



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 11, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 013-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 24, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

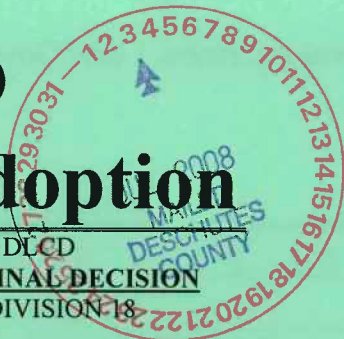
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Terri Hansen Payne, Deschutes County

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DLCD

Notice of Adoption



DATE STAMP: DEPT OF LAND CONSERVATION AND DEVELOPMENT JUL 07 2008 For DLCD Use Only

THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: Deschutes County Local file number: PA-07-6 / TA-07-6
Date sent to DLCD: 7-3-08 [X]mail []Electronic []in person Date of Adoption: 6-30-08
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? []No [X]If yes, when: 6-8-07
[X] Comprehensive Plan Text Amendment [] Comprehensive Plan Map Amendment
[X] Land Use Regulation Amendment [] Zoning Map Amendment
[] New Land Use Regulation [] Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
This is a comprehensive plan amendment and zoning text amendment that creates a town center district in the Sunrise urban unincorporated community. The new plan designation/zone allows a mixed use urban form of development, within the guidelines of Oregon Administrative Rule 660-22.

Does the Adoption differ from proposal? Please describe. If no proposal submitted, check here: []
The adopted code differs considerably from the original proposal, although the intent has not changed. Some of the changes are technical, some are substantive. A primary substantive change is that the residential density cap was replaced by a floor area ratio calculation (FAR). New language was added to clarify how this

Plan Map Changed from: N/A to: Code will be implemented
Zone Map Changed from: N/A to:
Address of Property: N/A Acres Involved:
Specify Density: Previous: N/A New:

Applicable statewide planning goals:
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
[X] [X] [] [] [] [] [] [] [] [] [X] [X] [] [X] [] [] [] [] []

Was an Exception Adopted? [] YES [X] NO
Did DLCD receive a Notice of Proposed Amendment...
45-days prior to first evidentiary hearing? [X] Yes [] No
If no, do the statewide planning goals apply? [] Yes [] No
If no, did Emergency Circumstances require immediate adoption? [] Yes [] No

DLCD file No. 013-07 (16168)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Bend-LaPine school District
Sunrise-utilities
Sunrise Fire Dept

Local Contact: Terri Hansen Payne Phone: 541-385-1404 Extension: —
Address: 117 NW Lafayette City: Bend Zip: 97701
Fax Number: 541-385-1764 E-mail Address: Terri@co.dpschutej.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. **Electronic Submittals:** Go to: <http://webserver.lcd.state.or.us/upload2/uploadForm1.php>
Enter the number of files to be uploaded and then browse to locate files and when all files are found, press submit and your files will be sent to DLCD. At least **one** hard copy must be sent by mail or delivered in person. If you would like help with electronic submittals, please call Mara Ulloa at (503) 373-0050 extension 238.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

REVIEWED
je
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 23, of the Deschutes County Code Comprehensive Plan to Create a New Town Center Designation in the Sunriver Urban Unincorporated Community, and Declaring an Emergency. * * * * * ORDINANCE NO. 2008-013

WHEREAS, on May 17, 2007, SilverStar Destinations, LLC submitted an application to amend the Deschutes County Code ("DCC") Chapter 23.40, the Comprehensive Plan text, goals and policies for the Sunriver Urban Unincorporated Community; and

WHEREAS, the proposed amendments would create a new Comprehensive Plan Town Center designation and policies; and

WHEREAS, the Planning Commission held public hearings on September 27, November 8 and December 13 and, on January 10, 2008, forwarded to the Board of County Commissioners ("Board") a recommendation of approval with proposed conditions; and

WHEREAS, the Board considered this matter after public hearings on April 9 and April 30 and June 4 and June 25, 2008 and concluded that the public will benefit from changes to the Sunriver Comprehensive Plan; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 23.40.025, Urban Unincorporated Community – Sunriver, is amended to read as described in Exhibit "A" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

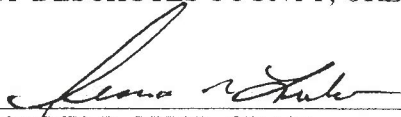
Section 2. FINDINGS. The Board adopts as its findings Exhibit "B", attached and incorporated by reference herein.

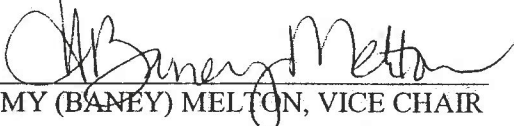
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Section 5. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 30th of June, 2008

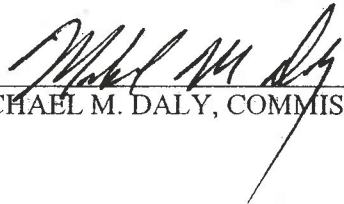
BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, CHAIR


TAMMY (BANEY) MELTON, VICE CHAIR

ATTEST:


Recording Secretary


MICHAEL M. DALY, COMMISSIONER

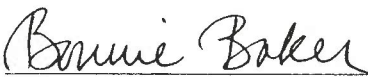
Date of 1st Reading: 30th day of June, 2008.

Date of 2nd Reading: 30th day of June, 2008.

Record of Adoption Vote				
Commissioner	Yes	No	Abstained	Excused
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tammy (Baney) Melton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 30th day of June, 2008.

ATTEST:


Recording Secretary

23.40.025. Urban Unincorporated Community - Sunriver.

Under OAR 660, Division 22, Unincorporated Communities, Sunriver meets the definition for both an "Urban Unincorporated Community" and a "Resort Community." With the help of a stakeholder advisory committee comprised of key members of the community who represent a multitude of property owners and development interests, the decision was made to proceed with the planning process for Sunriver as an Urban Unincorporated Community. It was the consensus of the committee that the provisions allotted for Urban Unincorporated Communities under the rule offered the greatest practical degree of flexibility for future growth and development in Sunriver. Subsection OAR 660.22.010(8) defines "Urban Unincorporated Community" as;

"[a]n unincorporated community which has the following characteristics:

1. Includes at least 150 Permanent dwelling units including manufactured homes;
2. Contains a mixture of land uses, including three or more public, commercial or industrial land uses;
3. Includes areas served by a community sewer system; and,
4. Includes areas served by a community water system.

A. Comprehensive Plan Findings and Policies - General.

1. Background.

a. Historical background.

Sunriver is located in the central portion of Deschutes County, approximately 15 miles south of the city limits of Bend. Sunriver lies in the Upper Deschutes River Basin, with the Deschutes River generally forming the western boundary of the community. Sunriver includes approximately 3,374 acres which are bounded by the Deschutes National Forest on the east, west and north sides. Small lot residential subdivision development is the predominant land use to the south of the community boundary. However, Crosswater, a private residential/resort community has also recently been developed in the area immediately south of Sunriver.

Development of Sunriver began in 1967 and the first subdivision plat within Sunriver was filed in 1968. Development in Sunriver began during a period of time when the unincorporated areas of Deschutes County were not zoned. In 1972, when the County first adopted a zoning ordinance (PL-5) and Comprehensive Plan, the area identified as Sunriver was zoned A-1-T and designated "planned development" on the Comprehensive Plan map. In 1973, a zone change to planned development (PD) was applied for and granted. As part of the zone change application, a "Master Plan" was developed. The Master Plan consisted of a map showing the proposed development of Sunriver. The original area of Sunriver encompassed approximately 5,500 acres. Development occurred in accordance with the PD Zone of PL-5 and the density of development was determined to be 1.5 units per acre overall.

In 1977, approximately 2,200 acres of property originally contemplated for development as part of Sunriver were sold to the U.S. Forest Service. Following the sale, a revised Master Plan for Sunriver Phase II was prepared for the undeveloped portion of Sunriver. In October 1978, the County approved the revised Sunriver Phase II Master Plan with the same PD Zoning designation.

In 1980, after a controversy over a land use application submitted for development within Sunriver, the viability of the Sunriver Master Plan was called into question. This was compounded by the fact that PL-15, the County Zoning Ordinance adopted in 1979 to replace PL-5, did not include any provisions for "planned communities." As a result, the developer of Sunriver agreed to develop a Planned Community (PC) zoning ordinance text and new Master Plan for Sunriver subject to County review and approval. In November 1982, the County adopted an ordinance amending PL-15 to add a section providing for the Planned Community (PC) Zone and approving a new Sunriver Master Plan. Since 1982, the PC Zoning Ordinance Text and Master Plan remained relatively unchanged and were the guiding documents for the majority of existing development in Sunriver.

The PC zone adopted in 1982 included seven (7) separate district designations within the community. The districts included the following:

Single Family Residential District -RS

Multiple Family Residential District -RM

Commercial District - C

Resort District - R

Industrial District - I

Community Property -CP

Airport District -A

Approximately 80 percent of the area within the Sunriver community boundary has already been developed under the past zoning ordinances and Master Plans. Past development has included a mixture of single family and multi-family residences, commercial businesses, resort and recreational amenities and public service buildings.

In 1997, the 1982 Master Plan was repealed by Ordinance No. 97-076 and replaced by comprehensive plan findings and policies for the Sunriver Urban Unincorporated Community. The Sunriver Urban Unincorporated Community zoning districts were adopted at this time and multi-family residential development was allowed in the Commercial District. In 2008, a new mixed use zoning district, the Town Center District – TC was adopted for the core commercial area of Sunriver.

b. Population and growth.

The current population of Sunriver is difficult to ascertain. This is due to the large number of vacation and second homes within the community that are occupied for only part of the year. According to statistics compiled by the Sunriver Owners Association, the number of full time, year round residents of Sunriver is estimated to be 1,654 persons. During the peak tourist season, the population of Sunriver, including guests who do not own property but are renting residences within the community, is estimated to be 12,664 persons.

While the number of residential lots (both single family and multi-family) within the community and the density of development can be determined with a great degree of accuracy, the rate of future population growth in Sunriver is difficult to estimate due to the large number of residences that serve as second and/or vacation homes. Approximately 80 percent of the existing dwellings are vacant for large periods of time throughout the year. However, during the peak tourist seasons, the majority of the dwellings are occupied. Thus, Sunriver typically experiences a fluctuating population comprised of both year round and part time residents.

At the end of 1996, Sunriver had an 80 percent buildout of single-family residential lots with 2,575 single-family homes and a 95 percent buildout of townhomes and condominiums with 896 residences. When adding these together, there are a total of 3,428 single-family residences in Sunriver. When using the 1990 Census figure which estimates an average of 2.54 persons per household, the population figure is approximately 8,707 persons. Upon total buildout of the residential lots in Sunriver, the estimated population could be expected to total 10,455 persons.

This does not take into account the resort/vacation component of Sunriver and the fact that many dwellings are not occupied full time. Based on information compiled by the Sunriver Owners Association, approximately 19 percent of the single family residences existing as of 1996 are occupied on a year round basis. Thus, a more accurate estimate of full time residents is 1,654 persons. If the percentage of full time residents holds relatively constant as it has in the past, the population of full time residents could be expected to be 1,906 persons upon buildout of all residential lots. Upon buildout, it is expected that the population growth will become substantially stagnant since there are no plans for expanding the community boundaries at this time.

c. Periodic review.

In the fall of 1994, the Oregon Land Conservation and Development Commission adopted a new administrative rule, OAR 660.22, Unincorporated Communities, which required counties to update land use plans and regulations for such communities. As part of Periodic Review, the County updated the Comprehensive Plan and implementing regulations for Sunriver to comply with the rule.

d. "Urban Unincorporated Community."

Sunriver meets the definition because it has historically included land developed with a mixture of residential, commercial and industrial uses. Sunriver utilities operate both a community sewer and water system which are in place and serve the existing development. Sunriver is served by its own fire and police departments and also has essential services such as a school. The Comprehensive Plan designates Sunriver as an Urban Unincorporated Community and provides for future growth and development accordingly.

e. Sunriver Urban Unincorporated Community Boundary.

Since 1977, Sunriver has included approximately 3,374 acres of land. Within this area, there are 4,700 total tax lots, including common areas. The community boundary is generally formed by the Deschutes River on the west, Spring River Road/South Century Drive on the south and the Deschutes National Forest on the north and east. This boundary has remained unchanged since 1977.

During the 1997 update, the Sunriver Urban Unincorporated Community boundary has been amended in the following way: Three hundred sixty-six acres were added to the Sunriver Urban Unincorporated Community along the east boundary to include an area that is to be used for sewage effluent storage and disposal. This area has been added per Oregon Department of Environmental Quality requirements. The effluent and storage capabilities of the existing sewage system are at or near capacity seasonally. Thus, this expansion of the community boundary was necessary to provide adequate sewage disposal services to the existing community at buildout. This area is not intended to provide additional sewer capacity to serve areas outside of the historic community boundaries. This area, currently part of the Deschutes National Forest, was changed from a plan designation of Forest to Urban Unincorporated Community - Forest.

B. Land use planning.

1. Existing land uses.

The predominant land use in Sunriver is residential, the majority of which is single-family residential development. However, since Sunriver was originally developed as a planned community, a number of other uses exist which make Sunriver a community which is somewhat self-reliant. Uses which support the residential components include a commercial core which contains a variety of retail businesses developed in a pedestrian mall setting, as well as a business park. A large component of development in Sunriver includes resort related amenities such as golf courses, a lodge, convention facilities and overnight accommodations. A fire station, police station and public works facility have also been developed in support of all uses.

Land bordering Sunriver on the north, east and west is zoned Forest Use (F-1) and is within the Deschutes National Forest. The National Forest land remains undeveloped and is primarily used for recreational purposes such as hiking, hunting, fishing, snowmobiling, etc. The forest lands and the recreational opportunities that they offer enhance the resort component of Sunriver. Land to the south of Sunriver includes primarily private property which is zoned Rural Residential (RR-10). The majority of the RR-10 properties include small lot (one-half to one acre parcels) subdivisions which were created prior to any zoning laws.

