vehicle parking area, which currently serves the public works administration building. The proposed building will utilize the same parking area as the administration building, and staff therefore finds the parking area will serve two or more structures. The number of required parking spaces has been calculated for the public works facilities as a whole.

- 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:** The proposed required parking spaces are to be located on the same parcel.

- 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, Airport Development (AD) Zone, and properties fronting Spring River Road in the Spring River Rural Commercial Zone, but such space may be located within a required side or rear yard.***

**FINDING:** The applicant does not propose any vehicle parking spaces within a required front yard. Staff finds this criterion will be met.

- 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:** No on-street parking is proposed.

- 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:** Neighboring properties to the south and west are zoned Sunriver Single Family Residential District (SURS) and are developed with dwellings. The applicant proposes to utilize an existing parking area for more than five vehicles, and the parking area is therefore subject to these criteria. Sun Eagle Lane runs through the south portion of the subject property, therefore a strip of land across Sun Eagle Lane is also within the subject property. This portion of the property that is located to the south of Sun Eagle Lane contains mature trees and a solid wood fence that is approximately six feet tall. Staff finds this vegetation and sight-obscuring fence effectively screens the parking area from neighboring residential properties to the south.

Neighboring residential uses to the west will be screened from the parking area by intervening structures. There is an existing cinder storage building located along the west boundary of the parking lot, and this structure was approved through Deschutes County file 247-19-000450-SP. This cinder storage building is 100 feet long, and provides effective screening between the parking area and neighboring residences. Based on the screening provided by the existing fence and cinder storage building, staff finds the parking area will be effectively screened or buffered from adjoining residences. This criterion will be met.

- 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:** As described above, adjoining properties are located within the SURS Zone, which is a residential zone. Staff therefore adds a condition of approval that all lighting for the parking area shall be so arranged that it will not project light rays directly upon any adjoining property in a residential zone. As conditioned, this will be 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:** Parking spaces are located and designed to prevent the need to back vehicles into a street or right of way other than an alley. The parking area has a looped design, and there is an entrance and a separate exit onto Sun Eagle Lane. The closest parking spot is located approximately 90 feet from Sun Eagle Lane, and there is ample space within the parking area for vehicles to turn around. For these reasons, staff finds vehicles will not need to back into a street or right of way. This criterion will be 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:***

**FINDING:** The existing parking area is paved with asphalt, and the applicant proposes to pave the area adjacent to the new building with asphalt as well. The applicant submitted a grading plan, dated March 29, 2023, prepared by a registered professional engineer. This grading plan indicates new swales will be installed to the east and south of the paved area surrounding the new building. This grading plan also shows one existing storm drain located in the new area to be paved, to the east of the new building.

The existing parking area, located to the south of the public works administration building, is paved with asphalt and is surrounded by landscaped areas, which provide pervious surface for runoff to infiltrate. The neighboring property to the east, identified as Tax Lot 200 on Assessor's Map 19-11-32B, is under common ownership as the subject property. The applicant proposes a cross drainage agreement, to allow stormwater facilities for Tax Lot 202 and Tax Lot 200 to be designed in conjunction with each other. Therefore, for the purpose of this criterion, staff finds the 'site' includes both Tax Lot 200 and Tax Lot 202, together.

To ensure compliance, staff adds a condition of approval that prior to the issuance of building permits, a statement must be provided by a licensed, professional engineer that the paved area will be drained as to contain any flow of water on the site. As conditioned, staff finds this criterion will be met.

