



Mailing Date:
Tuesday, March 5, 2024

COMMUNITY DEVELOPMENT

STAFF REPORT

FILE NUMBER(S): 247-23-000614-CU, 247-23-000615-SP

**SUBJECT PROPERTY/
OWNER:** Mailing Name: PRONGHORN INTANGIBLES LLC
Map and Taxlot: 161316D000500
Account: 251126
Situs Address: 23050 NICKLAUS DR, BEND, OR 97701

APPLICANT: Juniper Institute LLC

APPLICANT'S AGENT: Corinne Celko, Attorney

REQUEST: A site plan review to establish a psilocybin service center in the Exclusive Farm Use (EFU) Zone, and Destination Resort (DR) Combining Zone.

STAFF CONTACT: Dan DiMarzo, Assistant Planner
Phone: 541-330-4620
Email: dan.dimarzo@deschutes.org

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

I. APPLICABLE CRITERIA

Deschutes County Code (DCC)
Title 18, Deschutes County Zoning Ordinance
Chapter 18.16, Exclusive Farm Use Zones (EFU)
Chapter 18.113, Destination Resorts Zone (DR)
Chapter 18.116, Supplementary Provisions
Chapter 18.124, Site Plan Review
Chapter 18.128, Conditional Use
Title 22, Deschutes County Development Procedures Ordinance

Conceptual Master Plan (CMP) for the Pronghorn Destination Resort
Final Master Plan (FMP) for the Pronghorn Destination Resort

II. BASIC FINDINGS

LOT OF RECORD: The subject property is recognized as one (1) legal lot of record because it was platted as Lot 11 within the Core Area at Pronghorn Destination Resort.

SITE DESCRIPTION: The subject ± 8.40-acre property is irregular in shape, and supports an existing building located on the western side of the property; the eastern one-third of the property is established with a paved parking lot. The property is accessed by Nicklaus Drive, a rural local road, from the west.

REVIEW PERIOD: The subject applications were submitted on August 8, 2023 and deemed incomplete by the Planning Division on September 7, 2023. The applicant responded to the incomplete letter and requested the application be deemed complete on January 26, 2024. The 150th day on which the County must take final action on this application is June 24, 2024.

PROPOSAL: The applicant proposes to establish a psilocybin service center within the existing building on the subject property.

SURROUNDING LAND USES: The subject property is within the Juniper Preserve Destination Resort. The multi-use resort is comprised of single-family residences, hotel accommodations, commercial businesses, recreation facilities, two (2) golf courses, and several golf- and recreation-related buildings. The resort is surrounded on all four sides by EFU-zoned land under the administration of the Bureau of Land Management (BLM). The resort has one (1) access; via private road from the south.

LAND USE HISTORY:

- CU-00-118: Conceptual Master Plan (CMP) approval to establish a destination resort.
- M-02-1: Final Master Plan (FMP) approval to establish a destination resort.
- MC-13-6: Approved modification of Condition No. 3 (CU-00-118) and Condition E (M-02-1), to amend the required ratio of residential units to overnight units from 2:1 to 2.5:1, and to amend the requirement that individually owned overnight lodging units be available to the general public for rent from 45 to 38 weeks annually.
- 247-17-000170-SP: Site Plan approval to place a temporary modular sales office adjacent to an existing sales office in the core area of Pronghorn.

Staff notes the Destination Resort has received several land use approvals related to properties within the resort. For this analysis, staff only lists those approvals specific to the subject property.

PUBLIC AGENCY COMMENTS: The Planning Division mailed notice on August 22, 2024 to several public agencies and received the following comments:

Deschutes County Building Division, Randy Scheid

Dan please apply my standard comments on the attached CU & SP.

Also, Please note that we do not see any permits or inspections for the building they are proposing to utilize. They will need to provide the permit numbers for the original structure or obtain permits and a Certificate of Occupancy prior to operations.

Thanks,
Randy.

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, Tarik Rawlings

September 7, 2023:

I have reviewed the transmittal materials for 247-23-000614-CU, 615-SP to develop a Psilocybin Service Center in an existing commercial building within the Juniper Preserve Destination Resort on a 8.40-acre property in the Exclusive Farm Use (EFU) Zone and the Destination Resort (DR) Combining Zone at 23050 Nicklaus Dr, recognized on County Assessor's Tax Map 16-13-16D Tax Lot 500.

The property accesses Nicklaus Drive, a private road not maintained by the County and functionally classified as local. Nevertheless, Deschutes County remains the road authority. The property does not appear to have a driveway permit approved by Deschutes County and the applicant will need to either provide a copy of an approved driveway permit from Deschutes County or be required as a condition of approval to obtain one to demonstrate compliance with the access permit requirements of DCC 17.48.210(A).

The most recent edition of the Institute of Traffic Engineers (ITE) Trip Generation Handbook does not include clear categories related to or clearly analogous to the proposed Psilocybin Service Center use category and, as a result, it is unclear to staff how many weekday trips and p.m. peak hour trips may be generated from the proposed use. The applicant should provide traffic analysis related to the proposed use and the number of anticipated weekday trips and p.m. peak hour trips, as verified by a licensed traffic engineer. DCC 18.116.310(C)(3)(a) states no traffic analysis is required for any use that will generate less than 50 new weekday trips. It is unclear what level of traffic analysis is required, pursuant to DCC 18.116.310(C)(3)(a-c), and County Planning and Road Department staff are unable to make findings of compliance with DCC 18.116.310 without traffic analysis.

Board Resolution 2013-020, as amended, sets a transportation system development charge (SDC) base rate of \$5,603 per peak hour trip. As stated above, a psilocybin service center is an unknown trip generator and both Planning Staff and the Road Department feel further traffic analysis is warranted. As an example, other medically-related land uses generate p.m. peak hour trips at the following rates:

- Clinic (Land Use 630) – 3.69 p.m. peak hour trips per 1,000 square feet
- Medical/Dental Office (LU 720) – 3.93 p.m. peak hour trips per 1,000 square feet.

Given the traffic aspects of this use is a matter of first impression, staff requests the applicant produce a letter from a licensed traffic engineer that states the anticipated number of peak hour trips and weekday trips.

ANY QUOTED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2024 AND WILL INCREASE AFTER THAT DATE. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED. STAFF RESERVES THE RIGHT TO CHANGE THE SDC TO A HIGHER AMOUNT IF THE REQUESTED TRIP GENERATION LETTER BY LICENSED ENGINEER DOCUMENTS MORE THAN ONE P.M. PEAK HOUR TRIP.

If you have any questions, please let me know. Thanks.

March 4, 2024:

I have reviewed the applicant's incomplete letter response, dated January 26, 2024, including the traffic analysis prepared by Transight Consulting, dated December 6, 2023.