2. Comprehensive Plan Designations.

The 1997 Deschutes County Comprehensive Plan for the Sunriver Urban Unincorporated Community created eight comprehensive plan designations. In 2008, a ninth plan designation, the Town Center District was added to the plan. The comprehensive plan designations for the Sunriver Urban Unincorporated Community, except for the Town Center District that will be added at a later date if the County receives an application for such a designation, are shown on the comprehensive plan map attached as Map "A" at the end of this chapter and are described as follows:

- a. Residential District. The Residential District designation on the Comprehensive Plan Map includes the Single Family Residential and Multiple Family Residential Districts as shown on the Zoning Map for the Sunriver Urban Unincorporated Community. This plan designation includes all properties which were previously designated for residential development under the previous Planned Community designation. No change to residential boundaries have been made.
- b. Commercial District. The land designated Commercial is located in two areas of the community. One district lies near the Town Center District. It includes commercial areas not included in the Town Center District such as the Fremont Crossing Phase 2 residential development and the community church. An additional Commercial District is located at the north end of the community and is developed with a grocery store and gas station.
- c. Town Center District. The Town Center District was created in an effort to preserve and enhance the area around the commercial core of Sunriver, formerly referred to as the Sunriver Village Mall. The objective for the Town Center District is to combine a mixture of complementary land uses that may include retail, offices, commercial services, residential housing and civic uses to create a vital commercial core that will support the tourist component of the community and residents living within Sunriver. The Town Center District is designed to strengthen the commercial core area of Sunriver as the heart of the community, to improve the community's economic base and to enhance the appearance of the area through high-quality design.
- d. Resort District. In general, the Resort plan designation includes properties which are developed with amenities such as the Sunriver Lodge and Great Hall, golf courses, the equestrian and marina facilities and the nature center. These amenities have been developed to foster the recreation and tourist component of Sunriver. For the most part, this designation includes the properties which are owned and managed by Sunriver Resort.
- e. Business Park District. The Sunriver Business Park lies at the southern end of the community boundary and is physically separated from the remainder of the community by Spring River Road. This plan designation was originally created to accommodate light industrial development to support the employment needs of the community and surrounding area. Since the inception of zoning ordinance regulations for this area, development has been primarily commercial in nature rather than industrial. The zoning ordinance has been modified to reflect the existing businesses and the trend for commercial development while still allowing for industrial uses to develop.
- f. Community District. The Community plan designation includes properties which are primarily developed with public service uses which support all facets of the community. Development includes the fire station, school, community center, corporation/public works facility. Properties with this designation are primarily owned and administered by the Sunriver Owners Association.
- g. Airport District. The Airport plan designation includes areas which are currently developed with airport related amenities, such as runways, hangars, fueling stations and maintenance facilities. This district also includes areas surrounding the actual airport development which are considered to be in the sphere of influence of the airport and in which airport related impacts and risks are associated. Development in the airport district shall be limited with

respect to heights of structures, public gathering places and other potential risks to persons or property related to airport uses.

- h. Utility District. This plan designation includes properties which are currently developed with amenities such as sewage pump stations, water treatment facilities, water distribution facilities and associated utility improvements. The utility plan designation is intended to provide for the development and expansion of necessary utility facilities on properties which are already devoted to such uses.
- i. Forest District. The previous boundary for Sunriver was expanded by approximately 370 acres to include an area of land to the east that has historically been zoned for forest uses and is within the Deschutes National Forest. A recent decision by the U.S. Forest Service to permit an effluent storage pond and effluent irrigation site on approximately 50 acres in this area and a potential land transfer by which ownership would be transferred to the Sunriver Utilities Company prompted inclusion of this area within the community boundary. By including this area within the community boundary, future expansion of the sewage disposal system to include the application of biosolids in addition to the effluent irrigation site and storage pond would be permitted. This will enable Sunriver to meet Oregon Department of Environmental Quality regulations for treated wastewater storage and disposal into the future, through buildout of properties in Sunriver. An exception to Goal 4 has not been taken because the only uses allowed in the expansion area are uses that are permitted in the Forest zone, consistent with Goal 4. (Ord. 98-014).

C. Public Facility Planning.

1. Utilities.

Water and sewer service within the Sunriver Urban Unincorporated Community is provided by the Sunriver Utilities Company (SRUC). SRUC is under the jurisdiction of the Public Utility Commission of Oregon. The SRUC was established as a private water and wastewater company and has provided water and sewer services within the community boundary since 1969. SRUC is the largest private water/wastewater company in the State of Oregon.

- a. Water. SRUC currently operates three main wells which are capable of pumping over 7.5 million gallons of water each day. In addition, reservoir capacity for water storage is 2 million gallons per day. This volume of water production and storage exceeds the needs of the community within the boundaries of Sunriver.

As of 1997, SRUC serves a total 3603 water customers. This total includes the following types of service connections: 2630 residential; 753 condominiums; 125 commercial; and, 95 for irrigation purposes. All service connections are metered to measure the amount of water that is being used. The meter service sizes range from typical 3/4" residential lines to 6" lines for irrigation, commercial and industrial uses.

- b. Sewer. Sunriver's wastewater facility is under the jurisdiction of the Oregon Department of Environmental Quality (DEQ). Sewage treatment facilities are capable of handling/treating 2 million gallons of wastewater per day. This includes the 1997 expansion of effluent storage ponds on a U.S. Forest Service parcel along the eastern boundary of Sunriver. The design and flow accommodations will facilitate build out of all 4,600 lots within the community.

2. Public Services.

- a. Police. Sunriver's police department is responsible for law enforcement within the boundary of the Sunriver Urban Unincorporated Community. In special circumstances, at the request of the Deschutes County Sheriff, the department will assist with law enforcement outside of the community boundary.
- b. Fire. All areas within the boundary of the Sunriver Urban Unincorporated Community, except for the Business Park, are served by the Sunriver Fire Department. The Business Park is provided with fire protection by the La Pine Rural Fire Protection District.

The Sunriver Fire Department provides fire protection and ambulance service within the Sunriver community boundary, north of South Century Drive. Additionally, the department provides these same services to areas outside of the community boundary to the east, west and north. The department has a mutual agreement with the La Pine Rural Fire Protection District to provide secondary services within each other's service boundaries on an as needed basis.

The La Pine Rural Fire Protection District provides fire protection and ambulance service to the portion of the Sunriver community known as the Business Park. The La Pine Rural Fire Protection District has a new station located along South Century Drive approximately 1 ½ mile south of the community boundary.

- c. Schools. Three Rivers Elementary School, which is under the direction of the Bend-La Pine School District, is currently the sole school within the boundary of the Sunriver Urban Unincorporated Community. Three Rivers Elementary offers schooling from kindergarten through 5th grade and has an enrollment of approximately 270 students. The school accepts pupils from both inside and outside the boundary of the Sunriver Unincorporated Community.

3. Other.

- a. Sunriver Owners Association. The Sunriver Owners Association has the day-to-day responsibility of overseeing the majority of the community operations. The association is governed by a Board of Directors and a General Manager. The services and departments operated by the Sunriver Owners Association, as well as the primary function of each, include:
 - 1. Public Works and Fleet Services – Maintenance of roads, recreational paths and recreational amenities under the direction of the Sunriver Owners Association.
 - 2. Design and Compliance Department – Design review for new structures, aesthetic quality of new development and compliance with development standards.
 - 3. Environmental Services – Administration of fire and fuels regulations as well as any other environmental issues of the community.
 - 4. Fire and Police Services – The Sunriver Fire Department and Police Department described above, operate under the direction of the Sunriver Owners Association.
 - 5. Administration – The administrative offices oversee the day-to-day functions of each component of the association.

The Sunriver Owners Association publishes a monthly newspaper distributed to members of the association and the public.

D. Transportation planning.

- 1. Background/Existing Transportation Facilities in Sunriver. The Sunriver Urban Unincorporated Community is accessed via public roadways. These include: South Century Drive and Cottonwood Road. Both of these roadways lie within public rights-of-way and are maintained by Deschutes County. South Century Drive and Cottonwood Road connect to Highway 97 which is the primary corridor for vehicular travel throughout central Oregon. South Century Drive enters Sunriver near the southern community boundary and extends to the residentially developed areas to the south and west. Cottonwood Road enters Sunriver near the northern Sunriver boundary and ends within the community.

Internal roads within Sunriver, except for roads within the Business Park, are private roads which are open to the public, and are maintained by the Sunriver Owners Association. These roads are paved and are generally 20 feet in width. Roads within the Business Park are public roads which are maintained by the County. The internal roadway network was developed as part of the original design and master plan for Sunriver. The network consists of a series of internal traffic circles or roundabouts, from which spur roads lead to various areas within the community. All areas within the community boundary are currently accessed by the privately maintained roadways.

A bicycle/pedestrian path system has been developed and integrated throughout the community. Aside from the recreational opportunities provided by the path system, the paths serve as an alternative to vehicular travel as they connect the residential, commercial, school and recreation

areas of the community. The paths are paved, maintained in good condition by the Sunriver Owners Association and are used extensively during times of the year when weather permits.

2. Future Transportation Needs.

The existing privately maintained roads and bicycle/pedestrian paths adequately serve the travel needs of the residents and visitors to Sunriver. The existing roads and pathways provide access to all platted and developed areas within the community. There is no projected need for future roads to serve the anticipated development except, possibly within the Sunriver Business Park. Currently, there is only one ingress/egress point from South Century Drive to the Business Park. Future development within the Business Park may warrant an additional entrance to the Business Park from South Century Drive or improvements to the existing entrance from South Century Drive in the future.

South Century Drive and Cottonwood Road are both operating at levels below the vehicular capacity and at acceptable levels of service. In the area between the entrance to the Sunriver Village Mall and the Business Park, the 1996 average daily traffic figures for South Century Drive were approximately 3,380 trips per day. This figure is below the general capacity of 7,000 trips per day. Many of the vehicles traveling this roadway are passing through the community, not necessarily to Sunriver, as this road provides a direct link from Highway 97 to the surrounding rural subdivisions. Cottonwood Road, which only extends between Highway 97 and the community boundary, is not subject to the same volume of pass through traffic that occurs on South Century Drive. Thus, the traffic figures for this roadway are much lower at approximately 2,600 trips per day.

Road widening improvements were completed in 1996 by the County for the segment of South Century Drive between Highway 97 and the entrance to the Sunriver Business Park. Improvements to the entrance of the Business Park itself were also completed. The improvements were done to improve the safety and longevity of the roadway. Improvements to County roads outside of Sunriver, including the intersection of South Century Drive and Highway 97 were completed in 2007 as part of the County Transportation System Plan.

E. Policies.

1. Land use policies.

a. General Land Use Policies.

1. Land use regulations shall conform to the requirements of OAR 660 Division 22 or any successor.
2. County comprehensive plan policies and land use regulations shall ensure that new uses authorized within the Sunriver Urban Unincorporated Community do not adversely affect forest uses in the surrounding Forest Use Zones.
3. To protect scenic views and riparian habitat within the community, appropriate setbacks shall be required for all structures built on properties with frontage along the Deschutes River.
4. Open space and common area shall remain undeveloped except for community amenities such as bike and pedestrian paths, and parks and picnic areas.
5. Public access to the Deschutes River shall be preserved.
6. The County supports the design review standards administered by the Sunriver Owners Association.

b. Residential District Policies.

1. Areas designated residential on the comprehensive plan map shall be developed with single family or multiple family residential housing.

c. Commercial District Policies.

1. Small-scale, low-impact commercial uses shall be developed in conformance with the requirements of OAR Chapter 660, Division 22. Larger, more intense commercial uses

shall be permitted if they are intended to serve the community, the surrounding rural area and the travel needs of people passing through the area.

2. No additional land shall be designated Commercial until the next periodic review.
 3. Multiple-family residences and residential units in commercial buildings shall be permitted in the commercial area for the purpose of providing housing which is adjacent to places of employment. Single-family residences shall not be permitted in commercial areas.
 4. Approval standards for conditional uses in the commercial district shall take into consideration the impact of the proposed use on the nearby residential and commercial uses and the capacity of the transportation system and public facilities and services to serve the proposed use.
- d. Town Center District Policies.
1. Small-scale, low-impact commercial uses shall be developed in conformance with the requirements of OAR Chapter 660, Division 22. Larger, more intense commercial uses shall be permitted if they are intended to serve the community, the surrounding rural area or the travel needs of people passing through the area.
 2. Development standards in the town center district should encourage new development that is compatible with a town center style of development that serves as the commercial core of the Sunriver Urban Unincorporated Community. The following policies should guide development in the Town Center District in Sunriver:
 - (a) Combine a mixture of land uses that may include retail, offices, commercial services, residential housing and civic uses to create economic and social vitality and encourage pedestrian use through mixed use and stand alone residential buildings.
 - (b) Develop a commercial mixed-use area that is safe, comfortable and attractive to pedestrians.
 - (c) Encourage efficient land use by facilitating compact, high-density development that minimizes the amount of land that is needed for development.
 - (d) Provide both formal and informal community gathering places.
 - (e) Provide visitor accommodations and tourism amenities appropriate to Sunriver.
 - (f) Provide design flexibility to anticipate changes in the marketplace.
 - (g) Provide access and public places that encourage pedestrian and bicycle travel.
 - (h) Provide road and pedestrian connections to residential areas.
 - (i) Facilitate development (land use mix, density and design) that supports public transit where applicable.
 - (j) Develop a distinct character and quality design appropriate to Sunriver that will identify the Town Center as the centerpiece/focal point of the community.
 3. Development within the TC District will be substantially more dense than development elsewhere in Sunriver. This increased density will require changes to existing topography and vegetation in the TC District to allow for screened, underground parking. The requirements of the County's site plan ordinance shall be interpreted to reflect this fact.
- e. Resort district policies.
1. Areas designated resort on the comprehensive plan map shall be designated resort, resort marina, resort golf course, resort equestrian or resort nature center district on the zoning map to reflect a development pattern which is consistent with resort uses and activities.
- f. Business park district policies.
1. A variety of commercial uses which support the needs of the community and surrounding rural area, and not uses solely intended to attract resort visitors, should be encouraged.
 2. Allow small-scale, low-impact commercial uses in conformance with the requirements of OAR Chapter 660, Division 22. Larger more intense commercial uses shall be permitted if

they are intended to serve the community, the surrounding rural area and the travel needs of people passing through the area.