- a. *A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or***
- 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***
- c. *The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.***

**FINDING:** No exception to the paving standards have been requested.

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

**FINDING:** The applicant proposes one-way access aisles, which requires a minimum width of 12 feet. As illustrated on the site plan, the proposed access aisles will range from 15 50 25 feet in width. The proposed access aisles are of sufficient width for all vehicular turning and maneuvering and 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:** For the purposes of this decision, staff finds a “service drive” includes any vehicle maneuvering surface that connects to a road or street, but is not immediately adjacent to a parking space. Staff notes the subject property is developed with a number of other uses, such as a police station and fire department, which have their own associated network of service drives. For the purpose of this review, staff only evaluates the service drives that will serve employees and visitors to the proposed building. This includes the two service drives that provide access from Sun Eagle Lane to the existing parking area, as well as the new service drive that will be adjacent to the proposed building.

The parking area to the south of the public works administration building is served by a one-way entrance and a one-way exit on Sun Eagle Lane. The parking lot features a loop design, which minimizes conflicts between vehicles entering and exiting the subject property. The application materials indicate there are ten public works employees who report to the subject property. Based on the clear flow of traffic, room for vehicle maneuvering, and limited number of employees accessing the parking area, staff finds the service drives have been designed to provide for maximum vehicle access and safety.

Staff notes there are covered recycling bins located to the south of the public works parking area. This recycling area is served by the same entrance and exit off of Sun Eagle Lane. However, visitors to the recycling area do not drive through the parking area or access the public works buildings. Therefore, any conflicts between vehicles for the two uses would be limited to the entrance and exit onto Sun Eagle Lane.

The applicant proposes a paved vehicle maneuvering space in front of the new building and a paved service drive around the building perimeter. As described above, employees will park in front of the administration building. Therefore, the only vehicles utilizing the service drive adjacent to the new building will be public works vehicles operated by employees. The application materials indicate

public works vehicles and equipment will be stored within the new building. The paved area surrounding the building will therefore be used to move those vehicles and equipment into and out of the building.

The new service drive has a circular design and surrounds the proposed building on all four sides. This design provides convenient access to all building entrances, and provides room for vehicles and equipment to turn around on the subject property. Because the new service drive will only be utilized for public works vehicles and equipment, staff anticipates vehicles will travel at relatively slow speeds within this portion of the property, and the number of vehicles will be low. As described above, public works employees will park in front of the administration building and walk to the new building as needed. The new building will be utilized by public works employees and will not be open to the public. Therefore, staff finds the only pedestrians anticipated in this portion of the property are public works employees, who will be limited in number. Due to the low number of anticipated pedestrians, and the slow speeds of vehicles, conflicts between pedestrians and vehicles will be minimized.

The proposed service drives are clearly marked through raised berms, split-rail fencing, and a retaining wall. In addition, the new service drive surrounding the public works building will be bordered on one side by the building itself.

No "drive-in" establishment is proposed.

- 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:** For the purposes of this decision, staff finds a "service drive" includes any vehicle maneuvering surface that connects to a road or street, but is not immediately adjacent to a parking space. Staff finds "vision clearance area" became "clear vision area" in 1991 (Ord 91-038) but that this reference was not updated. For this purposes of this decision staff, uses "vision clearance area" and "clear vision area" as the equivalent.

The subject property has required service drive clear vision areas located at the entrance to the parking area from Sun Eagle Lane, and the exit from the parking area onto Sun Eagle Lane. As proposed, this area will contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height. As a condition of approval, the service drive clear vision area shall be maintained in accordance with DCC 18.116.020(A).

- 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:** Staff finds a curb or bumper rail are only needed under this criterion where needed to prevent a motor vehicle from extending over an adjacent property line or a street right of way. No parking area is immediately adjacent to a property line or a street right of way.

**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:** The proposed parking lot has been designed subject to County standards. The vehicle parking spaces have dimensions of nine feet by 20 feet.

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.**
- 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:** As noted above, the proposed use requires 15 vehicular parking spaces. Therefore, three bicycle parking spaces are required, of which two spaces must be sheltered. The submitted proposal includes three sheltered spaces, in compliance with this criterion.

- 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 applicant has not requested exceptions to the bicycle parking standards.

**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:** No reduction in the number of required vehicle parking spaces has been requested in exchange for providing required bicycle parking.