Staff finds the applicant's use of Number of Employees vs. Vehicle Trip Ends is sufficient and follows the trip generation categories and methodology outlined in ITE Category 630 (Clinic) for weekday daily trips. Staff further agrees with the applicant's assumptions and methodologies used to generate the anticipated number of total weekday daily trips (41 vehicle trips per Table 3 of the submitted traffic analysis), acknowledging an approximate discount of ~75% vehicle trips based on those trips being internal to the existing resort use. The submitted traffic analysis acknowledges (on Exhibit A, page 6) that the "proposed service center has been developed to cater toward resort members, as well as guests who would be allowed to access the service center with the payment of a resort guest fee". The applicant will need to ensure, potentially through an imposed condition of approval, that the service center will be limited only to resort members and guests who have been allowed access to the psilocybin service center through payment of a resort guest fee, to ensure compliance with the submitted traffic analysis.

Regarding the projected P.M. Peak Hour trips outlined in Table 3 of the submitted traffic analysis, staff is concerned with the inclusion of the Weekday daily trip discount (75%) related to internal trips within the existing resort. The 75% Weekday daily trip discount is reasonable

because the anticipated weekday trips are tied to the overall traffic patterns of the resort, including existing resort residents and registered guests. The P.M. Peak Hour trips are calculated based solely on the number of employees (5 employees) that would be added to the resort traffic patterns as a result of the proposed psilocybin service center. Because the P.M. Peak Hour vehicle trips would be produced by the 5 new employees of the proposed service center being added to the resort, staff finds the inclusion of the 75% trip discount in the P.M. Peak Hour calculations may not be accurate.

The total number of Weekday PM Peak Hour Trips outlined in Table 3 of the submitted traffic analysis (“+5”) may very well be an accurate projection of the anticipated P.M. Peak Hour trips for the proposed service center but, at the very least, the applicant will need to adjust the analysis for P.M. Peak Hour trips, ensuring the 75% discount for estimated internal trips is not applied to the P.M. Peak Hour trip generation analysis. Staff notes that a standard reading of the ITE 630 (Clinic) PM Peak Hour generation rates per employee would equate to approximately 7.35 PM Peak Hour Trips (5 employees x 1.47 trips = 7.35 trips), though this trip rate may not be accurately reflective of the proposed psilocybin service center proposal as no clearly analogous category for such a use currently exists within the current 11th edition of the ITE Manual.

Based on the Resort Parking Requirement and Supply analysis provided on Exhibit A pages 7-20, it is not clear to staff whether the number of proposed parking stalls on the subject properties is compliant with the total number of required parking stalls associated with the existing/approved land uses (in addition to the parking required for the newly-proposed psilocybin service center) on those properties.

I know a public hearing is scheduled in the near future but please feel free to reach out if there are any questions or comments from the applicant or otherwise.

The following agencies did not respond to the notice: Bureau of Land Management (BLM), Prineville District, Deschutes County Assessor, Deschutes County Onsite Wastewater Division, Redmond Fire & Rescue, and Oregon Health Authority.

PUBLIC COMMENTS: The Planning Division mailed notice of the conditional use application to all property owners within 750 feet of the subject property on August 22, 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 September 6, 2023. Staff has received numerous public comments; the topics of concern include, but are not limited to:

- The proposal’s compatibility with existing Resort uses and functions;
- The Resort’s existing access across BLM land;
- The proposal’s compatibility with the Resort’s Final Master Plan;
- The Resort’s distance from emergency services;
- Homeowner property values.

III. FINDINGS & CONCLUSIONS

Title 18 of the Deschutes County Code, County Zoning

Chapter 18.16, Exclusive Farm Use Zones (EFU)

Section 18.16.035, Destination Resorts

Destination resorts may be allowed, where mapped, as a conditional use, subject to all applicable standards of the Destination Resort Zone.

FINDING: The subject property has a base zone of Exclusive Farm Use and is within the Destination Resort overlay zone. The subject property is developed as part of the Core Area at Pronghorn subdivision within the Juniper Preserve (formerly Pronghorn) destination resort. Pursuant to DCC 18.113.020(B), the provisions of Chapter 18.113 supersede all other provisions of the underlying zone. Therefore, staff finds the provisions of Chapter 18.16 do not apply to the subject application.

Section 18.16.060, Dimensional Standards.

E. *Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.*

FINDING: No height information was provided for the structure(s). As a condition of approval, no building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.

Chapter 18.113, Destination Resorts Zone – DR

Section 18.113.020, Applicability.

A. *The provision of DCC 18.113 shall apply to proposals for the development of destination resorts, as defined in DCC Title 18, in areas designated DR by the County zoning maps. The provisions of DCC 18.113 shall not apply to any development in an area designated DR other than a destination resort.*

FINDING: The subject property has been approved as a destination resort as defined in DCC Title 18. Therefore, the provisions of DCC Chapter 18.113 apply.

Section 18.113.030, Uses in destination resorts:

The following uses are allowed, provided they are part of, and are intended to serve persons at, the destination resort pursuant to this section and are approved in a final master plan:

D. *Commercial services and specialty shops designed to provide for the visitors to the*

resort:

...

7. Psilocybin service centers licensed by the Oregon Health Authority, subject to DCC 18.128.015;

a. For a lawfully established destination resort, the establishment of a psilocybin service center in any area approved for commercial services or specialty shops pursuant to an approved final master plan does not require modification of an approved conceptual master plan or final master plan.

FINDING: The applicant proposes a psilocybin service center in an area approved for commercial services, which is permitted without the need to modify an approved conceptual master plan or final master plan pursuant to DCC 18.113.030(D)(7)(a).

Section 18.113.040, Application submission.

The authorization of a permit for a destination resort shall consist of three steps.

C. *Site Plan Review. Each element or development phase of the destination resort must receive additional approval through the required site plan review (DCC 18.124) or subdivision process (DCC Title 17). In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of this chapter and the FMP.*

FINDING: The applicant proposes a psilocybin service center. Accordingly, the applicant submitted for site plan review for this new facility.

Compliance with Final Master Plan

The Final Master Plan for Pronghorn was approved via Deschutes County file no. M-02-1. The Master Plan was subsequently modified through MC-08-1, MC-08-5, and MC-13-6.

The application materials for file M-02-1 include a preliminary development plan, labeled FMP Exhibit C, and the subject property is located within Area 1 of this plan. This preliminary development plan outlines, at a high level, the types of uses allowed in different areas of the resort. The Board's decision for M-02-1 states:

Areas 1-9 on Exhibit C will be open for residential and recreational development, and areas 1-4 may include some commercial uses.

Staff finds the proposed commercial use is consistent with the preliminary development plan that was reviewed as part of the Final Master Plan.

As a condition of any approval, all conditions of approval associated with the Final Master Plan (FMP) shall remain in effect. Staff addresses the following conditions of approval from the FMP relative to

the subject proposal:

- D. *At the time of site plan and/or preliminary plat review, the applicant shall demonstrate that all commercial, cultural, entertainment or accessory uses are contained within the resort and not oriented to public highways.*

The subject property is located within the core commercial area of Juniper Preserve and is located over 1,000 feet from the boundary of the destination resort. The new facilities will be in a central location and will not be oriented towards the exterior of the resort.