3. Small-scale, low-impact industrial uses should be allowed in conformance with the requirements of OAR Chapter 660, Division 22. No more intensive industrial uses shall be allowed.
- g. Community district policies.
 1. Areas designated community on the comprehensive plan map shall be designated community general, community recreation, community limited or community neighborhood district on the zoning map to reflect a development pattern which is consistent community uses and activities.
 2. Lands designated community shall be developed with uses which support all facets of community needs, be they those of year round residents or part time residents and tourists.
 3. Development shall take into consideration the unique physical features of the community and be sensitive to the residential development within which the community areas are interspersed.
- h. Airport district policies.
 1. Future development shall not result in structures or uses which, due to extreme height or attraction of birds, would pose a hazard to the operation of aircraft.
 2. Future development should not allow uses which would result in large concentrations or gatherings of people in a single location.
- i. Utility district policies.
 1. Lands designated utility shall allow for development of administrative offices, substations, storage/repair yards, distribution lines and similar amenities for services such as water, sewer, telephone, cable television and wireless telecommunications.
- j. Forest district policies.

Uses and development on property designated forest that are within the Sunriver Urban Unincorporated Community boundary shall be consistent with uses and development of other lands outside of the community boundary which are also designated forest on the Deschutes County comprehensive plan map.

Forest district property shall be used primarily for effluent storage ponds, spray irrigation of effluent, biosolids application and ancillary facilities necessary to meet Oregon Department of Environmental Quality sewage disposal regulations.

The development of resort, residential or non-forest commercial activities on Forest district lands shall be prohibited unless an exception to Goal 14 is taken.
2. Public facility policies.
 - a. General public facility planning policies.
 1. Residential minimum lot sizes and densities shall be determined by the capacity of the water and sewer facilities to accommodate existing and future development and growth.
 2. New uses or expansion of existing uses within the Sunriver Urban Unincorporated Community which require land use approval shall be approved only upon confirmation from the Sunriver Utility Company that water and sewer service for such uses can be provided.
 - b. Water Facility Policies.
 1. Water service shall continue to be provided by the Sunriver Utilities Company.
 - c. Sewer Facility Policies.
 1. Sewer service shall continue to be provided by the Sunriver Utilities Company.
3. Transportation policies.
 - a. Transportation system maintenance policies.
 1. Privately-maintained roads within the Sunriver Urban Unincorporated Community boundary shall continue to be maintained by the Sunriver Owners Association.

2. The bicycle/pedestrian path system shall continue to be maintained by the Sunriver Owners Association.
3. The County will encourage the future expansion of bicycle/pedestrian paths within the Sunriver Urban Unincorporated Community boundary in an effort to provide an alternative to vehicular travel.
4. All public roads maintained by the County shall continue to be maintained by the County. Improvements to County maintained public roads shall occur as described the County Transportation System Plan.

(Ord. 2008-013 §1, 2008; Ord. 2003-027 §1, 2003; Ord. 2002-005 §1, 2002; Ord. 2000-017 §1, 2000; Ord. 98-014 §1, 1998; Ord. 97-076 §2, 1997)

FINDINGS RE TEXT AMENDMENT TO CREATE TOWN CENTER DISTRICT IN THE SUNRIVER UNINCORPORATED COMMUNITY

I. NATURE OF APPLICATION

In this legislative action, the Deschutes County has approved of an amendment to the County's comprehensive plan text and amendments to the County's zoning code to create a new zoning district, the Town Center District. The new zoning district is designed for use in the commercial core area of the urban unincorporated community of Sunriver, located approximately 15 miles south of Bend off Highway 97. The property contemplated for future application of this district, the "Property," is near the southern entrance to Sunriver.

The general area where Town Center zoning may be applied is the south part of the area platted as the Sunriver Country Mall and adjacent properties in the commercial core area of Sunriver. This area is located between Abbot Drive and Beaver Drive, as depicted on the plat of the Sunriver Country Mall. The exact location of the new zoning district will be determined by quasi-judicial zone and plan map amendments. It is expected that a number of quasi-judicial applications will be filed to create the new district. It is, however, intended that the Fremont Crossing subdivisions and the community's church will retain Commercial District zoning and that these properties will form the northern boundary of this zoning district.

The primary zoning of the Property that may be included in the Town Center District is Commercial. The Property may also include parcels that, prior to rezoning to Town Center, adjoin the Commercial zone that are designated Multi-Family Residential or Community General.

II. VICINITY

Sunriver is located in the central portion of Deschutes County, approximately 15 miles south of the city limits of Bend. Sunriver lies in the Upper Deschutes River Basin, with the Deschutes River generally forming the western boundary of the community. Sunriver includes approximately 3,374 acres which are bounded by the Deschutes National Forest on the east, west and north sides. Small lot residential subdivision development is the predominant land use to the south of the community boundary. The area also includes Crosswater, a private residential/resort community that was recently developed in the area immediately south of Sunriver.

III. PROPOSAL DESCRIPTION

In an effort to protect and enhance the commercial core area of Sunriver, the County is adopting a new zoning district for Sunriver known as the Town Center District. The purpose of this new district is to strengthen the commercial core area as the heart of the community, improving its economic base and enhancing its appearance through high quality design and construction. The Town Center District will include a variety of residential and commercial uses which will complement the existing features of Sunriver and strengthen its character as a vacation destination and resort community.

The land use actions approved by the Board have two parts. First, the County is approving a legislative amendment to the Deschutes County Comprehensive Plan to provide for the creation of the new Town Center District in the Sunriver Unincorporated Community. Second, the County is adopting a legislative text amendment to the Deschutes County Code to add the Town Center District to DCC Chapter 18.108. The new zoning district will be numbered DCC 18.108.055. The land uses that will be allowed in the Town Center District are identified in the Town Center District code language included with the application. The addition of a new zoning district requires minor text changes to the existing Sections 18.108.010 and 18.108.020. Revisions to the definitions section of Title 18, DCC 18.04.030, create definitions that explain terms used in DCC 18.108.055. They also update the County's definition of a hotel/motel unit to reflect current practices in the hotel and motel industry. Finally, to accommodate some of the uses permitted in the Town Center District, amendments are made to the parking requirements of DCC 18.116 and to site plan requirements of DCC 18.124.

IV. PROCEDURAL HISTORY

On or about May 17, 2007, SilverStar Destinations, LLC by John Goodman, Managing Director, filed an application for approval of a legislative text amendment of the Deschutes County Code Titles 18 and 23 and a request for a plan map amendment and zone map amendment. SilverStar asked the County to consider legislative map amendments for an area about 26 acres in size that includes properties owned by a number of different owners, including SilverStar Destinations, LLC.

Deschutes County Planning Division staff decided that the text amendment application must be reviewed and approved before consideration of the map amendments. On June 8, 2007, Deschutes County sent notice to the Department of Land Conservation and Development that it was considering the comprehensive plan text amendment and land use regulation amendment to create the Town Center District. On June 21, 2007, notice of the application was sent to affected public agencies and service providers.

Deschutes County Planning Division staff reviewed the proposed text amendments and requested that the Applicant make changes to the ordinance. The Applicant filed revised text on July 31, 2007 and worked to obtain approval of the changes from the Sunriver Owners Association. It filed changes to the July 31, 2007 proposal on August 14, 2007. Deschutes County Planning Division staff provided notice of these changes to the Department of Land Conservation. The County staff provided a second notice of changes to the text amendment to the Department but did not provide further notices as it was advised that notice of changes was not needed until after adoption of the ordinance.

On September 13, 2007, the Deschutes County Planning Commission held a work session to consider the proposed text amendments. On September 27, 2007, the Planning Commission held a public hearing on the matter. Notice of this hearing was published in newspapers of general circulation in Deschutes County, including The Bulletin and Sunriver Scene. The hearing was continued twice. On or about October 2, 2007, amended text amendment language was filed with the County by the Applicant. The new text included changes negotiated with the Sunriver Owners Association.

The first continued hearing was held on November 8, 2007. The second continued hearing was held on December 13, 2007. Both continued hearings were held in Sunriver, Oregon to make it convenient for area residents to participate. The written record remained open until January 3, 2008. The Planning Commission deliberated on this matter on January 10, 2008 and made a recommendation to the Board of County Commissioners that it approve the text amendments with five conditions.

On February 7, 2008, revised application materials were filed with the County to address issues raised through the public hearing process. On February 27, 2008, the Board of County Commissioners held a hearing on the text amendments. Notice of this hearing was published in newspapers of general circulation in Deschutes County, including The Bulletin and Sunriver Scene. On April 9, 2008, April 30, 2008, June 4, 2008 and on June 25, 2008, the Board of County Commissioners held hearings on the proposed text amendments. The Planning Commission was invited, by the Board of County Commissioners, to participate in the Board hearing on June 25, 2008 to consider the changes made to the ordinance since it was reviewed by the Planning Commission. Notice of this June 25, 2008 hearing of the Planning Commission and County Commission was published in newspapers of general circulation in Deschutes County, including The Bulletin and Sunriver Scene.

On May 2, 2008 and May 16, 2008 amended text language was filed with the County. Additional refinements to the text of the ordinances were made by County staff and were made available for public review a week prior to the June 25, 2008 hearing. At the close of the June 25, 2008 hearing, the Board of Commissioners voted to approve the amendments with the addition of language that would require an Applicant who wishes to rezone land Town Center to first enter into a development agreement with the Sunriver Owners Association.

IV. COMPREHENSIVE PLAN AMENDMENT

A. Applicable Approval Criteria.

Pursuant to ORS 197.610, a local government may amend its comprehensive plan if, in doing so, it complies with the requirements in ORS 197.610 through 197.625. The amendment must also demonstrate compliance with the applicable Statewide Planning Goals and the administrative rules interpreting them.

B. Responses to Approval Criteria.

1. The Amendment Complies with Relevant State Statutes

ORS 197.610 through ORS 197.625 contain the procedures a local government must follow to amend its comprehensive plan. Pursuant to ORS 197.610, in cases where the Statewide Planning Goals apply to the proposal, at least 45 days prior to the County conducting the first hearing on the proposal, the County must submit the proposal to the Director of the Department of Land Conservation and Development. The County complied with this requirement by providing notice to the Department on or about June 8, 2007. The first hearing on the application by an advisory body was held on September 27, 2007. The first hearing on the text amendments by the governing body that has the authority to adopt the amendments was held on February 27, 2008.

ORS 197.615 requires the County to submit to the Director a notice of any amendment that the County adopts and to explain the changes made to the text amendment since the time it was first submitted to the Department. This requirement will be met after adoption of this ordinance. ORS 197.620 and 197.625 do not contain any requirements that serve as approval criteria.

2. The Amendment to the Comprehensive Plan Complies with Statewide Planning Goals

a. Statewide Planning Goals.

In order for a county to amend its comprehensive plan, state law requires that it make findings of compliance with the Statewide Planning Goals and Guidelines contained in OAR 660-015-0000. Each Statewide Planning Goal is addressed below:

(1) Goal 1: Citizen Involvement.

The purpose of Goal 1 is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The County has a development code with procedures and processes that insure citizens have the opportunity to be involved in all land use matters. The application process for this proposal will follow the County's adopted process and procedures. Notices of hearings will be posted and mailed as required and the public will be provided opportunities to participate in public hearings.

The text amendment and State law requires a detailed land use review process for the review of development in the Town Center District. A comprehensive plan and zoning map amendment is needed to designate land in the commercial core area as part of the Town Center District. Before development may occur in the Town Center District, a conceptual site plan will be required for all land owned by a single owner. A more detailed, standard site plan will also be required. In some cases, a conditional use review will be required. During each review, citizens will be able to become involved in the land use review process.

(2) Goal 2: Land Use Planning.

The purpose of Goal 2 is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. Goal 2 contains the standards local governments must meet when they adopt exceptions to any of the Statewide Goals.

The County's acknowledged Comprehensive Plan currently complies with the requirements of Goal 2. The proposal is being made under the procedures provided for in the current plan and its implementing ordinances. The County reviewed the proposal, applying and using acknowledge County land use review

procedures, and determined that the amendments comply with all approval criteria. The review process for this application has resulted in the development of a detailed factual record that is more than adequate to allow the Board of Commissioners to make a proper land use decision regarding the text amendment. Because the text amendments do not seek to add land to the Sunriver Unincorporated Community, the exception criteria in Statewide Planning Goal 2 do not apply.

(3) Goal 3: Agricultural Lands.

The purpose of Goal 3 is to preserve agricultural lands.

This goal does not apply. The proposal does not include any property designated as agricultural. The goal of preserving agricultural land will not be adversely impacted by the proposal.

(4) Goal 4: Forest Lands.

The purpose of Goal 4 is to conserve forestlands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

This goal does not apply. The proposal does not include any property designated as forest land. The goal of preserving forest land will not be adversely impacted by the proposal as the property is surrounded by other land that is included in the Sunriver UUC and the uses allowed by the new zone are essentially the same uses currently allowed in the area.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.

The purpose of Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces.

This goal does not apply. The County's Comprehensive Plan identifies the Property as being part of an urban unincorporated community. It does not include a designated natural resource, scenic or historic areas or open space for Goal 5 protection.

(6) Goal 6: Air, Water and Land Resource Quality.

The purpose of Goal 6 is to maintain and improve the quality of the air, water and land resources of the state.

The requirement of this goal is that any waste and process discharges from future development, when combined with existing development, shall

not exceed the carrying capacity of air, water and land resources. The proposal will result in a different zone being applied to the Property but the types of uses that will be developed under the new zone will be essentially the same uses currently developed or allowed in the existing Commercial District. Currently the uses on the Property are primarily commercial.

There is a limited amount of existing, high-density residential development in the area where Town Center zoning might be applied. The current Commercial zone allows the development of multi-family housing above commercial establishments and, without restriction, on a specified area of the Commercial District. The Town Center zoning allows taller buildings than permitted in the Commercial District and will expand the areas where multi-family dwellings can be constructed on the ground floor, as well as above commercial uses. By providing more residences in the commercial core near commercial businesses, the County will encourage Town Center residents to walk to commercial establishments rather than use their automobile. This will support the aim of Goal 6 to maintain and improve the quality of the air. This mixed use will also protect water quality by reducing the emission of pollutants into the atmosphere. Those airborne pollutants end up in rainwater in Sunriver and in the nearby Deschutes River.

The existing uses on the Property are served by a community water system and waste treatment facility. Uses allowed under the proposal will add residential components to commercial uses. Service providers, including Midstate Electric Cooperative, Qwest and Cascade Natural Gas have indicated that they have the ability to serve more intense development. The private water and sewer system utilities have the ability to serve new development but will look to the property owners in the Town Center District to pay for a part of the costs of expanding their facilities to serve new development. This issue will be addressed and resolved during the land use review process that will follow approval of the text amendment. That review process will insure that the proposal will not result in development that will exceed the carrying capacity of the land.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards.