- 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.**

**FINDING:** Required sheltered bicycle parking is provided within the existing public works administration building, and additional sheltered bicycle parking will be provided within the new building.

**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.**

**FINDING:** The bicycle parking will be provided indoors, within the existing administration building and the new public works building.

- i. **Bicycle parking shall be located in areas of greatest use and convenience to bicyclist.**

**FINDING:** Bicycle parking facilities are located in areas of greatest use and convenience to bicyclist. The applicant proposes bicycle parking within the two main buildings that public works employees will report to. Therefore, the bicycle parking will be in the area of greatest use and convenience, regardless of which building employees arrive at.

- ii. **Such bicycle parking shall have direct access to both the public right of way and to the main entrance of the principal use.**

**FINDING:** The proposed bicycle parking area(s) 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.**

**FINDING:** The bicycle parking will be located within a building. Therefore, it will not impede any pedestrian walkways. The bicycle parking location will not put bicyclists within the path of pedestrians, therefore it will minimize conflicts between pedestrians and bicyclists. Staff finds the proposed bicycle parking area(s) will 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.***

**FINDING:** The proposed bicycle parking area(s) are 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.***

**FINDING:** The bicycle parking will be located within a building and will therefore be separated from motor vehicle parking and drive areas by a permanent barrier.

**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.***

**FINDING:** The applicant proposes sheltered facilities inside a structure. Based on the submitted site plan, it is not apparent to staff how directions to the facility will be signed or supplied by the employer. The application materials do not indicate that signage is proposed, and directions to the sheltered bicycle facilities must therefore be supplied by the employer. Staff therefore adds the following condition of approval to ensure compliance:

Prior to the issuance of building permits for the proposed building, the owner shall provide written confirmation that directions to bicycle parking will be provided to employees, 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.***

**FINDING:** The space provided for bicycle parking within the two buildings complies with these requirements.



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 bicycle parking area will be provided within buildings, and will have the same material as building floors. No outdoor bicycle parking facilities are proposed and staff therefore finds this criterion does not apply.

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.***

**FINDING:** The bicycle parking area offers security in the form of locking exterior building doors.

- 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 bicycle parking area will be illuminated by interior lighting.

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

**FINDING:** No alternative means of providing bicycle parking have been proposed or approved in this decision.

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.

## 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."

Staff finds minimization of visual impacts requires designing the building to blend harmoniously with the surrounding environment, clustering new buildings near existing development, and preserving visual screening. In a letter dated March 2, 2023, the applicant provided the following response to this criterion:

The building is replacing a repurposed wastewater treatment building and will be more aesthetically pleasing. The proposed structure will utilize masonry and non-reflective materials in muted, earth tone colors to blend in and reduce contrast with surrounding vegetation and landscaping. As stated previously, the primary purpose of the proposed building is to provide interior storage of vehicles that are currently stored outside. This will reduce the visual impact of stored vehicles as well as reducing the noise from vehicle start-ups and idling.

A landscape plan has been provided to show additional, new landscaping between the proposed structure and Sun Eagle Lane. This new landscaping, along with the landscaping (trees/vegetation) currently existing on the north and south sides of Sun Eagle Lane provides ample, natural screening to the proposed structure.

Staff agrees with this analysis.

The applicant proposes to replace two existing buildings, which have a combined area of approximately 8,238 square feet. The new building will be 13,125 square feet and will be located in roughly the same location as the two existing buildings, which will be demolished. Staff finds utilizing the footprint of the two buildings to be replaced will minimize disturbance to the remainder of the site. While the new building will be larger than the buildings it is replacing, staff finds it has been designed to minimize visual impacts.