- F. *The applicant/owner shall remove all temporary structures constructed at the resort no later than 18 months after they are established.*

Staff includes this as a condition of approval.

- G. *The applicant shall limit commercial uses within the resort to those permitted in the DR Combining Zone and those listed in CMP Exhibit 15. The applicant shall document compliance with this condition at the time of preliminary plat and/or site plan review for future commercial development.*

The proposal is exempt from the solar standards as outlined in Condition of Approval No. 9 of the Conceptual Master Plan for Pronghorn (CU-00-118). The proposed commercial structure will not impact the solar access of any residential lots within the resort.

- H. *The applicant shall limit commercial uses within the resort to those permitted in the DR Combining Zone and those listed in CMP Exhibit 15. The applicant shall document compliance with this condition at the time of preliminary plat and/or site plan review for future commercial development.*

CMP Exhibit 15 identifies a list of potential commercial uses with their approximate sizes. CMP Exhibit 15 also states:

The conceptual master plan land use approval requests a list of proposed or allowed commercial and recreational uses within the resort... The approximate size or floor areas are provided, but are subject to change with final design. In some cases multiple facilities may be developed. For example multiple specialty retail shops may be built.

As identified above, DCC 18.113.030(D)(7)(a) states:

For a lawfully established destination resort, the establishment of a psilocybin service center in any area approved for commercial services of specialty shops pursuant to an approved final master plan does not require modification of an approved conceptual master plan or final master plan.

Staff finds the proposed psilocybin service center is within an area approved for commercial

services pursuant to the approved final master plan. Therefore, the proposed use does not require modification of an approved conceptual master plan or final master plan. Condition H of MP-02-1 is met.

- I. *The applicant shall document compliance with the erosion control plan during preliminary plat and/or site plan review.*

As described below, this criterion has been met.

- K. *The applicant shall demonstrate compliance with all minimum lot sizes, lot frontages, yard sizes, off-street parking requirements and building height limitations established in Section 18.113.060 during preliminary plat, site plan, and/or building permit review.*

The applicant does not propose to create any new lots, so the conditions regarding minimum lot size and frontage are not applicable. However, the applicant does propose to establish a psilocybin service center, which is subject to yard standards, off-street parking requirements, and building height limitations as established in DCC 18.113.060.

- L. *The applicant shall demonstrate compliance with the Water Conservation Plan submitted as CMP Exhibit 13 during preliminary plat and/or site plan review.*

Staff includes this as a condition of approval.

- M. *The applicant shall submit all construction drawings to the Redmond Fire Department to document compliance with the Department's fire protect requirements during site plan or final plat review. Written documentation from the Fire Department shall be required for each final plat submittal or the occupancy of any building not part of a subdivision lot.*

Staff includes this as a condition of approval.

- O. *The applicant shall construct all separate bicycle/pedestrian paths to a paved width of 10 feet, with 2 inches of asphaltic concrete over a 4-inch depth of crushed aggregate base. The applicant shall submit bicycle/pedestrian path construction plans to the Deschutes County Public Works Department.*

Staff includes this as a condition of approval.

Additionally, staff includes the following as a condition of approval:

Compliance with Conceptual Master Plan

The Conceptual Master Plan established similar conditions of approval as the Final Master Plan. The conditions of approval cited above are nearly identical to Conditions, 8, 9, 10, 13, 18, 19, 24, 25, and 27 of the Final Master Plan. Therefore, staff finds the analysis above addresses both conformance with the Final Master Plan and the Conceptual Master Plan.

The following standards shall govern consideration of destination resorts:

G. Dimensional Standards:

- 1. The minimum lot area, width, lot coverage, frontage and yard requirements and building heights otherwise applying to structures in underlying zones and the provisions of DCC 18.116 relating to solar access shall not apply within a destination resort. These standards shall be determined by the Planning Director or Hearings Body at the time of the CMP. In determining these standards, the Planning Director or Hearings Body shall find that the minimum specified in the CMP are adequate to satisfy the intent of the comprehensive plan relating to solar access, fire protection, vehicle access, visual management within landscape management corridors and to protect resources identified by LCDC Goal 5 which are identified in the Comprehensive Plan. At a minimum, a 100-foot setback shall be maintained from all streams and rivers. Rimrock setbacks shall be as provided in DCC Title 18. No lot for a single family residence shall exceed an overall project average of 22,000 square feet in size.**
- 2. Exterior setbacks.**
 - a. Except as otherwise specified herein, all development (including structures, site-obscuring fences of over three feet in height and changes to the natural topography of the land) shall be setback from exterior property lines as follows:**
 - (1) Three hundred fifty feet for commercial development including all associated parking areas;**

FINDING: No streams, rivers, or rimrock are present within the project's vicinity. Additionally, the proposed psilocybin service center is located more than three hundred fifty (350) feet from all exterior property lines. These criteria are met.

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 Nicklaus 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:**

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

FINDING: The roadways bordering the subject property are all less than 50 feet in width. Therefore, the required clear vision areas are created by a triangle with 40-foot sides.

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: The application materials include a Transportation Report drafted by Transight Consulting, LLC, dated December 6, 2023. Upon review, Deschutes County Senior Transportation Planner provided the following statement:

Staff finds the applicant’s use of Number of Employees vs. Vehicle Trip Ends is sufficient and follows the trip generation categories and methodology outlined in ITE Category 630 (Clinic) for weekday daily trips. Staff further agrees with the applicant’s assumptions and methodologies used to generate the anticipated number of total weekday daily trips (41 vehicle trips per Table 3 of the submitted traffic analysis), acknowledging an approximate discount of ~75% vehicle trips based on those trips being internal to the existing resort use. The submitted traffic analysis acknowledges (on Exhibit A, page 6) that the “proposed service center has been developed to cater toward resort members, as well as guests who would be

allowed to access the service center with the payment of a resort guest fee". The applicant will need to ensure, potentially through an imposed condition of approval, that the service center will be limited only to resort members and guests who have been allowed access to the psilocybin service center through payment of a resort guest fee, to ensure compliance with the submitted traffic analysis.

Regarding the projected P.M. Peak Hour trips outlined in Table 3 of the submitted traffic analysis, staff is concerned with the inclusion of the Weekday daily trip discount (75%) related to internal trips within the existing resort. The 75% Weekday daily trip discount is reasonable because the anticipated weekday trips are tied to the overall traffic patterns of the resort, including existing resort residents and registered guests. The P.M. Peak Hour trips are calculated based solely on the number of employees (5 employees) that would be added to the resort traffic patterns as a result of the proposed psilocybin service center. Because the P.M. Peak Hour vehicle trips would be produced by the 5 new employees of the proposed service center being added to the resort, staff finds the inclusion of the 75% trip discount in the P.M. Peak Hour calculations may not be accurate.