The purpose of Goal 7 is to protect people and property from natural hazards.

The site contains no Goal 7-identified natural hazards and is not within any 100-year flood plain.

The adoption of the Town Center District will not materially alter the danger presented by wildfire. The amendment will allow for the construction of taller buildings but the County's codes impose requirements to limit risks of harm caused by wildfire. The Town Center zone imposes a limit on the density of residential development in the Town Center District. The existing Commercial District and the State UUC law do not impose limits on the density of residential development. Additionally,

the County's building codes and fire code regulations require fire hydrants and sprinklers to protect the buildings in the Town Center District. The County code also requires 15% landscaping and roads and hard surfaces in the District will help slow the spread of fire. The main point of access to the Town Center is the southern entrance to Sunriver. That location is nearby. The entrance has recently been improved by the installation of a roundabout. Access to Highway 97 has been made safer by the installation of an interchange to replace an at-grade intersection. Two other routes allow for emergency egress. These routes lead to the north entrance to Sunriver. They will be available for use by new residents of the Town Center in the event of a fire or other natural emergency.

Sunriver, also, is prepared to handle the risks presented by wildfire. In 2005, the Sunriver Owners Association, Sunriver Service District Fire Department, Oregon Department of Forestry, US Forest Service, Deschutes County and Central Oregon Fire Management completed a Community Fire Plan. This plan is a comprehensive plan that outlines area fuel thinning priorities for consideration by federal land managers. The plan includes the Sunriver Ladder Fuels Reduction Plan. According to information published by Deschutes County, the plan meets or exceeds the intent of the Oregon Forestland-Urban Interface Fire Protection Act of 1997 and the Uniform Fire Code.

(8) Goal 8: Recreational Needs.

The purpose of Goal 8 is to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

This unincorporated community of Sunriver exists, in large part, to provide varied recreational activities to residents and visitors. The Town Center District allows many recreational uses. Sunriver and its surrounding areas provide an abundance of opportunities to hike, bike, golf, fish, swim, play tennis, picnic, canoe, boat, raft and countless other recreational activities. The proposal will not result in an excessive demand for activities that would create the need for more facilities. The proposal will enhance the opportunity for people to use the existing facilities while providing revenue to fund improvements and enhancements to those facilities. Each new residential unit will be assessed homeowner fees by the Sunriver Owners Association (SROA) that will be used, in part, to improve recreational facilities on Sunriver's numerous open space and community parks and properties. SROA is currently studying the recreational needs of the community and will be developing and implementing a plan to upgrade its recreational facilities to meet resident and visitor needs.

Private companies also assist to meet the need for recreational activities. A group of property management companies recently developed Mavericks, a multi-sport, water-oriented recreational facility, in the north part of Sunriver. The Town Center District allows the development of new recreational uses in the District. The District also requires developers to provide outdoor recreational areas in the District for residents. The Town Center District requires the protection of open areas that can be used for recreation in a number of ways. It imposes a requirement for outdoor recreation space

based on the number of multi-family dwellings in the District. It allows outdoor spaces to be developed with bicycle paths, play areas, water features, ice rinks, pools and other similar amenities. A playground for children must be provided in the District. The Town Center District imposes a limit on the floor area of new buildings and a zone coverage requirement to encourage property owners to provide open areas in the District. Zoning rules allow these areas to be used for recreational uses.

(9) Goal 9: Economic Development.

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The application of Town Center zoning to the commercial core area of Sunriver will help revitalize and enhance the core area by encouraging redevelopment of the commercial area. By adding residential and mixed use development, the proposal will bring persons to the core commercial area on a more constant basis promoting the commercial uses that exist. It will also encourage new commercial uses to locate in the core commercial area and the new residents will help sustain existing businesses that remain in the core area.

(10) Goal 10: Housing.

The purpose of Goal 10 is to provide for the housing needs of citizens of the state.

Sunriver was not developed to meet any specific housing needs in the County, but as a recreational development. Sunriver contains a mix of full-time residents, people who own vacation homes that they use periodically and visitors who rent accommodations. The proposal will not negatively impact the County's ability to provide adequate housing as it will allow the property owners to add residential units to Sunriver.

(11) Goal 11: Public Facilities and Services.

The purpose of Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

All needed public facilities and services have been planned and are in place in Sunriver. Most of the Sunriver community has been developed. The water, sewer and storm water facilities within Sunriver are privately owned and operated. These facilities have been operated and expanded efficiently for decades. When growth has occurred in Sunriver, these facilities have been expanded to meet development needs. The Sunriver sewer system has been expanded to serve land outside of Sunriver, as well as land in Sunriver. The County and service providers also have the legal ability to impose exactions upon development approvals to assure that public facilities and services

needed for new development in Town Center District will be adequate. Thus, the proposal will not create an excessive demand on those public facilities.

The streets within Sunriver are private. Thus, the proposal will not result in excessive demand on public streets within Sunriver. The impact of the proposal on public transportation facilities outside of Sunriver is addressed below.

(12) Goal 12: Transportation.

The purpose of Goal 12 is to provide and encourage a safe, convenient and economic transportation system.

The purpose of Goal 12 is to provide and encourage a safe, convenient and economic transportation system. Goal 12 is implemented throughout the Transportation Planning Rule set out in OAR 660-12-0060.

Transportation Planning Rule

OAR Section 660-12-0060 of the Transportation Planning Rule (“TPR”) sets forth the relevant criteria for evaluating plan and land use regulation amendments.

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan),

The text amendments do not seek to change the functional classification of any transportation facility in the vicinity of the site.

(b) Change standards implementing a functional classification system, or

The text amendments will not change standards implementing a functional classification system.

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

The text amendments, if approved, will not apply to any land until a subsequent land use review process is completed. Until that time, it is unknown if some, all or none of the core commercial area that may be suited for inclusion in the Town Center District will be rezoned and redesignated for Town Center development. As a result, the appropriate time to apply this part of the rule is when the new text is applied to land. Until that time, it is not possible for any Town Center District development to occur. As a result, none of the actions that would violate these standards will be caused by adoption of the text amendments.

Transportation system improvements may be needed if the Town Center District is applied to all land in the Sunriver Village area. The Applicant prepared and the County Board of Commissioners considered a traffic impact analysis prepared by professional traffic engineering firm Kittelson & Associates that shows that it feasible to rezone over 26 acres of land for Town Center zoning and to meet the requirements of OAR 660-012-0060. County staff has agreed that the TPR requirements will be addressed at the time the Town Center zone is applied to the subject property.

(13) Goal 13: Energy Conservation.

The purpose of Goal 13 is to conserve energy.

The County's building code specifies the requirements for buildings as it relates to energy conservation. The proposal will result in development that must still comply with County building codes and thus, will be consistent with this goal.

The Town Center District will support the purpose of Goal 13 to conserve energy by allowing for compact urban development with a mix of uses in one attractive and vibrant location. By allowing a compatible mix of uses in one location, the County will be encouraging development that will reduce the number and length of motor vehicle trips. This will help conserve energy. Additionally, the District restricts residential development to multi-family residences. Such residences are, as a general rule, more energy efficient than single-family residences due to their shared walls and smaller size.

(14) Goal 14: Urbanization.

The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The policy behind this goal is to provide for an orderly and efficient transition from rural to urban land use and to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land and to provide for livable communities. The amendment will not result in the use of rural lands for urban uses. Sunriver is an existing urban unincorporated community that already contains urban uses. The proposal will promote more desirable urban uses and a wider variety of those uses. The proposal will allow for slightly more dense development that will promote the efficient use of the existing commercial core in Sunriver and enhance the commercial area.

(15) Goal 15: Willamette River Greenway.

The purpose of Goal 15 is to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Goal 15 does not apply to this application because the Property does not lie within the geographic area addressed in this Goal.

(16) Goal 16: Estuarine Resources.

The purpose of Goal 16 is to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and

To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Goal 16 does not apply to this application because the Property does not lie within the geographic area addressed in this Goal.

(17) Goal 17: Coastal Shorelands.

The purpose of Goal 17 is to conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal Shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and

To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat resulting from the use and enjoyment of Oregon's coastal shorelands.

Goal 17 is not applicable to this application because the Property does not lie within the geographic area addressed in this Goal.

(18) Goal 18: Beaches and Dunes.

The purpose of Goal 18 is to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and

To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Goal 18 is not applicable to this application because the Property does not lie within the geographic area addressed in this Goal.

(19) Goal 19: Ocean Resources.

The purpose of Goal 19 is to conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Goal 19 is not applicable to this application because the Property does not lie within the geographic area addressed in this Goal.

b. Oregon Administrative Rules.

(1) OAR Chapter 660, Division 12-Transportation.

The requirements of OAR 660-012 have been addressed in the discussion of Goal 12, above.

(2) OAR Chapter 660, Division 18-Plan Amendment and Land Use Regulation Amendment Rule.

OAR Chapter 660, Division 18 implements ORS 197.610 through 197.625. The section provides procedures to be used to review of plan amendments and changes to land use regulations. It does not establish mandatory approval criteria.

(3) OAR Chapter 660, Division 22-Unincorporated Communities.

The substantive requirements in Division 22 are located in 660-022-0030, Planning and Zoning of Unincorporated Communities. An amendment to the

County's comprehensive plan must be consistent with the applicable provisions of that section cited below.

The current Commercial District in Sunriver allows the development of residential units in a nine-acre part of the Commercial District. It also allows residences to be built in mixed use buildings, above commercial uses. The Town Center zone will continue to allow residential development in the Town Center. It will, however, allow additional residential development in locations other than specified by the Commercial District. More residences may be constructed in mixed use buildings due to the increase in building heights and a relaxation of the ground floor commercial use requirement.

The current Commercial District in Sunriver allows large scale buildings to be constructed in Commercial District. The Town Center District will also allow large scale buildings when the development meets the requirements of the State administrative rule. The restrictions of the administrative rule are incorporated into the County's Town Center District, as they were for the Commercial District.

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgement provisions of ORS 197.610 through 197.625.

Sunriver is an urban unincorporated community. The County has adopted a comprehensive plan section for Sunriver and an individual zoning code section. The current proposal to amend those sections of the law is being processed using the process outlined in ORS 197.610 through ORS 197.625.

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

This part of the Statewide Goal rules for urban unincorporated communities makes it clear that any density and any type of residential use is allowed in the Sunriver urban unincorporated community. The Town Center District does not impose a specific limit on the density of development in the new district. Density is, however, indirectly regulated by the following requirements of the District: (a) floor area ratio of 1:1; (b) traffic analysis requirements; (c) building height limits; (d) zone coverage requirements; (e) setbacks, including a large solar setback from the north boundary; and (f) requirements to provide outdoor recreational areas. As no residential density or use limits are required, the Town Center District complies with this part of the administrative rule.

*(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities: * * **

The proposal does not include any industrial uses. Therefore, this criterion does not apply.

(4) *County plans and land use regulations may authorized only the following new commercial uses in unincorporated communities:*

(a) *Uses authorized under Goals 3 and 4;*

(b) *Small-scale, low impact uses;*

(c) *Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.*

The comprehensive plan text amendment expressly provides that commercial uses that can be permitted in the Town Center District are limited to small-scale, low impact uses or large scale uses that will serve the community and surrounding rural area or the travel needs of people passing through the area. The text incorporates these requirements in the list of uses allowed in the Town Center District. Before a use other than a small-scale, low impact use can be allowed, the County Planning Director or Hearings Officer must find that the use will serve the community and surrounding rural area or the travel needs of people passing through the area. This is the same basic approach used by the County to assure that other commercial uses in the Commercial District and Sunriver Business Park District comply with the State administrative rule. This approach was acknowledged by the State when the County adopted its UUC zoning districts.

Most of the commercial uses allowed in the Town Center District are already allowed in the Commercial District. Many of the allowed uses have been established in the Sunriver Mall area. The existing uses are not subject to review for compliance with this rule as they are not “new uses.”

The plan and zoning text amendment is written to require that all new commercial uses fit into one of the three categories listed in the administrative rule, above. No Goal 3 or Goal 4 uses are planned for the Town Center District. The Town Center District allows commercial uses but limits commercial uses to small-scale, low impact uses unless it is demonstrated that the use proposed is intended to serve the community and surrounding rural area or the travel needs of people passing through the area. This is similar to the approach used in the existing Commercial District. The Town Center District, 18.108.055 imposes the following requirement on commercial and commercial recreational uses to assure compliance with this part of the administrative rule:

C. *Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.055(A)(5) or (A)(7) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:*

1. *That the intended customers for the proposed use will come from the Sunriver community and surrounding rural area. The surrounding rural area is the area*

identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community; and/or

2. *The use will meet the needs of the people passing through the area.*

This text requires a review of new commercial uses to assure that the uses will meet the requirements of this code before they may be established in a building that is larger than 8,000 square feet. For instance, the community's grocery store is planning to occupy a new building in the Town Center. It requires a building that is larger than 8,000 square feet. It is a use that meets the needs of the Sunriver community and surrounding rural area as it supplies groceries to Sunriver area residents. The County's Planning Director or Hearings Officer will, however, be required to make this determination during review of the Conceptual Site Plan and Site Plan for the grocery store. That will assure compliance with this part of the administrative rule.

*(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section. * * **

(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 miles from any urban growth boundary.

The amendment to the comprehensive plan will allow for the creation of a Town Center District. Hotels with up to 100 units will be allowed in that zone. The County's acknowledged plan states that Sunriver is 12 miles from the closest urban growth boundary (Bend); therefore, hotels permitted by the proposal will be consistent with this section.

Hotel units are not commercial uses for purposes of this administrative rule. Instead, they are authorized and regulated separately from commercial uses. Hotel units do, however, meet the needs of people passing through the area. These persons need overnight accommodations. Highway 97 is nearby. It is used for long-distance, overnight travel. In this setting it is clear that hotels meet the needs of travelers.

(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

The text amendment creates a Town Center District. This District is designed for use in the commercial core of Sunriver. This area is isolated from any agricultural and forestry uses. The existing use does not adversely affect either use. The creation of a Town Center District in this area will contain to allow similar commercial and residential uses that will, likewise, not adversely affect any agricultural or forestry uses.