The applicant submitted a detailed landscaping plan, dated March 21, 2023, which shows vegetation that will be planted between the new building and Sun Eagle Lane to the south. The new building will be most visible from this portion of Sun Eagle Lane, where it runs through the south portion of the subject property. The applicant proposes a vegetated berm that will contain ponderosa pine, birch trees, and ornamental shrubs. The introduced vegetation will not fully screen the new building but it will significantly reduce any adverse visual impacts.

Staff notes the proposed building will be 26.5 feet in height and, even with proposed landscaping, will be visible to vehicles passing by on Sun Eagle Lane. A visible building is not inherently an adverse impact, and staff finds the applicant is not required to completely screen the building from the view of neighboring roads and properties. A strip of land to the south of Sun Eagle Lane is part of the subject property, and this area contains scattered, mature trees and a solid wood fence. The intervening fencing will significantly reduce visual impacts on neighboring residential properties, and the new building will likely only be visible from second-story windows of these neighboring residences.

During a site visit, staff observed the height of trees and structures on the subject property and neighboring lots. The trees and vegetation on the subject property provide aesthetic value, but there are no scenic views of mountains or other features from the property. The proposed building will not impact scenic views because there are existing trees and structures of a similar height on the subject property, and on neighboring properties. The subject property is developed with various structures, and associated parking areas and service drives. Staff finds the proposed building and service drive are consistent with the type and scale of development observed on the subject property.

The subject property does not contain wetlands mapped on a statewide or national inventory, and does not contain mapped Flood Plain. Staff therefore finds there are no natural features consisting of wetlands to be preserved. In addition, the grade of the subject property varies slightly but does not contain any significant topographical features.

Staff finds there are no significant topographical features or natural features on the subject property, and the applicant has proposed landscaping screening. By siting the buildings in an area of existing development, selecting earth-tone colors, and preserving fencing and vegetative screening, the site plan has been designed to relate harmoniously to the natural environment and existing development. Staff finds 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:** Staff finds the landscape and existing topography will be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. No significant changes to topography are proposed. Staff finds all trees and shrubs existing on-site, not removed by necessity of the proposed development, are “preserved trees and shrubs.” As a condition of approval, all trees and shrubs existing on-site, not removed by necessity of the proposed development, shall be protected, unless lawfully changed/removed by outright uses (such as farm use) or such change/removal is approved by future land use approvals.

***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:** 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 subject property is located within the service boundary of Sunriver Fire Department.

The Sunriver Fire District fire hall is located on the subject property, to the north of the public works facility. Staff finds the close proximity to emergency service providers will minimize risk of damage if a fire were to occur. The subject property contains a network of internal service drives, which provide direct access from the fire hall to the location of the proposed building. The new building will be located approximately 140 feet from Sun Eagle Lane, and this convenient road access will allow for evacuation if a fire were to occur. For these reasons, staff finds the site plan has been designed to provide a safe environment in regards to fire risk. With regard to other natural hazards, none have been identified on the site.

The applicant proposes a new public works building, which will only be accessed by employees. Members of the public will not visit or gather in this building, and staff therefore finds it does not constitute a public space. No public spaces are proposed, and a transition from private to public spaces is therefore not required.

***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 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:** 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.

The applicant does not propose any changes to the points of access to the site. The public works buildings, and their associated parking area, are accessed from Sun Eagle Lane to the south. Staff notes the property also has frontage on Abbot Drive to the east, and uses in the north portion of

the property take access off of Abbot Drive. The existing driveways off of Sun Eagle Lane provide the most direct route to the new proposed building and the applicant proposes to take advantage of this existing road access.

There are several existing public works buildings in the south portion of the subject property. The most prominent is the public works administration building, which is located to the west of the new building site. Employees will park in front of the administration building and walk between that structure and the new building.

The parking area and public works buildings are only accessed by employees, and staff therefore anticipates relatively low levels of vehicle traffic within this portion of the subject property. In particular, the path that pedestrians will use between the two buildings will be relatively shielded from vehicle traffic. The proposed building will be located 55.8 feet from the existing public works administration building, and a direct pedestrian path is provided between the entrances of the two buildings.