The total number of Weekday PM Peak Hour Trips outlined in Table 3 of the submitted traffic analysis ("+5") may very well be an accurate projection of the anticipated P.M. Peak Hour trips for the proposed service center but, at the very least, the applicant will need to adjust the analysis for P.M. Peak Hour trips, ensuring the 75% discount for estimated internal trips is not applied to the P.M. Peak Hour trip generation analysis. Staff notes that a standard reading of the ITE 630 (Clinic) PM Peak Hour generation rates per employee would equate to approximately 7.35 PM Peak Hour Trips (5 employees x 1.47 trips = 7.35 trips), though this trip rate may not be accurately reflective of the proposed psilocybin service center proposal as no clearly analogous category for such a use currently exists within the current 11th edition of the ITE Manual.

Based on the Resort Parking Requirement and Supply analysis provided on Exhibit A pages 7-20, it is not clear to staff whether the number of proposed parking stalls on the subject properties is compliant with the total number of required parking stalls associated with the existing/approved land uses (in addition to the parking required for the newly-proposed psilocybin service center) on those properties.

Staff requests the Hearings Officer to determine if the submitted application materials demonstrate compliance with this criterion.

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:***

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

FINDING: Per the submitted application materials, the proposed psilocybin service center will have a gross floor area of 2,940 square feet. Therefore, no loading berth is required.

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

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

FINDING: 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: No loading berth is required.

- 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.*

- 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.*
2. *Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidence by a deed, lease, contract or other appropriate written document to establish the joint use.*
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: Upon review, Deschutes County Senior Transportation Planner provided the following statement:

Staff finds the applicant's use of Number of Employees vs. Vehicle Trip Ends is sufficient and follows the trip generation categories and methodology outlined in ITE Category 630 (Clinic) for weekday daily trips. Staff further agrees with the applicant's assumptions and methodologies used to generate the anticipated number of total weekday daily trips (41 vehicle trips per Table 3 of the submitted traffic analysis), acknowledging an approximate

discount of ~75% vehicle trips based on those trips being internal to the existing resort use. The submitted traffic analysis acknowledges (on Exhibit A, page 6) that the “proposed service center has been developed to cater toward resort members, as well as guests who would be allowed to access the service center with the payment of a resort guest fee”. The applicant will need to ensure, potentially through an imposed condition of approval, that the service center will be limited only to resort members and guests who have been allowed access to the psilocybin service center through payment of a resort guest fee, to ensure compliance with the submitted traffic analysis.

Regarding the projected P.M. Peak Hour trips outlined in Table 3 of the submitted traffic analysis, staff is concerned with the inclusion of the Weekday daily trip discount (75%) related to internal trips within the existing resort. The 75% Weekday daily trip discount is reasonable because the anticipated weekday trips are tied to the overall traffic patterns of the resort, including existing resort residents and registered guests. The P.M. Peak Hour trips are calculated based solely on the number of employees (5 employees) that would be added to the resort traffic patterns as a result of the proposed psilocybin service center. Because the P.M. Peak Hour vehicle trips would be produced by the 5 new employees of the proposed service center being added to the resort, staff finds the inclusion of the 75% trip discount in the P.M. Peak Hour calculations may not be accurate.

The total number of Weekday PM Peak Hour Trips outlined in Table 3 of the submitted traffic analysis (“+5”) may very well be an accurate projection of the anticipated P.M. Peak Hour trips for the proposed service center but, at the very least, the applicant will need to adjust the analysis for P.M. Peak Hour trips, ensuring the 75% discount for estimated internal trips is not applied to the P.M. Peak Hour trip generation analysis. Staff notes that a standard reading of the ITE 630 (Clinic) PM Peak Hour generation rates per employee would equate to approximately 7.35 PM Peak Hour Trips (5 employees x 1.47 trips = 7.35 trips), though this trip rate may not be accurately reflective of the proposed psilocybin service center proposal as no clearly analogous category for such a use currently exists within the current 11th edition of the ITE Manual.

Based on the Resort Parking Requirement and Supply analysis provided on Exhibit A pages 7-20, it is not clear to staff whether the number of proposed parking stalls on the subject properties is compliant with the total number of required parking stalls associated with the existing/approved land uses (in addition to the parking required for the newly-proposed psilocybin service center) on those properties.

Staff requests the Hearings Officer to determine if the submitted application materials demonstrate compliance with these criteria.

- 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 proposed parking spaces are not located in a required front yard. This criterion is 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: Staff finds there are adjoining residential uses. Therefore, the 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. Staff finds the proposed site plan identifies the group of eight (8) proposed parking spaces which are across from residential uses along Nicklaus Drive will be screened by landscaping, however, no further details we provided demonstrating that this would be effective screening. Should the Hearings Officer determine additional details are required, staff has included the following recommended condition of approval:

As a condition of approval, the applicant shall demonstrate that the proposed parking area's landscaping shall effectively screen the proposed eight (8) parking spaces, which are adjacent to residential uses. Alternatively, the applicant may propose a sight obscuring fence to comply with this criterion.

- 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: Staff includes this as a condition of approval.

- 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: 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: Staff includes this as a condition of approval.

- 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: As a condition of approval, the applicant shall submit a revised site plan demonstrating compliance with this criterion.

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: As a condition of approval, the applicant shall submit a revised site plan demonstrating compliance with this criterion.

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 purpose of this decision, staff uses “vision clearance area” and “clear vision area” as the equivalent.

The subject property has a required service drive clear vision area located at the intersection of Nicklaus Drive and the subject property’s southwest corner. 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: As a condition of approval, the applicant shall submit a revised site plan demonstrating compliance with these criteria.

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: The proposed site plan identifies five (5) sheltered bicycle parking spaces. These criteria will be met.

- 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 bicycleways 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 subject to criterion b. of these special minimum standards. The proposal requires eleven (11) parking spaces, and the proposed site plan identifies five (5) sheltered bicycle parking spaces. This criterion will be met.

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.**
- 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: The applicant has not proposed a trade off with motor vehicle parking spaces. These

criteria will be met.

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: The proposed site plan identifies five (5) sheltered bicycle parking spaces. These criteria will be met.

2. Location.

- a. Required bicycle parking that is located outdoors shall be located on-site within 50 feet of main entrances and not farther from the entrance than the closest motor vehicle parking space.**
 - i. Bicycle parking shall be located in areas of greatest use and convenience to bicyclist.**
 - ii. Such bicycle parking shall have direct access to both the public right of way and to the main entrance of the principal use.**
 - iii. Bicycle parking shall not impede or create a hazard to pedestrians.**
 - iv. Parking areas shall be located so as not to conflict with clear vision areas as prescribed in DCC 18.116.020.**
- b. Bicycle parking facilities shall be separated from motor vehicle parking and drive areas by a barrier or sufficient distance to prevent damage to the parked bicycle.**
- c. Where bicycle parking facilities are not directly visible and obvious from the public right(s) of way, entry and directional signs shall be provided to direct bicyclists for the public right of way to the bicycle parking facility. Directions to sheltered facilities inside a structure may be signed, or supplied by the employer, as appropriate.**

FINDING: The proposed site plan identifies five (5) sheltered bicycle parking spaces. The proposed bicycle parking spaces are located inside of the proposed service center's main entrance. The main entrance is accessed by a paved multi-use path. The bicycle parking spaces are sufficiently separated from motor vehicle parking by the existing structure, proposed landscaping, and proposed multi-use path. As a condition of approval, the proposed use shall include signs which direct bicyclists to the indoor sheltered bicycle parking spaces. These criteria will be met.