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service

of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

Prior to the application of Town Center District zoning to land in Sunriver, property owners will be required to demonstrate compliance with OAR 660-012-0060. This will guarantee compliance with this approval criterion.

If the Town Center District is applied to all property that might be suited for inclusion in the district, mitigation measures may be required to assure that some transportation facilities continue to function at acceptable levels. The Applicant submitted a traffic study with the text amendment. The study was developed with the assistance of County and ODOT staff. The study identified potential mitigation such as the signalization of the ramps at South Century and Highway 97. Appropriate mitigation requirements will be determined during review of the zone change and plan map amendment application.

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(a) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

The Town Center District will allow commercial and residential development of the type currently allowed in the Commercial District. The intensity of these uses may increase after the District is applied to land in the commercial core. None of the allowed development would pose a public health hazard or adverse environmental impact as development will be served by established water and sewer service providers and stormwater will be managed in compliance with Department of Environmental Quality regulations. None of the permitted uses will emit hazardous material into the air or water and thus, will not violate any state or federal water quality regulations.

(b) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

The approval of the proposal will create a new zoning district that may be applied to some or all of the Property. The types of uses that will be allowed under the new zone will be comparable to the uses currently developed. Currently the uses on the property are commercial and residential uses. The new zoning district will not allow the development to exceed the carrying capacity of the soil. The County code limits the amount of land that may be covered with buildings, limits the floor area of buildings and requires site planning that will address stormwater disposal and utility needs of new development.

The Property is served by a community water system and wastewater treatment facility. The new zoning district will allow taller buildings in the Town Center District than allowed in the Commercial District. As a result,

more intense development may occur. The Town Center District requires land owners to obtain Conceptual Site Plan approval for all land a person owns in the Town Center District prior to development. In the case of the SilverStar Destinations, LLC property, the Conceptual Site Plan requirement will allow the community and County to consider all infrastructure needs of planned redevelopment of all seventeen acres, including the Sunriver Mall property. If and when other owners rezone their property and seek to develop, they will also be required to obtain Conceptual Site Plan review.

Sunriver Water, LLC and Sunriver Environmental, LLC serve the area where Town Center zoning may be applied. The area includes the Sunriver Mall, numerous commercial establishments and a multi-family housing development. The existing water and sewer systems can continue to serve this level of development and an increase in the intensity and density of development. When a Town Center District owner seeks development approvals, he will be required to show that the sewer and water systems can serve the intensity and density of development proposed. Otherwise, the developer will be required to limit development to a level that can be supported by the utility providers unless system upgrades are provided.

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

The changes to the comprehensive plan will not cause the current comprehensive plan to become inconsistent with regional functional plans. The only such plans are highway plans for the area that have been discussed in findings of compliance with Goal 12. The amendment will allow for an additional zoning district, the Town Center District. The District will contain uses that are the same or similar to the uses already allowed in the existing Commercial District and elsewhere in Sunriver.

(10) For purposes of subsection (b) of section (4) of this rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space.

The text for the Town Center District incorporates the standard set forth above.

(11) For purposes of subsection (c) of section (3) of this rule, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.

The Town Center District does not allow industrial uses.

V. DEVELOPMENT CODE TEXT AMENDMENT

A. Applicable Approval Criteria.

The County is amending three chapters in the Deschutes County Code (“DCC”). First, it is amending DCC 18.108 to create a new zoning district for the Sunriver Unincorporated Community. The new district will be the “Town Center District.” The District will be Section 18.108.055 of Title 18 of the Deschutes County Code. As described before, the Town Center District is designed to revitalize the commercial core of Sunriver. The text for the Town Center District will permit a mix of residential, commercial, recreational and governmental uses that will serve the needs of the Sunriver residents and visitors. The District will permit development that is more concentrated and intense than the existing uses but are necessary to create the vibrant feel and in-District resident customer base needed to revitalize the area.

The creation of the Town Center District requires limited amendments to other sections within Chapter 18.108. Section 18.108.010, the purpose statement, must be amended to reflect 17 zoning districts rather than 16. Section 18.108.020(A) is being amended to add the Town Center District as one of the districts subject to the approvals set forth in that section. The solar setback requirements of Section 18.108.020(B) are being amended. Solar setback requirements will not apply to protect land located inside the Town Center District or in the adjacent Commercial District lands located to the south of Fremont Crossing. They will, however, protect all other lands located outside of the Town Center District, including Fremont Crossing and area properties zoned for residential or resort uses. The tall buildings and urban form desired for the commercial center needed to create a vibrant town center atmosphere cannot be accomplished if the solar setbacks apply to interior lot lines.

Second, the County is adopting new parking requirements for the Town Center District in a new code section, DCC 18.116.036. This new section will allow a slight reduction in the number of parking spaces required within the Town Center District. The new parking requirements have been designed to match the needs of a mixed-use resort town center and to impose additional parking requirements for residences that contain lock-off areas. It will also allow property owners to seek a reduction in required parking by proposing and obtaining County approval of transportation demand system management measures.

Third, the County is adopting minor changes to DCC 18.124.070 to eliminate conflicts with the text of the Town Center District. Specifically, development within the Town Center District will not have to meet the requirement of outdoor private space or shared outdoor recreation space in the same way as required by the current code. Rather, the District will require developers to provide district-wide recreational space for use by new residents. This requirement is intended to encourage developers to create vibrant and attractive public plazas and play areas intermixed with commercial establishments. Also, commercial buildings within the Town Center District will not be subject to DCC 18.124.070 D that requires buildings to be located on the front lot line because the District requires a 10-foot front yard setback.

Fourth, the text amendments will amend DCC 18.04.030, the definitions section of the County zoning ordinance to update the definition of a hotel/motel unit to include suites. The amendment will create new definitions for uses allowed in the Town Center District. These include definitions for a live/work residence, townhome, lock-off area, below-grade parking garage and mixed use structure.

No density limit is required by the State's urban unincorporated communities rules. Currently, no density limit applies to the Sunriver Commercial District. At present, the residential density of the Commercial District is constrained by the height limits of the Commercial District, by the requirement that commercial units, other than the Fremont Crossing area residential units, be constructed above commercial development and other on-site requirements of the County code. The Town Center District will use a similar approach but will add new limits on development that will constrain the density of development allowed in the district. The County is adopting a floor area ratio, height limit, setbacks, vehicle trip limit based on a case-by-case traffic study and a zone coverage requirement that limits the mass and intensity of development. The floor area ratio, height limits, setbacks and zone coverage requirements will prevent buildings from becoming too massive and from overwhelming the recreational and public use areas of the District. The traffic study and trip limit requirements will limit the intensity of uses based on the number of vehicle trips the area street network can accommodate.

Special regulations were developed for residences that contain lock-off areas. The Sunriver Owners Association, is concerned that dwelling units with lock-off areas could have a greater impact on the community than units that do not have lock-off areas because lock-off areas may be rented separately from the rest of the residence. To address this concern, additional parking must be provided for dwellings that have lock-off areas. Additionally, the County has required that property owners provide a minimum amount of commercial space in the District to offset the potential two-family use of each approved lock-off unit. The offset was required at a level one and one-half times that required of a standard residential unit.

To allow for the text amendment to Title 18 of the Deschutes County Code, the County is adopting concurrent amendments to the County's comprehensive plan. Thus, it is appropriate to assess the text amendments against the comprehensive plan as it would appear if amended.

B. Response to Approval Criteria.

1. The proposed text amendment complies with relevant State statutes.

No part of the text amendment violates a State statute.

2. The proposed text amendment is consistent with the County's Comprehensive Plan.

The text amendment must be consistent with the applicable provisions of the County's comprehensive plan. The most relevant section is Section 23.40.025. This section is specific to the Sunriver Unincorporated Community.

a. 23.40.025 Sunriver Unincorporated Community.

Following LCDC's adoption of OAR 660-22—Unincorporated Communities in 1994, the County designated Sunriver an urban unincorporated community. As part of that process, the County updated its comprehensive plan and the zoning regulations for Sunriver to be consistent with OAR 660-22. The zoning regulations adopted for Sunriver at that time were consistent with the County's comprehensive plan.

The text amendment will add one zoning district, the Town Center District. The text of that Town Center District is consistent with Section 23.40.025 of the County's comprehensive plan. It will not create any inconsistency with other sections of the County's plan. This is evident from a review of this section of the comprehensive plan and the additions proposed to that section that support adoption of this amendment.

Sunriver was first developed as a resort community that included a landmark commercial center, the Sunriver Mall. Sunriver was designated an urban unincorporated community because the community has more than 150 permanent dwelling units, has a mix of land uses and is served by community water and sewer services. The Town Center district allows a mix of commercial and residential uses. It proposes a type and intensity of development that can support the cost of providing community water and sewer systems. The type and intensity of development allowed in the Town Center District requires water and sewer services of this type.

The comprehensive plan states that Sunriver was developed to be self-reliant. The commercial core (Sunriver Mall) is recognized as a vital part of that design. The approval of the Town Center district will allow the commercial core to continue to meet the changing needs and expectations of Sunriver's owners and visitors. Taller buildings will allow more housing units. These units will provide new customers for the commercial core businesses. Residential development will, also, help fund and maintain community facilities in the Town Center district.

One of the reasons the County classified Sunriver as an urban unincorporated community was because that designation offered the greatest practical degree of flexibility for future growth and development in Sunriver. This designation was made after receiving input from the Sunriver community. The commercial core of Sunriver, commonly referred to as the Sunriver Mall or Sunriver Village Mall, is decaying. The Sunriver Mall lacks the diversity of uses that will attract visitors and businesses which create the vibrant commercial area desired by both residents and visitors. The creation of a Town Center District that permits a variety of uses, including mixed residential/commercial uses, will bring people to the central core. The increase in the number of people coming to the core will support desirable retail businesses, create employment opportunities and enhance the appearance of the commercial core. Thus, the creation of the Town Center District is consistent with the designation of Sunriver as an urban unincorporated community and the designation of the commercial core as a commercial service area for residents and visitors.

The text amendments to DCC 18.108.010 and 18.108.020 will change the code to reflect the fact a new zoning district has been created and will require that uses in the

Town Center District are subject to site plan review when the Town Center designation is applied to specific property. The amendment establishes a solar setback standard that is appropriate for an urban environment. The setback continues to protect existing residential development in the area. The text amendment adds a new code section, DCC 18.116.036, to the County's parking requirements. This section includes regulations designed to fit the mixed uses planned for the Town Center. A Town Center style of development is less reliant on parking than most other styles of commercial development. This is true as it is a mixed use zoning district. Town Center residences will be located within walking distance or in the same building with commercial uses. District residents will park in their assigned residential parking spaces and walk to restaurants, retail establishments and recreational facilities. No commercial parking spaces will be needed for these customers. Finally, the text amendment to DCC 18.124.070 makes the site plan review criteria consistent with the urban environment intended for the Town Center District.

Section 23.40.025 E.1(d) contains the land use policies for the Town Center District. The Town Center District permits the types and mixture of uses identified in that section, subject to the limitations and restrictions derived from OAR Chapter 660, Division 22. The development standards contained in the Town Center District will encourage new development that is compatible with a town center style of development but will preserve open space by promoting an efficient use of land. The policies for land use in Section 23.40.025 E.1(d) will be met.

Section 23.40.025 E.2 contains the public facilities policies for Sunriver. The services within Sunriver commonly thought of as public facilities are supplied by Sunriver Water, LLC and Sunriver Environmental, LLC. Before any new use is approved in the Town Center District, the Sunriver utility companies will need to confirm the availability of water and sewer service to meet the level of development proposed.

3. Other Comprehensive Plan Provisions.

The approval of the text amendments to add the Town Center District will not create any inconsistency with other provisions of the comprehensive plan. Those provisions of the comprehensive plan that may be impacted by the text amendment are set forth below:

a. Urbanization.

Land in the area that may be included in the Town Center District is already committed to urban development. It is a part of the Sunriver urban unincorporated community. It is zoned for and, in most cases, developed with commercial, community, recreational and urban-density residential uses. The amendment will be consistent with this section.

b. Economy.

The text amendments will allow for redevelopment of Sunriver's commercial core with a landmark type development that can draw residents and visitors to Sunriver's commercial core area. At present, the commercial core is in a state of decline. A new

development concept is needed to return the Sunriver and its commercial core area to a place of local and regional prominence.

c. Transportation.

The transportation element of the County's comprehensive plan is primarily definitional and does not contain text that serves as relevant approval criteria.

d. Transportation System Plan.

The County's Transportation System Plan is written to implement OAR 660, Division 12 (the "Transportation Planning Rule"). The creation of a new Town Center District in the abstract will not impact the County's Transportation Plan because the zone will not be applied to any specific property until subsequent land use applications are processed. The most appropriate time to examine whether uses allowed under the Town Center District have an impact on transportation facilities and whether specific mitigation is required is when those subsequent applications are submitted. The traffic study was developed by a professional traffic engineering firm hired by the Applicant, Kittelson & Associates, Inc. The Applicant's traffic engineer worked with County and ODOT staff in preparation of a traffic study. The study identified potential mitigation such as the signalization of the ramps at South Century and Highway 97. The appropriate mitigation requirements will be determined during review of the conceptual site plan and/or zone change and plan amendment map change applications.

e. Public Facilities and Services.

Prior to any new development occurring under the proposal, the Sunriver Utility Company must assure available facilities and services. Thus, this element of the comprehensive plan will be satisfied.

f. Recreation.

The proposal will not overburden the existing recreational facilities and will encourage people to visit Sunriver to enjoy the existing recreational opportunities. Sunriver Owners Association will impose assessments on new residents and owners in the Town Center District. These assessments will, in part, be used to finance the improvement and possible expansion of Sunriver recreational facilities. The Sunriver Owners Association is currently conducting a study to assist it in planning to meet the evolving recreational needs of its members and visitors.

g. Energy.

The Town Center District standards promote a clustered development with multiple uses in close proximity to one another. Visitors and residents will combine activities with a single trip to the town center and thus, save energy.

h. Citizen Involvement.

All development under the Town Center District must undergo a conceptual site plan process and site plan review. Some uses require conditional use approval. Those processes are public and allow for citizen involvement.

4. Parking Requirements.

The County has approved a new parking code section for the Town Center District. This section is DCC 18.116.036. It contains many of the same provisions found in DCC 18.116.030 but includes requirements specially tailored to the needs of the Town Center District. This proposal is described in the text amendment documents that the Applicant filed with the County and refined during the course of the land use hearings related to this proposal. The parking requirements were developed based on the advice of professional transportation engineers. It was also developed based on a review of the parking requirements for similar projects in other resort communities.