The application materials indicate bicycle parking will be provided within the new building, and there is existing space for bicycle parking within the existing administration building as well. Staff finds this will minimize conflicts between bicycle and vehicles, because bicycle parking is not in an area where vehicles may be present. Staff finds the proposed indoor bicycle parking will be harmonious with structures on neighboring properties, because it will not be visible from neighboring properties.

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

**FINDING:** Staff finds engineered design and review is required to demonstrate compliance with this criterion. The applicant submitted a grading plan, dated March 29, 2023. This submitted grading plan shows there will be two swales located to the east of the building and one swale located to the south of the new building. The applicant proposes to pave the area surrounding the new building, and the submitted grading plan shows that an existing storm drain will also divert runoff generated by this new impervious surface. As conditions of approval, 1) the owner shall, prior to initiation of use and/or issuance of building, provide a statement from a licensed professional engineer that the “surface drainage systems shall be 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:** Staff finds the new building and associated vehicle maneuvering area are subject to this criterion. These facilities have been designed to minimize adverse impacts on the site and neighboring properties by providing an indoor storage area for vehicles that were previously stored

outdoors on the property. This new, enclosed parking and maintenance space will help minimize impacts on neighboring properties because vehicles and machinery will no longer be visible from neighboring properties. The applicant proposes muted, earth-tone colors for the new building, which will help the new building blend in with the surrounding environment and existing development on the site.

The new service drive is located adjacent to the proposed building, so the visual impacts generated by new development will be clustered in one portion of the subject property. In addition, the service drive will consist of at-grade asphalt paving, with split-rail fencing along a portion of the new drive. Staff finds the design of the service drive is unobtrusive and will not generate significant adverse impacts on neighboring properties.

These facilities have been located to minimize adverse impacts on the site and neighboring properties by clustering the new building in an area of existing development. As described above, the new building will use part of the building footprint of the structure to be replaced. Siting the new building in a previously-disturbed area will minimize the amount of vegetation that needs to be removed, and will keep the public works buildings all located in relatively close proximity to each other, in the south portion of the property. Clustering the public works buildings in close proximity to each other will reduce the distance that vehicles and pedestrians travel between the various buildings, which will minimize the amount of time they are visible or audible from neighboring properties.

These facilities have been buffered or screened to minimize adverse impacts on the site and neighboring properties by providing new landscaping to the south of the building, to minimize impacts on Sun Eagle Lane. The submitted Landscaping Plan indicates there will be a new berm, which will be vegetated with shrubs, ponderosa pine, and birch trees. There is also an existing fence along the south property line, between the new building site and neighboring residences.

Neighboring properties to the north and west will be buffered and screened by existing structures on the subject property. Neighboring properties to the north are located over 480 feet from the new building site, and based on intervening trees and structures, the new building will not likely be visible from these properties. The new building will be located approximately 300 feet from neighboring properties to the west, and the existing public works administration building and cinder storage building will provide visual screening from these neighboring properties. The neighboring property to the east will be located in closest proximity to the new building. After the proposed property line adjustment is complete, the new building will be set back 33 feet from this neighboring property to the east. Staff notes this neighboring property is under common ownership as the subject property and contains one building, which is used as storage by public works. Due to the interrelated nature of these two properties, staff finds adverse impacts on this property to the east are unlikely.

For these reasons, staff finds the proposed public works building and associated service drive have been designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.



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

**FINDING:** The applicant has not proposed above ground utility installations as a part of this project.

**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.

**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 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.

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:** No residential development subject to site plan approval is proposed.

- 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:** As described above, in Deschutes County file 247-19-000450-SP, the Hearings Officer found the public works use of the subject property did not constitute an 'industrial use.' Staff agrees with this finding and does not categorize the proposed public works building as an industrial use. The proposal does not contain multi-family development, and staff therefore finds this criterion would only apply if the public works building is a type of commercial development. Staff includes the definition below of a commercial use, from DCC 18.04.030:

"Commercial use" means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals or wholesale distribution centers.