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: Staff includes these criteria as a condition of approval.

4. ***Surface. The surface of an outdoor parking facility shall be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material. This surface will be maintained in a smooth, durable, and well-drained condition.***

FINDING: The applicant has not proposed an outdoor bicycle parking facility. 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: Staff includes this criterion as a condition of approval.

- 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: Staff includes this criterion as a condition of approval.

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

FINDING: The applicant has not proposed other means that provide bicycle parking. This criterion is not applicable.

Section 18.116.035, Bicycle Commuter Facilities.

- A. ***Each commercial or public building having a work force of at least 25 people shall have bicycle commuter facilities consisting of shower(s) and changing rooms(s). For***

facilities with more than one building (such as a college), bicycle commuter facilities may be located in a central location.

- B.** *This provision shall apply to (1) new development requiring off-street parking and (2) any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005.*

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

Section 18.116.380, Psilocybin Manufacturing, Service Centers, And Testing Laboratories

- A.** *Applicability. Section 18.116.380 applies to:*

...

- 3.** *Psilocybin Service Centers in the EFU, RC, RSC, SUC, SUTC, TeC, and TuC zones.*

FINDING: The proposed psilocybin service center is within the EFU Zone; therefore, the criteria of DCC 18.116.380 apply, as described below.

- D.** *Psilocybin service centers. Psilocybin service centers shall be subject to the following standards:*

- 1.** *Co-Location. The operation of a psilocybin service center may be carried on in conjunction with a psilocybin-producing fungi crop in the Exclusive Farm Use zone subject to either DCC 18.16.030(E) or 18.16.030(M).*

FINDING: The applicant has not proposed a psilocybin service center in conjunction with a psilocybin-producing fungi crop. This criterion does not apply.

- 2.** *Prohibited Uses.*

- a.** *In zones other than Exclusive Farm Use zone, a psilocybin service center as a Home Occupation or Commercial Activity in Conjunction with Farm Use.*

FINDING: The applicant has not proposed a psilocybin service center as a Home Occupation or Commercial Activity or Conjunction with Farm Use. This criterion does not apply.

- 3.** *Separation distances.*

- a.** *Psilocybin service centers shall be located a minimum of 1,000 feet from:*

- (1)** *A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or*
(2) *A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (l)(a)*

- b.** *Notwithstanding DCC 18.116.380(D)(3)(a), a psilocybin service center may be located within 1,000 feet of a school if:*

- (1) ***The psilocybin service center is not located within 500 feet of:***
 - (A) ***A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or***
 - (B) ***A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (l)(a); and***
- (2) ***The Oregon Health Authority determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the psilocybin service center.***

FINDING: The applicant has not proposed a psilocybin service center within 1,000 feet of a school. These criteria are met.

4. *Setbacks. Setback requirements shall be applied from the underlying zone.*

FINDING: The subject property has a base zone of Exclusive Farm Use and is within the Destination Resort overlay zone. The subject property is developed as part of the Core Area at Pronghorn subdivision within the Juniper Preserve destination resort. Pursuant to DCC 18.113.020(B), the provisions of DCC 18.113 supersede all other provisions of the underlying zone. The setback provisions of DCC 18.113 are described above. This criterion is met.

5. *Hours of Operation. Hours of operation shall be no earlier than 6:00 a.m. and no later than 11:59 p.m. on the same day, unless a facilitator determines that it is appropriate to continue an administration session beyond 11:59 PM local time, subject to the requirements in OAR 333-333-5250(3).*

FINDING: The applicant has proposed operating hours of 8:00am to 5:00pm in the summer months (April – September), and 9:00am to 5:00pm in the winter months (October – March). This criterion is met.

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.”

In response to this criterion, the applicant has stated:

As staff notes, existing surrounding development includes commercial, residential, and recreational uses. These multi-modal uses exist within the context of a destination resort,

which are intended to draw tourism and enhance recreational opportunities. The proposed psilocybin service center relates harmoniously to existing surrounding development in this context because it is a complimentary commercial and wellness-related personal service resort amenity.

Although, residential guest townhomes are located across the street from the proposed psilocybin service center, none of the psilocybin services will take place in front of the proposed structure and within view of the guests in the residential townhomes. Any outdoor use of the service center will occur behind the proposed structure facing the golf course. The proposed psilocybin services relate harmoniously to the natural beauty of the golf course and the nature-based golf course setting because experiencing the effects of psilocybin are generally more effective and enjoyable in a quiet, natural environment.

As previously mentioned, OHA rules prohibit the ingestion of psilocybin product outside the licensed premises of a psilocybin service center and require that a client remain on the licensed premises under the watchful guise of a licensed facilitator until the facilitator determines that active psilocybin has left the client's system and it is safe for them to leave. In this way, the proposed use also relates harmoniously to existing surrounding development because a client experiencing the effects of psilocybin will remain on-site and psilocybin services will not negatively impact surrounding development. However, after the psilocybin services are complete, the client may wish to take part in surrounding development activities, such as play golf, get a spa treatment, eat at a restaurant, or stay overnight at the residential townhomes across the street.

Staff notes that an analysis of the proposal's operating characteristics is described herein, under DCC 18.128. In comparison with the site's existing development, which include an existing building and pedestrian pathways, the proposed development associated with the psilocybin service center is minimal, and can reasonably be expected to resemble that of existing and future commercial development within a Destination Resort. Staff finds the proposal is unlikely to alter the site's natural features, including views and topographic features that currently exist. Consequently, staff notes that the introduction of new landscaping on-site is likely to enhance the subject property's natural features. Staff finds the proposed development adequately relates to the natural environment and existing development, while minimizing visual impacts and preserving natural features including views and topographical features.

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 that 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, staff requires, as a condition of approval, compliance with all fire department requests/requirements. With regard to other natural hazards, none have been identified on the site.

Staff finds the site is surrounded on three sides by public or private spaces; which include residential townhomes, public parking, pedestrian walkways, and a golf course's golf cart path. The proposal's western access is extended from an existing pedestrian walkway, adjacent to the public parking spaces. Staff finds the extension of, and utilization of the existing pathway for the proposed use is designed to provide a safe environment transition onsite. The proposal's northern access is extended from an existing golf cart path associated with the adjacent golf course. It is unclear to staff if the existing golf cart path provides a safe environment for pedestrian clients of the psilocybin service center. The proposal's southern access is via a proposed parking area with a proposed pedestrian pathway that extends to the aforementioned golf cart path; again, it is unclear to staff if the golf cart path provides a safe environment for pedestrian clients of the psilocybin service center.

Staff requests the Hearings Officer to determine if the submitted application materials demonstrate compliance with this criterion.