The Town Center District will allow a mix of interrelated land uses, specifically identified, designed, and developed to be mutually supportive. Considerable efficiency in parking is to be expected because the economic viability of the District depends to a large degree on internalized demand for restaurant and retail activities. The ITE *Parking Generation* manual briefly addresses the potential benefits of mixed use developments in Appendix B. The manual states the following:

“The hourly variation in parking demand for the individual land uses can result in conditions where the parking demand for one land use is high while the demand for a different land use is low....The end result can be a reduction in overall peak parking demand.”

Further, the manual references the reference book, *Shared Parking*, by the Urban Land Institute (ULI) as a resource for estimating parking demand for mixed use developments. The approach adopted by the Applicant's traffic engineers to determine parking demand used both the ITE *Parking Generation* manual and the ULI *Shared Parking* book as appropriate references.

The traffic engineers at Kittelson & Associates, Inc. reviewed the parking requirements for resort developments (Telluride, CO; Copper Mountain, CO; Keystone, CO; Scottsdale, AZ; and Steamboat Springs, CO) that have been developed in a similar manner. The parking requirements adopted by the County are substantially higher than the requirements imposed for similar mixed commercial and residential resort developments but are slightly lower, in most cases, than the current requirements of the County code. New requirements for additional parking for lock-off units were imposed. A higher end parking requirement was chosen by the County, in part, because Sunriver is located some distance away from Mount Bachelor, the primary winter recreational draw for Sunriver visitors. In the summer months, Sunriver contains many on-site attractions. These include horse back riding, bicycle trails, community pools and recreational facilities, a nature center, boating and fishing. Yet, because

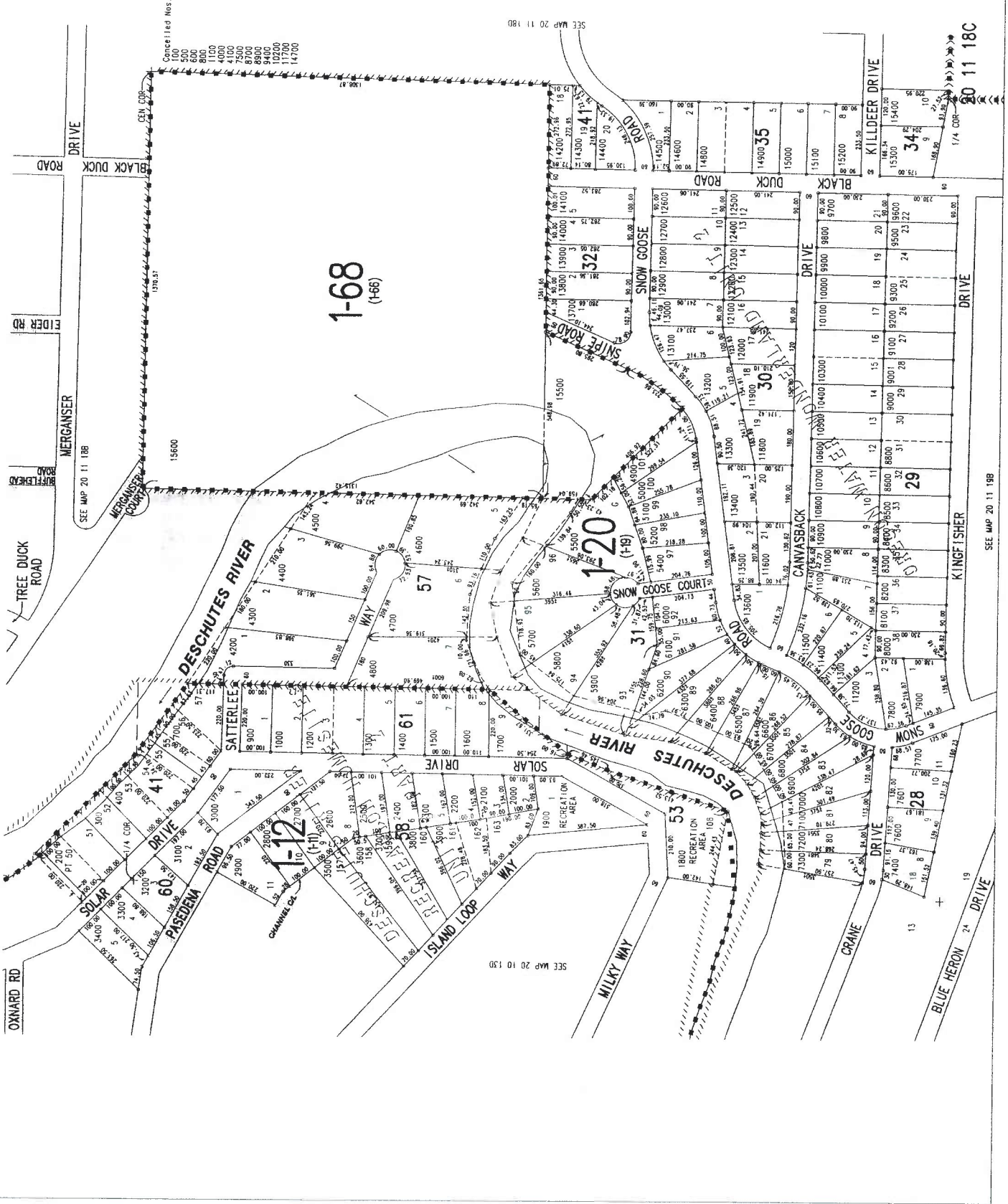
other areas of Central Oregon offer activities of interest to visitors, the parking requirements were set at a higher level to assure adequate parking in the District.

SW1/4 SEC. 18 T.20S R.11E. W.M.
 DESCHUTES COUNTY

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY.
 REVISED: 03/04/2008

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SEE MAP 20 11 18B

SEE MAP 20 11 18B

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For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, of the Deschutes County Code Zoning Code, and Declaring an Emergency. * * * ORDINANCE NO. 2008-015

WHEREAS, on May 17, 2007, SilverStar Development submitted an application to amend the Deschutes County Code ("DCC"), Title 18, zoning regulations for the Sunriver Urban Unincorporated Community ("UUC") to create a new Town Center District; and

WHEREAS, the proposed amendments would create a new Town Center zoning district within the Sunriver UUC; and

WHEREAS, on June 30, 2008, the Board of County Commissioners ("Board") adopted Ordinance 2008-013 amending DCC Title 23 to provide for the new Town Center District; and

WHEREAS, the Planning Commission held public hearings on September 27, November 8 and December 13 and, on January 10, 2008, forwarded to the Board of County Commissioners ("Board") a recommendation of approval with proposed conditions; and

WHEREAS, the Board considered this matter after public hearings on April 9 and April 30 and June 4 and June 25, 2008 and concluded that the public will benefit from changes to the zoning regulations; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 18.04.030, Definitions, is amended to read as described in Exhibit "A" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.

Section 2. AMENDMENT. DCC 18.108, Urban Unincorporated Community Zone in Sunriver, is amended to read as described in Exhibit "B" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough. This is the version submitted by the applicant.

Section 3. AMENDMENT. DCC 18.116, Supplementary Provisions, is amended to read as described in Exhibit "C" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.

Section 4. AMENDMENT. DCC 18.124, Site Plan Review, is amended to read as described in Exhibit "D" attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.

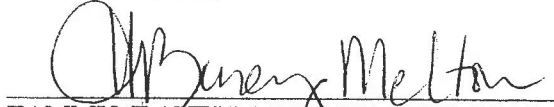
Section 5. FINDINGS. The Board adopts as its findings Exhibit "B", attached to Ordinance 2008-013 and incorporated by reference herein.

Section 6. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 30th of June, 2008


BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, CHAIR


TAMMY (BANEY) MELTON, VICE CHAIR


MICHAEL M. DALY, COMMISSIONER

ATTEST:


Recording Secretary

Date of 1st Reading: 30th day of June, 2008.


Date of 2nd Reading: 30th day of June, 2008.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tammy (Baney) Melton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 30th day of June, 2008.

ATTEST:


Recording Secretary

NOTE: * denotes code provisions not amended by this ordinance.**

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

18.04.030. Definitions.

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

“Below-grade parking garage,” for purposes of DCC 18.108.055, is a parking garage where the floor of the garage is below the average finished grade of a building, and:

- A. For a Mixed Use Structure, the level above the garage provides the primary point of pedestrian access to commercial uses in the building.
- B. For all other structures, the floor level directly above the garage level is less than six feet above the average level of the adjoining grade.

“Health and fitness facility” means a building or series of buildings within which recreational amenities are included. Such facilities typically include, but are not limited to, any combination of the following recreational amenities and uses: swimming pool, basketball court, racquetball court, weight room, exercise room or tennis court, and instruction and counseling related to health and fitness.

“Height of building” means the vertical distance from grade to the highest point of the roof.

“High-value farmland” means land in a tract composed predominantly of the following soils when they are irrigated: Agency loam (2A and 2B), Agency sandy loam (1A), Agency-Madras complex (3B), Buckbert sandy loam (23A), Clinefalls sandy loam (26A), Clovkamp loamy sand (27A and 28A), Deschutes sandy loam (31A, 31B and 32A), Deschutes-Houstake complex (33B), Deskamp loamy sand (36A and 36B), Deskamp sandy loam (37B), Era sandy loam (44B and 45A), Houstake sandy loam (65A, 66A and 67A), Iris silt loam (68A), Lafollette sandy loam (71A and 71B), Madras loam (87A and 87B), Madras sandy loam (86A and 86B), Plainview sandy loam (98A and 98B), Redmond sandy loam (104A), Tetherow sandy loam (150A and 150B) and Tumalo sandy loam (152A and 152B). In addition to the above described land, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this definition, “specified perennials” means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa.

“Highest shade producing point” means the highest shade producing point of the structure two hours before and after the solar zenith on December 21.

“Hotel/motel unit” means a single room, or suite of rooms, however owned, including but not limited to the condominium form of ownership, within a multiple unit building that provides separately rentable overnight sleeping accommodations on a temporary basis that are not available for residential use.

“Live/work dwelling” is a use permitted in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area, and Residential Center District in which a business may be operated on the

ground floor. The ground floor commercial or office space has visibility, signage and access from the primary street. To preserve the pedestrian orientation of the commercial or office space, alley access is required for parking. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat. The live/work housing types are defined below:

- A. Live/work house: A single-family detached house with no more than 50 percent of the first story of the building available as commercial or office space.
- B. Live/work town home: A residential, fee simple town home unit in which a business may be operated. The commercial or office portion of the building shall be limited to the ground floor and may not exceed 50 percent of the square footage of the entire building, excluding the garage.

“Live/work residence,” for purposes of DCC 18.108.055, is a residential dwelling unit, designed for occupancy by one family, in which a commercial business may be operated on the ground floor of the residential unit.

“Lock-off Area,” for purposes of DCC 18.108.055, means a part of one dwelling unit that has all of the following characteristics; (a) a sleeping area that is separated by an interior, locking door that bars access from the sleeping area to the remainder of the dwelling unit; and (b) the separated sleeping area has a separate, external point of access; and (c) is used to provide overnight accommodations on a temporary basis.

“Mixed Use Structure,” for purposes of DCC 18.108.055, is a structure or building that contains residential dwellings and/or resort hotel units that also contains commercial uses.

“Townhome,” for purposes of DCC 18.108.055, is a multi-story residential fee simple dwelling unit designed for occupancy for one family that shares a common wall with another building.

(Ord. 2008-015 §1, 2008; Ord. 2007-005 §1, 2007; Ord. 2007-020 §1, 2007; Ord. 2007-019 §1, 2007; Ord. 2006-008 §1, 2006; Ord. 2005-041 §1, 2005; Ord. 2004-024 §1, 2004; Ord. 2004-001 §1, 2004; Ord. 2003-028 §1, 2003; Ord. 2001-048 §1, 2001; Ord. 2001-044 §2, 2001; Ord. 2001-037 §1, 2001; Ord. 2001-033 §2, 2001; Ord. 97-078 §5, 1997; Ord. 97-017 §1, 1997; Ord. 97-003 §1, 1997; Ord. 96-082 §1, 1996; Ord. 96-003 §2, 1996; Ord. 95-077 §2, 1995; Ord. 95-075 §1, 1975; Ord. 95-007 §1, 1995; Ord. 95-001 §1, 1995; Ord. 94-053 §1, 1994; Ord. 94-041 §§2 and 3, 1994; Ord. 94-038 §3, 1994; Ord. 94-008 §§1, 2, 3, 4, 5, 6, 7 and 8, 1994; Ord. 94-001 §§1, 2, and 3, 1994; Ord. 93-043 §§1, 1A and 1B, 1993; Ord. 93-038 §1, 1993; Ord. 93-005 §§1 and 2, 1993; Ord. 93-002 §§1, 2 and 3, 1993; Ord. 92-066 §1, 1992; Ord. 92-065 §§1 and 2, 1992; Ord. 92-034 §1, 1992; Ord. 92-025 §1, 1992; Ord. 92-004 §§1 and 2, 1992; Ord. 91-038 §§3 and 4, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §1, 1991; Ord. 91-002 §11, 1991; Ord. 90-014 §2, 1990; Ord. 89-009 §2, 1989; Ord. 89-004 §1, 1989; Ord. 88-050 §3, 1988; Ord. 88-030 §3, 1988; Ord. 88-009 §1, 1988; Ord. 87-015 §1, 1987; Ord. 86-056 §2, 1986; Ord. 86-054 §1, 1986; Ord. 86-032 §1, 1986; Ord. 86-018 §1, 1986; Ord. 85-002 §2, 1985; Ord. 84-023 §1, 1984; Ord. 83-037 §2, 1983; Ord. 83-033 §1, 1983; Ord. 82-013 §1, 1982)

Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE - SUNRIVER

- 18.108.010. Purpose.**
- 18.108.020 Standards for All Districts.**
- 18.108.030. Single Family Residential – RS District.**
- 18.108.040. Multiple Family Residential – RM District.**
- 18.108.050. Commercial – C District.**
- 18.108.055 Town Center – TC District**
- 18.108.060. Resort – R District.**
- 18.108.070. Resort Marina – RA District.**
- 18.108.080. Resort Golf Course – RG District.**
- 18.108.090. Resort Equestrian – RE District.**
- 18/108.100. Resort Nature Center – RN District.**
- 18.108.110. Business Park – BP District.**
- 18.108.120. Community General – CG District.**
- 18.108.130. Community Recreation – DR District.**
- 18.108.140 Community Limited – CL District.**
- 18.108.150 Community Neighborhood – CN District.**
- 18.108.160. Airport – A District.**
- 18.108.170 Utility – U District.**
- 18.108.180. Forest – F District.**
- 18.108.190. Flood Plain – FP Combining District.**

18.108.010. Purpose.

The purpose of the Urban Unincorporated Community (UUC) Zone - Sunriver is to provide standards and review procedures for the future development of the urban unincorporated community of Sunriver. The UUC Zone - Sunriver is composed of 16 separate zoning districts and one combining zone district, each with its own set of allowed uses and distinct regulations, as further set forth in DCC 18.108.