Public works staff provide services to members of Sunriver Owners Association, and these services are supported by member fees. However, the definition above excludes warehouses, and a significant portion of the new building is best described as warehouse space. DCC 18.04.030 does not define retail, however, Merriam-Webster Online Dictionary defines "retail" as "to sell in small

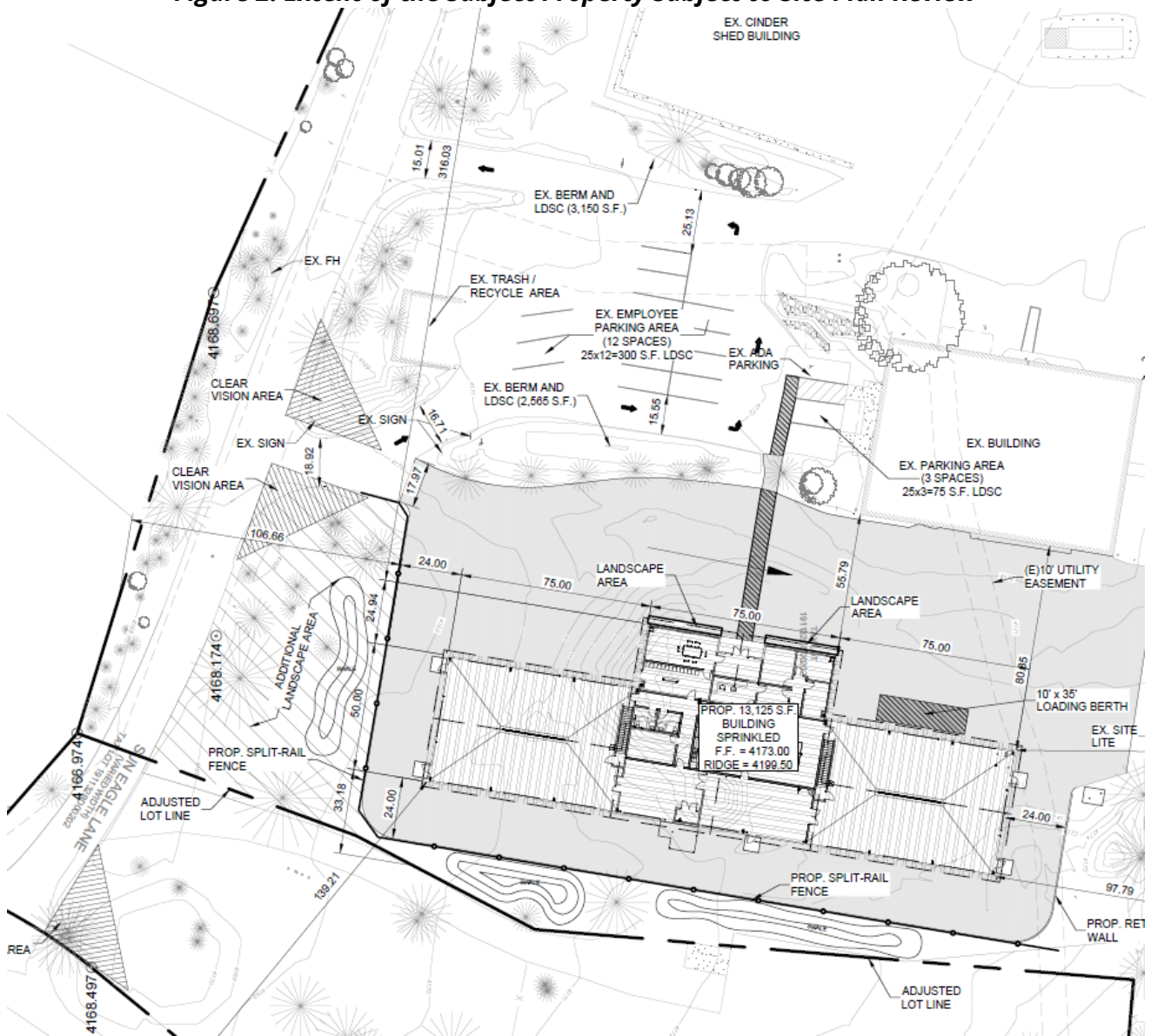
quantities directly to the ultimate consumer.” Staff finds the services provided by the public works facility are not the retail sale of services.