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

FINDING: In response to this criterion, the applicant states:

As previously mentioned, there already exists three (3) ADA-compliant parking spaces adjacent to the subject site, which have ADA-compliant, approved access to the entrance of the building. The existing pathways are already ADA-compliant, and the proposed gates will be ADA-compliant as well. As noted on the revised Site Plan, the new paver pathway from the proposed 8-space parking lot to the golf cart path will also be ADA-compliant.

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. Staff finds that the landscaping and buffering identified on the proposed site plan for access, internal circulation, and the arrangement of parking areas, are adequate for harmonious interaction with any proposed and neighboring buildings and structure.

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

FINDING: Staff notes the applicant has provided a Technical Memorandum, produced by Adam Conway, PE on December 11, 2023 which adequately addresses the onsite storm drainage systems.

- 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 an electrical panel is subject to this criterion. This facility has been designed to minimize adverse impacts on the site and neighboring properties by providing a barrier fence surrounding the panel. These facilities have been located to minimize adverse impacts on the site and neighboring properties by. These facilities have been buffered or screened to minimize adverse impacts on the site and neighboring properties by the barrier fence.

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

FINDING: The applicant has proposed an electrical panel as a part of this project, which will be screened by a barrier fence.

- 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 site has existing lighting as a part of this project. The applicant’s burden of proof states:

Any exterior lighting will be fully shielded to prevent glare or light leakage and will be “dark sky” compliant fixtures that also comply with DCC 15.10

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: In response to this criterion, the applicant states:

As demonstrated by the revised Site Plan, more than 15% of the subject site is landscaped. Additionally, the new proposed 8-space parking area will be landscaped on all sides, where possible.

Staff notes the submitted site plan does not include landscaping calculations or dimensions; therefore, as a condition of approval, the applicant shall submit a revised site plan demonstrating compliance with this criterion.

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

FINDING: Staff determines the area subject to the final site plan is the proposed region for developments, as shown on the submitted site plan. The submitted landscaping plan shows all areas subject to the final site plan and not otherwise improved as landscaped. Staff notes such areas are “required landscaping” for the purposes of the DCC.

- 2. ***In addition to the requirement of DCC 18.124.070(B)(1)(a), the following landscape requirements shall apply to parking and loading areas:***
 - a. ***A parking or loading area shall be required to be improved with***

defined landscaped areas totaling no less than 25 square feet per parking space.

- b. In addition to the landscaping required by DCC 18.124.070(B)(2)(a), a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and from any other lot line by a landscaped strip at least five feet in width.***
- c. A landscaped strip separating a parking or loading area from a street shall contain:***
 - 1) Trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.***
 - 2) Low shrubs not to reach a height greater than three feet zero inches, spaced no more than eight feet apart on the average.***
 - 3) Vegetative ground cover.***
- d. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.***
- e. The landscaping in a parking area shall have a width of not less than five feet.***

FINDING: As a condition of approval, the applicant shall submit a revised site plan demonstrating compliance with these criteria.

- 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: Staff notes the proposed site plan identifies five (5) sheltered bicycle parking spaces within the main entrance of the proposed service center. This criterion is met.

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 includes new commercial developments. Staff finds the central location of the building, hard-surface pedestrian walkways, and clear orientation of the pedestrian walkways are adequate for internal pedestrian navigation.

- 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, bicycleways, 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 hard-surface pedestrian walkways which will connect buildings and other walkways to each other.

- 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: Although proposed, the submitted site plan does not indicate dimensions for the paved walkways throughout. Additionally, staff notes the parking spaces adjacent to walkways do not include concrete bumpers per the site plan. Staff finds the walkways extending from the proposed 8-space parking area do not provide a direct route to buildings; instead the proposed walkway extends north and intersects with the existing golf cart path before entering the premises of the service center.

Staff requests the Hearings Officer to determine if the submitted application materials demonstrate compliance with this criterion.

- 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: No driveway crossings by walkways are proposed.

- 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: A commercial building is proposed. Staff notes that although existing, the commercial building does not appear to have received building permits for its placement; therefore, the commercial building is reviewed as a new structure. Staff notes the building is not sited at the front yard setback line; the applicant may wish to request approval of an increase to the front yard setback, based on the factors listed in subsection (3), below.

- 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. Staff notes the applicant may wish to request approval of an increase to the front yard setback, based on the factors listed above.

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.

Chapter 18.128, Conditional Use

Section 18.128.010, Operation.

- A. A conditional use listed in DCC Title 18 shall be permitted, altered or denied in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan.**
- B. In the case of a use existing prior to the effective date of DCC Title 18 and classified in DCC Title 18 as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements for a conditional use.**

FINDING: The proposed conditional use is reviewed in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan. No prior use now classified as a conditional use is being modified by this proposal.

Section 18.128.015, General Standards Governing Conditional Uses.

Except for those conditional uses permitting individual single family dwellings, conditional uses shall comply with the following standards in addition to the standards of the zone in which the conditional use is located and any other applicable standards of the chapter:

- A. The site under consideration shall be determined to be suitable for the proposed use based on the following factors:**
 - 1. Site, design and operating characteristics of the use;**

FINDING: The use subject to conditional use review is a psilocybin service center. The use is permitted conditionally within the Destination Resort Combining Zone.

In response to this criterion, the applicant has stated:

As staff notes, existing surrounding development includes commercial, residential, and recreational uses. These multi-modal uses exist within the context of a destination resort, which are intended to draw tourism and enhance recreational opportunities. The proposed psilocybin service center relates harmoniously to existing surrounding development in this context because it is a complimentary commercial and wellness-related personal service resort amenity.

Although, residential guest townhomes are located across the street from the proposed psilocybin service center, none of the psilocybin services will take place in front of the proposed structure a within view of the guests in the residential townhomes. Any outdoor use of the service center will occur behind the proposed structure facing the golf course. The proposed psilocybin services relate harmoniously to the natural beauty of the golf course and the nature-based golf course setting because experiencing the effects of psilocybin are generally more effective and enjoyable in a quiet, natural environment.

As previously mentioned, OHA rules prohibit the ingestion of psilocybin product outside the licensed premises of a psilocybin service center and require that a client remain on the licensed premises under the watchful guise of a licensed facilitator until the facilitator determines that active psilocybin has left the client's system and it is safe for them to leave. In this way, the proposed use also relates harmoniously to existing surrounding development because a client experiencing the effects of psilocybin will remain on-site and psilocybin services will not negatively impact surrounding development. However, after the psilocybin services are complete, the client may wish to take part in surrounding development activities, such as play golf, get a spa treatment, eat at a restaurant, or stay overnight at the residential townhomes across the street.

Staff notes several comments from the general public have been submitted into the record that claim the proposal's site, design, and operating characteristics are unsuitable for the proposed use – generally, these comments are regarding the site's proximity to existing resort amenities, the resort's access through BLM property, and operating characteristics of the proposal.