(Ord. 2007-019, §2, 2007; Ord. 97-078 §2, 1997)

18.108.020. Standards in All Districts.

- A. Approval Required. Any use in an RM, C, R, TC, RA, RG, RE, RN, BP, CG, CR, CL, CN, A, U or F District shall be subject to DCC 18.124. All uses listed as conditional uses within the RS District are also subject to the requirements of DCC 18.124.
- B. Solar Setbacks.
 - 1. The setback from the north lot line shall meet the solar setback requirements of DCC 18.116.180, with the exception of land in the TC District described in subsection (B)(2), below.
 - 2. The development of land located within the TC District is exempt from the requirements of the solar setback requirements of DCC 18.116.180 unless a proposed building casts a shadow on land:
 - a. Located outside of the C or TC Districts, other than roadway areas; or
 - b. Described in DCC 18.108.050(C)(1) as eligible for residential development.
 - 3. All development shall take advantage of passive solar to the extent practicable.

- C. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the parking provisions of DCC 18.116.
- E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10.
- F. Excavation, Grading and Fill and Removal. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be subject to DCC 18.120.050 and/or DCC 18.128.270.
- G. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08. (Ord. 2008-015, §2, 2008; Ord. 2007-019 §2, 2007; Ord. 97-078 §2, 1997)

18.108.055 Town Center – TC District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the TC District.
 - 1. Park or plaza.
 - 2. Library.
 - 3. Community center.
 - 4. Visitors center.
 - 5. A building, or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including any of the following uses:
 - a. Retail/rental store, office, civic and service establishment.
 - b. Grocery store.
 - c. Art gallery.
 - d. Restaurant, bakery, delicatessen, pub, cocktail lounge, including entertainment.
 - e. Health care service including medical and dental clinic, office, pharmacy, and laboratory but excluding nursing homes.
 - f. Health & fitness facility.
 - g. Barber, beauty shop or spa.
 - h. Child care center, preschool and daycare facility.
 - i. Bank.
 - j. Post office.
 - k. Veterinary clinic (without animal boarding facilities).
 - l. Crafts in conjunction with retail sales (occurring on premises such as sculpture, stained glass, pottery, etc.).
 - m. Meeting room, convention and banquet facility.
 - n. Property sales, mortgage, management or rental office.
 - o. Movie theater.
 - 6. Multi-family Residential, subject to paragraphs (E)(1) and (2).
 - 7. Developed recreational facilities, outdoors or in a building or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including, but not limited to the following facilities:
 - a. Indoor and outdoor swimming pools.
 - b. Ice skating rink.
 - c. Indoor and outdoor tennis courts.
 - d. Indoor and outdoor basketball court or other ball field.
 - e. Physical fitness facilities.

- f. Park, playground and picnic and barbeque area.
 - g. Walkways, bike paths, jogging paths.
 - h. Bowling alley.
 - i. Arcade.
8. Hotel with up to 100 hotel units in a single building.
 9. Mixed Use Structure, subject to the rules of DCC 18.108.055(E)(3) and a limit of 8,000 square feet of floor space for commercial uses listed in DCC 18.108.055(A)(5) or recreational uses listed in DCC 18.108.055(A)(7), unless said uses are approved as large scale uses pursuant to DCC 18.108.055(C).
 10. Residential Facility.
 11. Senior housing/assisted living or active adult development, excluding nursing homes.
 12. Townhomes, subject to paragraphs (E)(1) and (2).
 13. Accessory uses to uses permitted outright, including, but not limited to, parking facilities, private roads, storage facilities, trash receptacles and recycling areas.
 14. Similar uses to those allowed outright, provided they are approved by the County in the decision approving the Conceptual Site Plan described in DCC 18.108.055(K).
- B. Conditional Uses Permitted. The following conditional uses may be permitted pursuant to the provisions of DCC 18.128, Conditional Use Permits.
1. Public buildings and public utility buildings and structures.
 2. Bed and breakfast inn.
 3. Ambulance service.
 4. Fire station.
 5. Police station.
 6. Bus passenger station.
 7. Live/work residence.
 8. Stand-alone parking structure.
 9. Accessory uses to the above-listed conditional uses.
- C. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.055(A)(5) or (A)(7) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That the intended customers for the proposed use will come from the Sunriver community and surrounding rural area. The surrounding rural area is the area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community; and/or
 2. The use will meet the needs of the people passing through the area.
- D. Form of Ownership/List of Uses.
1. Any lawful form of ownership is allowed in the TC District.
 2. The listing of uses permitted in the TC District is not intended to prohibit other uses allowed elsewhere in Sunriver.
 3. When a general use listed in the TC District includes a use or type of ownership that is more specifically described in another zone in Sunriver, the specific listing elsewhere does not prohibit that use from being conducted in the TC District.
- E. Use Limits.
1. Commercial uses, except for Type 1 home occupations as defined in DCC 18.116.280, are not allowed in Multi-family Residential buildings or Townhomes.
 2. Notwithstanding subsection (E)(1), above, the following uses are allowed in Multi-family Residential buildings or Townhomes:
 - a. Live/work residences.
 - b. Lock-off areas.

- c. Accessory uses to the residential use of the building, such as parking and storage areas.
3. In a Mixed Use Structure, any ground floor unit that has primary frontage along a public plaza approved as part of a Conceptual Site Plan shall be used only for commercial, recreational or community/governmental uses, but not for hotel units.
4. A live/work residence is subject to the following conditions.
 - a. One or more walls of the residence adjoin another residential or commercial building.
 - b. The first floor above the garage is the ground floor, where a parking garage is provided below a residence, below the average finished grade and is completely obscured from view on at least one side of the building.
 - c. The commercial area of the live/work residence may not exceed fifty percent (50%) of the square footage of the entire unit, excluding the garage.
 - d. The commercial area shall not exceed 8,000 square feet in combination with other commercial uses in the same building unless the building has been approved as a part of a Large Scale Use pursuant to DCC 18.108.055(C).

F. Building Height Regulations.

1. Except as provided in subsection (2), below, no Mixed Use Structure shall be erected, enlarged or structurally altered to exceed 60 feet in height.
2. One Mixed Use Structure shall be permitted with a maximum height not to exceed 75 feet in height, so long as the building footprint of that portion of said building that exceeds 60 feet in height is not greater than 40,000 square feet of the footprint.
3. Townhomes may not exceed 40 feet in height.
4. Multi-family Residential buildings that are not Mixed Use Structures may not exceed 50 feet in height.
5. The height of all other buildings for uses other than those described in subsections (F)(1)-(4), above, may not exceed 45 feet in height.
6. Where a parking garage is provided beneath buildings or structures described in subsection (F)(1) and (2), above, the height of the building shall be measured from the highest point of the roof to one of the following points:
 - a. A point equal to the elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest elevation adjacent to the building; or
 - b. A point equal to the elevation that is 10 feet higher than the lowest grade from the sidewalk or ground surface described in subsection (a), above, when the sidewalk or ground surface described in subsection (a) is more than 10 feet above lowest grade adjacent to the building.
7. Projections and architectural elements such as chimneys, spires, clock towers, skylights, atriums, flag poles, mechanical equipment and screens and other similar items that do not add habitable interior floor area may be allowed to exceed the height limit by a maximum of 10 feet.
8. Buildings that comply with the height limitations of this subsection also comply with the view protection requirement imposed by DCC 18.124.060(A).

G. Lot Requirements. The following lot requirements shall be observed.

1. Front yard: the front yard shall be a minimum of 10 feet.
 - a. Where a lot has more than one front yard, only one front yard must meet the 10 feet minimum.
 - b. Below-grade parking structures that are built under private streets do not need to meet front yard setback requirements.
2. Side yard: 0 feet.
3. Rear yard: 0 feet.

4. Frontage: 0 feet.
5. Road Access.
 - a. Each lot shall have access to any required parking areas and driveways, and to a private road, via a perpetual easement recorded for the benefit of the subject lot.

H. District Setback.

1. All development, including structures and sight-obstructing fences over three feet in height, shall be set back from exterior TC District boundaries by the following distances:
 - a. Where the TC District boundary borders an RS or RM District, the minimum setbacks will be:
 - i. 15 feet from the TC District boundary for any portion of a building that is 45 feet or lower
 - ii. 20 feet from the TC District boundary for any portion of a building that is over 45 feet in height and that does not exceed 50 feet in height.
 - iii. 50 feet from the TC District boundary for any portion of a building that is over 50 feet in height.
 - b. Where the TC District boundary borders a CL District, the minimum setbacks will be:
 - i. Five feet from the TC District boundary for any portion of a building that is 45 feet or lower.
 - ii. 10 feet from the TC District boundary for any portion of a building that is over 45 feet in height and that does not exceed 50 feet in height.
 - iii. 20 feet from the TC District boundary for any portion of a building that is over 50 feet in height and that does not exceed 60 feet in height.
 - iv. 50 feet from the TC District boundary for any portion of a building that is over 60 feet in height.
 - c. Where the TC District boundary borders any other zoning district, the minimum setback will be:
 - i. 10 feet from the TC District boundary for any portion of a building that is 45 feet in height or lower.
 - ii. 15 feet from the TC District boundary for any portion of a building that is over 45 feet in height and that does not exceed 50 feet in height.
 - iii. 20 feet from the TC District boundary for any portion of a building that is over 50 feet in height.
2. Items allowed in the District Setback include, but are not limited to, parking, roads, signage, pedestrian pathways, street trees, planters, driveways, landscaping, and outdoor seating.

I. Floor Area Ratio.

1. The maximum Floor Area Ratio in the TC District is 1.0.
2. Floor Area Ratio is determined by dividing the enclosed floor area of all floors of all buildings that are proposed by a Conceptual Site Plan by the land area to be bound by the Conceptual Site Plan.
3. The following areas are not a part of the "enclosed floor area of all buildings":
 - a. Below-grade parking garages and mechanical rooms and storage areas located on the same floor as the parking garage.
 - b. Crawl spaces and attics that are not suited to human occupancy.

J. Zone Coverage.

1. The total square footage of the building footprints of buildings and enclosed structures is limited to fifty percent (50%) of the gross acreage bound by a Conceptual Site Plan in the TC District.

2. The total square footage of the building footprints of Multi-family Residential and Townhome buildings allowed by DCC 18.108.055(A)(6) and (12) is limited to a maximum of twenty percent (20%) of the gross acreage of the TC District.
3. When calculating the building footprint, buildings and enclosed structures include any deck that is more than 12 inches above finished grade and all areas within any screened enclosure permanently affixed to the ground.
4. The following are not included as building or structures for purposes of calculating building footprint:
 - a. Eaves and any driveway, road, walkway, deck, patio, plaza, or porch that is 12 inches or less above finished grade (except with affixed improvements that exceed 12 inches); and
 - b. Parking areas on or below finished grade.

K. Conceptual Site Plan.

1. Prior to or concurrent with approval of a site plan or conditional use permit, an applicant must file for approval of a Conceptual Site Plan.
2. A Conceptual Site Plan shall provide a master plan that depicts the approximate location of all of the applicant's proposed land uses.
3. All land owned or controlled by the applicant in the TC District must be shown on and will be bound by the applicant's Conceptual Site Plan.
4. A Conceptual Site Plan application must include all of the following information:
 - a. Types of uses.
 - b. Site circulation.
 - c. Pedestrian Facilities.
 - d. Traffic impact study, as described in DCC 17.16.115.
 - e. The following additional information:
 - i. An analysis of site access points to Abbott Drive and Beaver Drive by a registered professional engineer who specializes in traffic analysis work that describes operational, capacity and sight distance issues of those access points and the impact of Conceptual Site Plan development on those access points.
 - ii. Identification of street system improvements needed to support the proposed development based on the information provided by the reviews required by this subsection (d).
 - iii. A schedule for the construction of needed street improvements, if any, keyed to development benchmarks.
 - f. Approximate location of phase boundaries, if phased development is proposed, and notation of the phasing sequence.
 - g. The projected location and projected range of building or structure size, in square feet, for commercial uses.
 - h. The projected location and projected range of the number of dwelling units for residential use.
 - i. The projected location and approximate size, in square feet, of plazas and public gathering areas.
 - j. Elevations throughout the site that represent general elevations of each use.
 - i. Examples of uses for which such elevations should be shown on the Conceptual Site Plan are residential, hotel or commercial structures, pedestrian plazas, parking areas, road intersections, and at length along all roadways.
 - ii. Such elevations must show existing and projected finished elevations.
 - k. The projected footprint and location of new buildings or parking areas. The exact footprints and locations of buildings and parking areas shall be determined during site plan review.