Based on the above analysis, staff finds the public works building is neither an industrial, multi-family, nor commercial development. Therefore, this criterion does not apply.

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

**FINDING:** The area subject to the final site plan is the south portion of the subject property, where the new public works building will be located. The extent of this area is shown in the figure below. 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.

**Figure 2: Extent of the Subject Property Subject to Site Plan Review**



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.***

**FINDING:** Staff finds that, unlike section (B)(1), this criterion requires “defined landscaping”. Staff finds that “defined landscaping” does not have a definition in the code. Merriam-Webster’s dictionary definition of “defined”<sup>2</sup> is “to show the shape, outline, or edge of (something) very clearly “. Thus this criterion cannot be met by un-differentiated natural landscaping. The submitted application materials include landscaping area(s) of 375 square feet as required for the 15 proposed parking spaces. This criterion will be met.

- 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.***

**FINDING:** The submitted application materials include landscaping strip(s) separating parking/loading area(s) from the south property line. The plans show landscaping strip(s) adjacent to Sun Eagle Lane will be at least 10 feet in width. Staff notes Sun Eagle Lane bisects the southernmost portion of the subject property, therefore the lot line is not adjacent to the road. However, for the purpose of this review the applicant has proposed a landscaping strip between the parking and loading area and Sun Eagle Lane. The landscaped strip(s) between the parking area and the east, west, and north property lines will exceed five feet in width. Therefore, staff finds this criterion will be met.

- 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.***

**FINDING:** The submitted application materials include a landscaping strip separating parking/loading area(s) from a street. The landscaping plans include the required trees, shrubs, and ground cover at the density required in these criteria.

- 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.***

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<sup>2</sup> <https://www.merriam-webster.com/dictionary/defined>

**FINDING:** The submitted plan shows landscaping in a parking/loading area(s) in defined landscaped areas which are uniformly distributed throughout the parking/loading area(s).

- e. *The landscaping in a parking area shall have a width of not less than five feet.***

**FINDING:** The landscaping in the parking area shall has a width of not less than five feet.

- f. *Provision shall be made for watering planting areas where such care is required.***

**FINDING:** As a condition of approval, the applicant shall provide for watering planting areas where such care is required.

- g. *Required landscaping shall be continuously maintained and kept alive and attractive.***

**FINDING:** As a condition of approval, 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:** No overhead utility lines exist on-site.

**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:** To the extent bicycle parking is required under this approval, 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 proposal does not include new commercial, office and multi-family residential developments.

- 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.**

**FINDING:** In *Shepherd* (file nos. 247-17-000573-AD and 574-SP, 247-18-000179-A and 182-A) the Board of County Commissioners found, "Subsections (b) through (e) apply to any use subject to site plan review." Specifically, this means that uses not listed in section (2)(A) are also subject to these criteria.

As shown on the site plan, the applicant proposes a paved walkway connecting the public works administration building to the new public works building. Traffic to and from the public works building will predominantly consist of public works employees who leave and enter the site throughout the day. Public works employees are unlikely to walk to job locations because they need to transport equipment. Due to the nature of the use, staff finds pedestrian traffic will likely be limited to employees moving between the different buildings. For these reasons, relatively low levels of pedestrian traffic to the property are anticipated.