Subsequent findings regarding the site, design, and operating characteristics of the use are discussed below:

Site

The site is a commercial lot within an established Destination Resort. An existing access road runs along the site's southern boundary. The site is moderately covered with mature trees and shrubs, and small berms exist within each corner of the proposed site. The proposed psilocybin service center will operate within an existing building, within the interior region of the site, surrounded by the onsite berms. For these reasons, staff finds the site is suitable.

Design

The design of the proposed use takes advantage of the existing development and vegetation onsite. Although the building is existing, the proposal includes new pedestrian walkways which appear to seamlessly navigate the interspersed onsite vegetation. The proposed points of entry extend from existing pathways, and proposed interior improvements are designed to utilize the site's existing conditions. Additionally, the applicant has stated that the intent of the design is to restrict outdoor use to the site's northern region, opposite of existing residences. For these reasons, staff finds the design of the proposal is suitable to the site.

Operating Characteristics

The operating characteristics of the use are a psilocybin service center. The applicant has proposed operating hours of 8:00am to 5:00pm in the summer months (April – September), and 9:00am to 5:00pm in the winter months (October – March). As identified above, the applicant has stated:

Any outdoor use of the service center will occur behind the proposed structure facing the golf course. The proposed psilocybin services relate harmoniously to the natural beauty of the golf course and the nature-based golf course setting because experiencing the effects of psilocybin are generally more effective and enjoyable in a quiet, natural environment.

As previously mentioned, OHA rules prohibit the ingestion of psilocybin product outside the licensed premises of a psilocybin service center and require that a client remain on the licensed premises under the watchful guise of a licensed facilitator until the facilitator determines that active psilocybin has left the client's system and it is safe for them to leave. In this way, the proposed use also relates harmoniously to existing surrounding development because a client experiencing the effects of psilocybin will remain on-site and psilocybin services will not negatively impact surrounding development. However, after the psilocybin services are complete, the client may wish to take part in surrounding development activities, such as play golf, get a spa treatment, eat at a restaurant, or stay overnight at the residential townhomes across the street.

Staff notes numerous comments in the record identify concerns with the operating characteristics of the proposed psilocybin service center. Staff requests the Hearings Officer to determine if the submitted application materials demonstrate compliance with this criterion.

2. *Adequacy of transportation access to the site; and*

FINDING: Transportation access is provided to the site by Nicklaus Drive. Comments from the Deschutes County Transportation Planner did not identify any transportation infrastructure deficiencies, but did identify that the property is required to obtain a driveway permit approved by Deschutes County.

Comments from the general public did identify that the proposal's associated access road is

regularly used by members of the public by way of foot, bicycle, and golf cart. Photographs submitted into the record support this claim. It is unclear to staff if the associated access road is safely designed for multi-modal use (i.e. pedestrian, bicycle, golf cart, vehicular, etc.). Additional comments from the general public identify concerns regarding the transportation of psilocybin-producing fungi by way of the Resort's primary point of access, which traverses federal/BLM land.

Staff requests the Hearings Officer to determine if the submitted application materials demonstrate compliance with this criterion.

3. *The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.*

FINDING: With the exception of the above-mentioned berms, the site is generally level and presents no topographical constraints on the proposed use. The *Deschutes County Natural Hazards Mitigation Plan* (2015) identifies drought, earthquake, flood, landslide, volcanic, wildfire, windstorm, and winter storm hazards in the County. Of these, wildfire is of special concern regarding the suitability of the use. Natural resource values typically include agricultural soils, forest lands, wildlife and their habitats, wetlands, and natural water features.

Comments from agencies and the general public did not identify any site unsuitability due to general topography, natural hazards, or natural resource values. Staff finds the natural and physical features of the site are suitable for the proposed use. This criterion will be met.

B. *The proposed use shall be compatible with existing and projected uses on surrounding properties based on the factors listed in DCC 18.128.015(A).*

FINDING: Staff finds this this criterion requires that the proposed use must be compatible with existing and projected uses on surrounding properties. Staff finds "surrounding properties" are those that might be significantly adversely impacted by their proximity to the proposed use. Existing surrounding properties include commercial, residential, and recreational uses. Projected uses on surrounding properties are those that have received approvals or are allowed outright and are typical of development of the areas. These projected uses include, but are not limited to, commercial, residential, and recreational uses – such as hotel/overnight accommodations, restaurants, pool facilities, golf, etc. Staff finds that projected uses are likely to resemble existing uses.

(A)(1). *Site, design and operating characteristics of the use;*

Staff finds the proposed use would be unsuitable if the siting, design, and operating characteristics of the use significantly adversely impacted existing and projected uses on surrounding properties. Typically, potential adverse impacts could include visual, noise, dust, and odor impacts.

It is unclear to staff whether the site, design, and operating characteristics of the proposed use are compatible with the existing and proposed multi-modal uses that currently, or are projected to exist within the established Core Area of the Destination Resort. Staff notes recreation facilities (pool,

golf, tennis, etc.), commercial establishments (restaurants, hotel), and residential uses exist within relative close proximity of the proposed psilocybin service center.

Staff notes the record includes numerous public comments that identify concerns with the proposal's site, design, and operating characteristics that are incompatible with existing and projected uses on surrounding properties.

Staff requests the Hearings Officer to determine if the submitted application materials demonstrate compliance with this criterion.

(A)(2). Adequacy of transportation access to the site; and

Staff finds the proposed use would be unsuitable if access to the site would significantly adversely impact existing and projected uses on surrounding properties. Staff notes the record includes public concern that the transportation of psilocybin-producing fungi across federal land – the Resort's sole access road – may result in negative consequences for access to the Resort. Additionally, the record includes public concern related to the Resort's distance from emergency services.

Staff requests the Hearings Officer to determine if the submitted application materials demonstrate compliance with this criterion.

(A)(3). The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.

Staff finds the proposed use would be unsuitable if it significantly adversely impacted off-site topography, natural hazards, or natural resource values. Natural and physical features on the surrounding properties are limited to the existing topography and vegetation currently present on those properties. Staff finds there is no foreseeable way the proposal would adversely impact the natural and physical features of surrounding properties. As noted above, there is no outstanding susceptibility to natural hazards throughout the surrounding properties, with the exception of wildfire risk. Staff finds the proposed use will be sited within an existing building, utilize existing development, and that the new use on the subject property will not increase the probability, or susceptibility of wildfire risk on any existing or projected uses on surrounding properties.

C. These standards and any other standards of DCC 18.128 may be met by the imposition of conditions calculated to insure that the standard will be met.

FINDING: To the extent this decision is conditioned under DCC 18.128 criterion, Staff notes such conditions are authorized by this criterion.

Section 18.128.020, Conditions.

In addition to the standards and conditions set forth in a specific zone or in DCC 18.124, the Planning Director or the Hearings Body may impose the following conditions upon a finding that additional restrictions are warranted.