1. Existing uses on lands owned or controlled by persons other than the applicant.
 5. A Conceptual Site Plan shall be approved if it demonstrates that future development is located on the subject property so that, in addition to the requirements of DCC 18.108.055, the following standards can be met at the time of site plan review:
 - a. DCC 23.40.025; and
 - b. DCC 18.124.060 (A) - (E) and (I); interpreted as described in DCC 23.40.025(E)(1)(d)(3).
 6. Approval of a Conceptual Site Plan does not authorize uses or development.
 7. An applicant shall commence development within five years of the date of final approval of the Conceptual Site Plan unless an extension of the duration of approval of the Conceptual Site Plan has been granted pursuant to DCC 22.36.010(C).
 8. Substantial construction of a Conceptual Site Plan development, for purposes of DCC 22.36.020(A)(2), occurs when the first building authorized by the Plan has been substantially constructed, as defined by DCC 22.36.020(B).
- L. Application and approval process.
1. A site plan or conditional use application shall be consistent with the Conceptual Site Plan with the following exceptions.
 - a. Existing structures or features can be used or altered to meet the requirements of subsections (5) and (10)-(13) of this subsection.
 - b. If the existing structures or features were included in a site plan approval under DCC 18.108.055 and the existing structures or features are proposed to be altered by subsequent site plan, that subsequent site plan must demonstrate compliance with the requirements of subsections (5) and (10)-(13) of this subsection.
 2. A site plan application shall include the number of all uses by type, their ITE code and their pm peak hour trips.
 3. Each site plan, cumulatively with any previously approved site plan, shall demonstrate that the development will not generate traffic at a rate that will exceed the number of pm peak hour vehicle trips for residential and commercial uses assumed in the traffic study required by subsection (K)(4) above.
 4. Adjustments may be made to building locations, sizes, footprints, unit counts and phase boundaries shown on the Conceptual Site Plan during site plan review if such adjustments do not constitute a change requiring modification of approval of the Conceptual Site Plan pursuant to DCC 22.36.040.
 5. An applicant seeking site plan approval shall demonstrate that, when the development that is subject to the site plan approval is complete, a ratio of 150 square feet of commercial space to one dwelling unit will be met.
 6. The term "dwelling unit" used in subsection (5), above, includes:
 - a. All hotel and residential dwelling units, including Multi-family Dwellings and Townhomes.
 - b. Lock-off Areas shall be counted as a half dwelling unit for purposes of calculating the ratio described in subsection (5), above.
 7. The development in the TC District, cumulatively with any previously approved site plan, must meet the ratio in subsection (5) above.
 8. When a second or subsequent site plan is approved a commercial area shown on a prior site plan may be counted toward meeting the required ratio in Subsection (5) above only if construction of the commercial area approved on a prior site plan has been commenced.
 9. The site plan shall include the projected finished and existing grade elevations of the site indicating every foot of elevation change on the subject property.

10. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the fifteen percent (15%) lot area landscaping requirement of DCC 18.124.070(B)(1)(a).
 - a. Landscape areas existing as of the adoption of Ordinance 2008-105 may be used to determine compliance with the fifteen percent (15%) rule as long as the existing landscaping is included in the site plan.
 - b. In the TC District, plazas available to the public may be included to demonstrate compliance with the fifteen percent (15%) landscaping requirement.
 11. Each site plan, cumulatively with all previous site plans, shall demonstrate compliance with the FAR requirements of DCC 18.108.055(I).
 12. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the recreation space requirements of DCC 18.124.070(A)(2).
 13. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the zone coverage requirements of DCC 18.108.055(J).
 14. Where improved bike paths cross land proposed for site plan development, the applicant shall retain or relocate and rebuild the bike path.
- M. Any application for a zone change to the Town Center District shall include a copy of a signed development agreement between the property owner, the applicant, if different than the property owner, and the homeowners association.
(Ord. 2008-015 §2, 2008)

Chapter 18.116. SUPPLEMENTARY PROVISIONS

- 18.116.010. Authorization of Similar Uses.
- 18.116.020. Clear Vision Areas.
- 18.116.030. Off-Street Parking and Loading.
- 18.116.031. Bicycle Parking.
- 18.116.035. Bicycle Commuter Facilities
- 18.116.036. Special Parking Provisions for the Sunriver Town Center District
- 18.116.040. Accessory Uses.
- 18.116.050. Manufactured Homes.
- 18.116.070. Placement Standards for Manufactured Homes.
- 18.116.080. Manufactured Home or RV as a Temporary Residence on an Individual Lot.
- 18.116.090. A Manufactured Home as a Temporary Residence for Medical Condition.
- 18.116.095. Recreational Vehicle as a Temporary Residence on an Individual Lot.
- 18.116.100. Building Projections.
- 18.116.200. Repealed.
- 18.116.120. Fences.
- 18.116.130. Hydroelectric Facilities.
- 18.116.140. Electrical Substations.
- 18.116.150. Endangered Species.
- 18.116.160. Rimrock Setbacks Outside of LM Combining Zone.
- 18.116.170. Solar Height Restrictions.
- 18.116.180. Building Setbacks for the Protection of Solar Access.
- 18.116.190. Solar Access Permit.
- 18.116.200. Repealed.
- 18.116.210. Residential Homes and Residential Facilities.
- 18.116.215. Family Childcare Provider.
- 18.116.220. Conservation Easements on Property Adjacent to Rivers and Streams-Prohibitions.
- 18.116.230. Standards for Class I and II Road Projects.
- 18.116.240. Protection of Historic Sites.
- 18.116.250. Wireless Telecommunications Facilities.
- 18.116.260. Rock Crushing Outside the SM Zone.
- 18.116.270. Conducting Filming Activities in All Zones.
- 18.116.280. Home Occupations.

18.116.036. Special parking provisions for the Sunriver Town Center (TC) District.

A. Required Motor Vehicle Parking. The following motor vehicle parking requirements apply to development in the Town Center (TC) District of the Sunriver UUC in lieu of the requirements of DCC 18.116.030(D):

Use	Requirements
Townhomes and Multi-family Residential buildings with 8 units or less: Studio or Efficiency	1.00 space per unit
1 bedroom	1.00 space per unit
2 bedrooms	1.50 space per unit
3 bedrooms	2.00 spaces per unit

Use	Requirements
4 bedrooms	2.00 spaces per unit
Mixed Use Structures and Multi-family Residential buildings with more than 8 units: Studio or Efficiency	1.00 space per unit
1 bedroom	1.00 space per unit
2 bedrooms	1.00 space per unit
3 bedrooms	1.50 spaces per unit
4 bedrooms	2.00 spaces per unit
Hotel	1.0 space per unit + 1 space per 2 full-time employees
Lock Off Areas	.5 parking space, in addition to base parking for unit
Live/Work Units	.5 parking space for work area, in addition to base parking for dwelling unit

- B. Requirements for Other Uses. The number of spaces required for Town Center (TC) District of Sunriver UUC uses not listed above shall be determined by using the charts provided by DCC 18.116.030 (D).
- C. Uses not specifically listed in the tables of subsection (A), above or DCC 18.116.030(D) shall be provided with adequate parking as required by the Planning Director or Hearings Body.
- D. Transportation Demand Management.
1. In the Town Center (TC) District of Sunriver UUC, motor vehicle parking requirements may be reduced based on implementation of a Transportation Demand Management (TDM) plan.
 - a. The TDM is subject to the approval of the Planning Director or Hearings Body in accordance with the following criteria:
 - 1) The proposed TDM plan will reduce the need for motor vehicle parking;
 - 2) The reduction is to a level of parking that is lower than the amount of parking required by DCC 18.116.030; and
 - 3) the applicant has demonstrated to the County that the TDM measures will remain in place.
 2. A TDM plan may include, but is not limited to, the following elements:
 - a. Bicycle Parking: Motor vehicle parking requirements may be reduced in exchange for bicycle parking, as described in 18.16.031.
 - b. Shuttle Service: Motor vehicle parking requirements may be reduced by up to ten percent where frequent shuttle or transit service connects on-site residential/employment uses to transportation hubs (including airports) as well as nearby commercial centers and recreational areas.
 - c. Satellite Parking: Parking may be provided at a distance greater than 500 feet when in conjunction with a coordinated shuttle service.
- E. General Provisions. Off-Street Parking. The following parking requirements apply to development in the Town Center (TC) District of the Sunriver UUC in lieu of the requirements of DCC 18.116.030(E):

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.
 - a. 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 conflict at any point of time.
 - b. Further, the total parking required for two or more land uses may be reduced to reflect pedestrian and internal trips between/among multiple uses in the Sunriver commercial core area.
 - c. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
 3. Location of Parking Facilities.
 - a. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling.
 - b. 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, except when provided in conjunction with connecting shuttle service, as identified in DCC 18.116.036(D)(2).
 - c. Such parking shall be located in a safe and functional manner as determined during site plan approval.
 - d. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.
 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 use.
 5. For Multi-family Residential uses allowed by DCC 18.108.055(A)(6), minimum parking requirements may be satisfied through tandem parking, whereby two vehicles are accommodated end-to-end, provided the tandem parking spaces are used to meet the parking requirements for a single dwelling unit only.
- F. Bicycle Parking.
1. The provisions of DCC 18.116.031(B)(6) may be used to modify the bicycle parking requirements of DCC 18.116.031 and 18.116.035.
 2. Subsection (E)(2), above, regarding the joint use of parking facilities shall be applied to determine bicycle parking requirements for the Town Center District of the Sunriver UUC.
- (Ord. 2008-015, §3, 2008)

Chapter 18.124. SITE PLAN REVIEW

- 18.124.010. Purpose.**
- 18.124.020. Elements of Site Plan.**
- 18.124.030. Approval Required.**
- 18.124.040. Contents and Procedure.**
- 18.124.050. Decision on Site Plan.**
- 18.124.060. Approval Criteria.**
- 18.124.070. Required Minimum Standards.**
- 18.124.080. Other Conditions.**
- 18.124.090. Right of Way Improvement Standards.**

18.124.010. Purpose.

DCC 18.124.010 provides for administrative review of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

(Ord. 91-020 §1, 1991)

18.124.020. Elements of Site Plan.

The elements of a site plan are: The layout and design of all existing and proposed improvements, including, but not limited to, buildings, structures, parking, circulation areas, outdoor storage areas, bicycle parking, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures and street furniture.

(Ord. 93-043 §22D, 1993; Ord. 93-005 §6, 1993)

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).
- 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.

(Ord. 2003-034 §2, 2003; Ord. 94-008 §14, 1994; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 86-032 §1, 1986)

18.124.040. Contents and Procedure.

- A. Any site plan shall be filed on a form provided by the Planning Department and shall be accompanied by such drawings, sketches and descriptions necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.
- B. Prior to filing a site plan, the applicant shall confer with the Planning Director or his representative concerning the requirements for formal application.
- C. After the pre-application conference, the applicant shall submit a site development plan, an inventory of existing plant materials including all trees six inches in diameter or greater and other significant species, a landscape plan and architectural drawings including floor plans and elevations.
- D. The site plan shall indicate the following:
 - 1. Access to site from adjacent rights of way, streets and arterial.
 - 2. Parking and circulation areas.
 - 3. Location, dimensions (height and bulk) and design of buildings and signs.
 - 4. Orientation of windows and doors.
 - 5. Entrances and exits.
 - 6. Private and shared outdoor recreation spaces.
 - 7. Pedestrian circulation.
 - 8. Public play areas.
 - 9. Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery.
 - 10. Areas to be landscaped.
 - 11. Exterior lighting.
 - 12. Special provisions for disabled persons.
 - 13. Existing topography of the site at intervals appropriate to the site, but in no case having a contour interval greater than 10 feet.
 - 14. Signs.
 - 15. Public improvements.
 - 16. Drainfield locations.
 - 17. Bicycle parking facilities, with location of racks, signage, lighting, and showing the design of the shelter for long term parking facilities.
 - 18. Any required bicycle commuter facilities.
 - 19. Other site elements and information which will assist in the evaluation of site development.
- E. The landscape plan shall indicate:
 - 1. The size, species and approximate locations of existing natural plant materials proposed to be retained and new plant materials proposed to be placed on site.
 - 2. Proposed site contouring.
 - 3. An explanation of how drainage and soil erosion is to be dealt with during and after construction.

(Ord. 2003-034 §2, 2003; Ord. 93-005 §7, 1993; Ord. 91-020 §1, 1991)

18.124.050. Decision on Site Plan.

- A. The Planning Director or Hearings Body may deny the site plan or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or the criteria and standards listed in DCC Title 18.
- B. The Planning Director or Hearings Body as a condition of approval may require that the applicant file with the County a performance bond or other security approved by the governing body to assure full and

faithful performance of any required improvements. The bond shall be for the dollar amount plus 10 percent of the estimated cost of the improvements.

- C. Planning Director or Hearings Body review shall be subject to DCC Title 22, the Uniform Development Procedures Ordinance.
(Ord. 91-020 §1, 1991; Ord. 86-032 §1, 1986)

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.
 - 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.
 - 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.
 - D. When appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.
 - 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.
 - F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.
 - 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.
 - H. All above-ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.
 - I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).
 - J. All exterior lighting shall be shielded so that direct light does not project off-site.
- (Ord. 93-043 §§21, 22 and 22A, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991)

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.
 - 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.
 - 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.
 - 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.
- 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.
 - b. All areas subject to the final site plan and not otherwise improved shall be landscaped.
 - 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:
 - i. Trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.
 - ii. Low shrubs not to reach a height greater than three feet zero inches, spaced no more than eight feet apart on the average.
 - iii. Vegetative ground cover.
 - d. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 - e. The landscaping in a parking area shall have a width of not less than five feet.
 - f. Provision shall be made for watering planting areas where such care is required.
 - g. Required landscaping shall be continuously maintained and kept alive and attractive.
 - h. Maximum height of tree species shall be considered when planting under overhead utility lines.
- C. Nonmotorized 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.
 - 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.
 - b. Pedestrian walkways shall connect building entrances to one another and from building entrances to public streets and existing or planned transit facilities. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi-family, public or park use.
 - c. Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible.
 - d. Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.
 - e. To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five

percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.

D. Commercial Development Standards:

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

(Ord. 2008-015 §4, 2008; Ord. 2006-008 §8, 2006; Ord. 2002-033 §1, 2002; Ord. 2001-044 §5, 2001; Ord. 97-078 §7, 1997; Ord. 93-063 §3, 1993; Ord. 93-043 §22B, 1993; Ord. 93-005 §8, 1993)

18.124.080. Other Conditions.

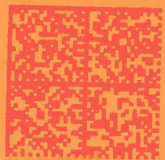
The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 18 as a condition for site plan approval.

- 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 17.16.115.
- K. Any other limitations or conditions that are considered necessary to achieve the purposes of DCC Title 18.
(Ord. 2006-005 §1, 2006; Ord. 95-075 §1, 1995; Ord. 93-043 §22C, 1993)

18.124.090. Right of Way Improvement Standards.

Any dedications or improvements to the road right of way required under DCC 18.124 shall meet the standards for road right of way improvements set forth in DCC Title 17 and any standards for right-of-way improvements set forth in DCC Title 18 for the particular zone in question.
(Ord. 97-003 §4, 1997)



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