The north portion of the subject property contains paved, separated pedestrian walkways that connect to Abbot Drive. Sun Eagle Lane is closest to the new building site, but this road does not contain any bike lanes or sidewalks. Staff therefore finds pedestrian connections to Abbot Drive provide maximum safety and connectivity. The submitted site plan indicates new paving is proposed to the north of the building, which will connect to the existing network of paved service drives and walkways on the subject property.

Staff notes there are no sidewalks or bikeways on adjacent properties planned or used for commercial, multi-family, public or park use. However, there is an existing network of bicycle and pedestrian paths within the surrounding area, specifically to the east side of Abbot Drive. The north portion of the subject property contains a paved pedestrian path that feeds into a crosswalk across Abbot Drive. This connection allows direct access from the subject property to this network of bicycle and pedestrian paths.

- 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.**

**FINDING:** The applicant proposes five-foot-wide paved walkways throughout. Staff notes the parking spaces adjacent to walkways include concrete bumpers. Therefore, the five-foot-wide walkways adjacent to the vehicular spaces complies with this criterion. Per the site plan, staff finds

the walkways provide a direct route to buildings.

- 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.***

**FINDING:** The proposed pedestrian walkway does not cross a driveway. For this reason, this criterion does not apply.

- 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:** Compliance with ADA standards for walkways will be addressed during building permit review. Staff includes a condition of approval to ensure compliance.

**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 properties fronting Spring River Road in the Spring River Rural Commercial Zone. The building(s) and any eaves, overhangs or awnings shall not interfere with the required clear vision area at corners or driveways.***

**FINDING:** No new commercial buildings are proposed.

- 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 \$4,757 per p.m. peak hour trip. County staff has determined a local trip rate of 0.81 p.m. peak hour trips per single-family dwelling unit; therefore the applicable SDC is \$3,853 (\$4,757 X 0.81). The SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final. The SDC applies to the new dwellings.

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

### **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 property owner shall obtain any necessary permits from the Deschutes County Building Division and Environmental Soils Division.
- C.** No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040
- D.** Structural setbacks from any north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E.** In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- F.** No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- G.** No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.
- H.** No use shall cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces.
- I.** All outdoor lighting shall be installed in conformance with DCC 15.10.
- J.** All signs shall be constructed in accordance with the provisions of DCC 15.08.
- K.** The clear vision area shall be maintained in accordance with DCC 18.116.020(A).
- L.** 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.
- M.** 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.
- N.** Required parking facilities shall be provided prior to or concurrently with construction and/or initiation of the proposed use.
- O.** 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.

- P.** All trees and shrubs existing on-site, not removed by necessity of the proposed development, shall be protected, unless lawfully changed/removed by outright uses (such as farm use) or such change/removal is approved by future land use approvals.
- Q.** Stormwater drainage. The owner:
  - 1) 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.
- R.** All exterior lighting shall be shielded so that direct light does not project off site.
- S.** The owner shall provide for watering planting areas where such care is required.
- T.** All lighting for the parking area shall be so arranged that it will not project light rays directly upon any adjoining property in a residential zone.
- U.** Prior to the issuance of building permits for the proposed building, the owner shall provide written confirmation that directions to bicycle parking will be provided to employees, as appropriate.
- V.** Prior to issuance of building or septic permits for the public works building, the owner shall receive final approval for the proposed property line adjustment between Tax Lot 200 and Tax Lot 202, as shown on the site plan dated March 29, 2023.
- Q.** The service drive clear vision area shall be maintained in accordance with DCC 18.116.020(A).

## **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 handwritten signature in black ink that reads "Audrey Stuart". The signature is written in a cursive, flowing style.

Written by: Audrey Stuart, Associate Planner

A handwritten signature in black ink that reads "Will Groves". The signature is written in a bold, cursive style.

Reviewed by: Will Groves, Planning Manager

Attachment(s):        Site Plan