- A. **Require a limitation on manner in which the use is conducted, including restriction of hours of operation and restraints to minimize environmental effects such as noise, vibrations, air pollution, glare or odor.**
- B. **Require a special yard or other open space or a change in lot area or lot dimension.**
- C. **Require a limitation on the height, size or location of a structure.**
- D. **Specify the size, number, location and nature of vehicle access points.**
- E. **Increase the required street dedication, roadway width or require additional improvements within the street right of way.**
- F. **Designate the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.**
- G. **Limit or specify the number, size, location, height and lighting of signs.**
- H. **Limit the location and intensity of outdoor lighting and require shielding.**
- I. **Specify requirements for diking, screening, landscaping or other methods to protect adjacent or nearby property and specify standards for installation and maintenance.**
- J. **Specify the size, height and location of any materials to be used for fencing.**
- K. **Require protection and preservation of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.**
- L. **Require that a site plan be prepared in conformance with DCC 18.124.**

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.

Section 18.128.040, Specific Use Standards.

A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.045 through DCC 18.128.370.

FINDING: As described herein, the proposed conditional use complies with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.045 through DCC 18.128.370, as applicable.

SYSTEM DEVELOPMENT CHARGE

Regarding the projected P.M. Peak Hour trips outlined in Table 3 of the submitted traffic analysis, staff is concerned with the inclusion of the Weekday daily trip discount (75%) related to internal trips within the existing resort. The 75% Weekday daily trip discount is reasonable because the anticipated weekday trips are tied to the overall traffic patterns of the resort, including existing resort residents and registered guests. The P.M. Peak Hour trips are calculated based solely on the number of employees (5 employees) that would be added to the resort traffic patterns as a result of the proposed psilocybin service center. Because the P.M. Peak Hour vehicle trips would be produced by the 5 new employees of the proposed service center being added to the resort, staff finds the inclusion of the 75% trip discount in the P.M. Peak Hour calculations may not be accurate.

The total number of Weekday PM Peak Hour Trips outlined in Table 3 of the submitted traffic analysis (“+5”) may very well be an accurate projection of the anticipated P.M. Peak Hour trips for the proposed service center but, at the very least, the applicant will need to adjust the analysis for P.M. Peak Hour trips, ensuring the 75% discount for estimated internal trips is not applied to the P.M. Peak Hour trip generation analysis. Staff notes that a standard reading of the ITE 630 (Clinic) PM Peak Hour generation rates per employee would equate to approximately 7.35 PM Peak Hour Trips (5 employees x 1.47 trips = 7.35 trips), though this trip rate may not be accurately reflective of the proposed psilocybin service center proposal as no clearly analogous category for such a use currently exists within the current 11th edition of the ITE Manual. Staff requests the Hearings Officer to determine if the submitted application materials accurately project the anticipated P.M. Peak Hour trips for the proposed use.

ANY QUOTED SDC AMOUNT IS ONLY VALID UNTIL JUNE 30, 2024 AND WILL INCREASE AFTER THAT DATE. DESCHUTES COUNTY’S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED. STAFF RESERVES THE RIGHT TO CHANGE THE SDC TO A HIGHER AMOUNT IF THE REQUESTED TRIP GENERATION LETTER BY LICENSED ENGINEER DOCUMENTS MORE THAN ONE P.M. PEAK HOUR TRIP.

IV. CONCLUSION

Based on the foregoing findings, staff asks the Hearings Officer to determine whether the proposed Psilocybin Service Center meets approval criteria, or can be conditioned to achieve compliance with approval criteria, specifically with respect to:

- DCC 18.116.030 - Off street Parking and Loading
- DCC 18.124 – Site Plan Review
- DCC 18.128 – Conditional Use

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. RECOMMENDED CONDITIONS OF APPROVAL

1. 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.
2. The property owner shall obtain any necessary permits from the Deschutes County Building Division and Environmental Soils Division.

3. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040
4. Structural setbacks from any north lot line shall meet the solar setback requirements in DCC 18.116.180.
5. 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.
6. The applicant shall either provide a copy of an approved driveway permit from Deschutes County or obtain one to demonstrate compliance with the access permit requirements of DCC 17.48.210(A).
7. The applicant shall ensure that the service center will be limited only to resort members and guests who have been allowed access to the psilocybin service center through payment of a resort guest fee, to ensure compliance with the submitted traffic analysis.
8. All conditions of approval associated with the Final Master Plan (FMP) shall remain in effect.
9. If proposed, the applicant/owner shall remove all temporary structures constructed at the resort no later than 18 months after they are established.
10. **Prior to the issuance of any building permits**, the applicant shall submit all construction drawings to the Redmond Fire Department to document compliance with the Department's fire protect requirements. Written documentation from the Fire Department shall be required for each final plat submittal or the occupancy of any building not part of a subdivision lot.
11. **Prior to initiation of the use**, The applicant shall construct all separate bicycle/pedestrian paths to a paved width of 10 feet, with 2 inches of asphaltic concrete over a 4-inch depth of crushed aggregate base.
12. The clear vision area shall be maintained in accordance with DCC 18.116.020(A).
13. 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.
14. Required parking facilities shall be provided prior to or concurrently with construction and/or initiation of the proposed use.
15. 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.

16. **Prior to initiation of the use**, the applicant shall demonstrate that the proposed parking area's landscaping shall effectively screen the proposed eight (8) parking spaces, which are adjacent to residential uses. Alternatively, the applicant may propose a sight obscuring fence to comply with this criterion.
17. 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.
18. 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.
19. **Prior to the issuance of any building permits**, the applicant shall submit a revised site plan that demonstrates access aisles shall be of sufficient width for all vehicular turning and maneuvering.
20. **Prior to the issuance of any building permits**, the applicant shall submit a revised site plan that demonstrates 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. The service drive clear vision area shall be maintained in accordance with DCC 18.116.020(A).
21. **Prior to the issuance of any building permits**, the applicant shall submit a revised site plan demonstrating compliance with 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 DCC 18.116.
22. The proposed use shall include signs which direct bicyclists to the indoor sheltered bicycle parking spaces.
23. The proposed bicycle parking shall comply with the provisions of DCC 18.116.031.
24. 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.
25. All exterior lighting shall be shielded so that direct light does not project off site.
26. **Prior to initiation of the use**, the applicant shall submit a revised site plan demonstrating

compliance with the landscaping provisions of DCC Section 18.124.070(B).

VI. CONCLUSION & RECOMMENDATION:

Staff requests the Hearings Officer to determine if the applicant has met the burden of proof necessary to approve a conditional use permit and site plan review for a psilocybin service center by effectively demonstrating compliance with the applicable criteria of DCC Title 18 (The Deschutes County Zoning Ordinance).

DESCHUTES COUNTY PLANNING DIVISION

A handwritten signature in black ink, appearing to read "Dan DiMarzo".

Written by: Dan DiMarzo, Assistant Planner

A handwritten signature in black ink, appearing to read "Jacob Ripper".

Reviewed by: Jacob Ripper, Principal Planner

owner	agent	inCareof	address	cityStZip	type	cdd id	email
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Pronghorn Intangibles LLC			1100 Alakea Street	Honolulu, HI 96813	SR	23-614-CU, 615-SP	